



PLANNING COMMISSION
Kristopher Haugh, Chair
Andie Guillen, Vice Chair
Katherine Burnworth, Commissioner
Mark Hammerness, Commissioner
Veronica Harvey, Commissioner

CITY HALL 420 South Imperial Avenue, Imperial, California 92251
Phone (760)355-4371 || **Fax** (760)355-4718 || **web:** <http://www.cityofimperial.org>

AGENDA

PLANNING COMMISSION REGULAR MEETING

200 West 9th Street
IMPERIAL, CA 92251

WEDNESDAY, December 11, 2019
6:30PM

Members of the audience are invited to speak on any item on or off the agenda. If the item is an agenda item, you will be permitted the opportunity to address the Planning Commission when the matter is considered. If you wish to speak on a matter which is not on the agenda, you will be given the opportunity to do so at the Public Comment section. When wishing to address the Planning Commission, please rise and state your name and address for the record. The Chairman reserves the right to place a time limit on each person's presentation of five (5) minutes.

A. PLANNING COMMISSION CALL TO ORDER:

ROLL CALL
PLEDGE OF ALLEGIANCE

B. PUBLIC APPEARANCES

C. CONSENT CALENDAR

a. None

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

D-1 Continued Public Hearing, Discussion/Action: Conditional Use Permit (19-07) to allow for the use and operation of a Gas Station Convenience Store, Gas Station Facility, Fast-Food Drive through restaurant, and the sale of off-site alcoholic beverages on the following assessor parcel numbers: 063-040-035 and 063-040-036; Imperial, CA 92251 and adoption of a Class 32 Categorical Exemption per the California Environmental Quality Act.

1. Continued Public Hearing from November 13, 2019
2. Staff Report
3. Public Testimony
4. Commission Discussion
5. Recommended Action: Approve **RESO No. PC 2019-17**, granting a Conditional Use Permit and Conditions of Approval and adoption of a Class 32 Categorical Exemption to allow the use and operation of a Gas Station, Convenience Store, Fast-Food Drive-through restaurant, and to allow the sale of off-site alcoholic beverages in a C-2 (Commercial General) Zone.

D-2 Public Hearing, Discussion/Action: Variance (19-06) to allow for the deviation of the ordained “parking” requirements for the addition of a 9000 square-foot gymnasium located at 431 West Wall Road ; Imperial, CA 92251. Legally known as, assessor’s parcel number: 064-432-001.

1. Open Public Hearing.
2. Staff Report.
3. Public Testimony.
4. Commission Discussion.
5. Recommended Action: **Approve RESO No. PC 2019-18** a Resolution of the Planning Commission of the City of Imperial granting a Variance Permit and Conditions of Approval, outlined in Resolution “No. PC 2019-18” to Valley Christian Church for the deviation from the ordained “parking requirements” triggered by the 9000 square-foot gymnasium addition located at 431 West Wall Road; Imperial, CA 92251.

D-3 Public Hearing, Discussion/Action: Variance (19-05)-The applicant, Michael Pursglove is requesting a decrease of the required rear and side yard setbacks, from 5 feet to 0 feet, for the construction of a new single-story Single-Family Residential Homes within the Mayfield Subdivision Unit 3C, legally known as Assessor Parcel Number: 044-200-099; Imperial, CA 92251. This item is Categorically Exempt from the California Environmental Quality Act (CEQA) per section 15303 (a) and 15305 (a).

1. Open Public Hearing.
2. Staff Report.
3. Public Testimony.
4. Commission Discussion.
5. Recommended Action: **Approve RESO No. PC 2019-19** a Resolution of the Planning Commission of the City of Imperial granting a Variance Permit and Conditions of Approval, outlined in Resolution “No. PC 2019-19” to Michael Pursglove allowing the decrease of the required rear and side yard setbacks, from 5 feet to 0 feet, for the construction of new single-story Single-Family Residential Homes within the Mayfield Subdivision Unit 3C, legally known as Assessor Parcel Number: 044-200-099; Imperial, CA 92251.

E. REPORTS:

- E-1. Commissioners Report
- E-2. Staff Report

ADJOURN PLANNING COMMISSION MEETING UNTIL NEXT REGULARLY SCHEDULED MEETING.

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



Staff Report

Agenda Item No.

D-1

To City of Imperial Planning Commission
From Lisa Tylanda, Planner
Date November 7, 2019
Subject **Conditional Use Permit Request-CUP (19-07)**
Commercial Retail Development Project along Highway 86

Summary:

Applicant:	5 th Street Development, LLC
Project Location:	APN#'s 063-040-036 and 063-040-035
Zoning:	C-2 (Commercial General)
General Plan:	Commercial
Environmental:	Categorically Exempt; Class 32 In-Fill Project
Recommendation:	Approve Conditional Use Permit

Background

The applicant is requesting a Conditional Use Permit (CUP) to construct commercial uses with the operation of a gas station convenience store, the sale of alcoholic beverages and tentative drive-through restaurant use, of up-to two; on two currently vacant parcels that run along Highway 86 within the City of Imperial, CA.



Discussion/Analysis

The project is a proposed phased commercial retail development along Highway 86 that is tentatively, going to consist of 3 building on 2 parcels, that combined are approximately 3.3 acres in size. The subject site is currently zoned Commercial General (C-2). The land uses to the west of the site are Public Facilities and Residential uses; to the east of the project site is immediately highway 86, residential uses, and a gas station. The C-2 Commercial General Zoning designation is intended for the location of highway oriented retail service and wholesale commercial activities. Section 24.05.120.B.20.d of the Imperial Zoning Ordinance lists drive-through restaurants and gas stations as uses that are subject to obtaining a Conditional Use Permit.

Currently, the Department of Alcoholic Beverage Control (ABC) of California informs potential applicants that ABC may deny any retail licenses located (a) within the immediate vicinity of churches and hospitals, or (b) within at least 600 feet of schools, public playgrounds and nonprofit youth facilities. Generally, ABC will deny a license in the above situations when there is evidence that normal operation of the licensed premises will be contrary to public welfare and morals. **Mere proximity by itself is not sufficient to deny the license.** ABC will not license a new retail location within 100 feet of a residence unless the applicant can establish that the operation of the proposed premises will not interfere with the quiet enjoyment of the property by residents. (Section 23789 and Rule 61.4). The City of Imperial does not control nor oversee the ABC licensing process.

Evaluation

The Zoning Ordinance provides flexibility in the regulation of uses to ensure that unusual characteristics of certain uses are properly addressed in furtherance of the Imperial Zoning Ordinance. Section 24.19.340 of the City of Imperial Zoning Ordinance requires that the Commission make specific findings be made when reviewing a CUP. The required findings are listed below in ***bold italics***, followed by an evaluation.

1. ***That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the Purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.***

The subject site is located within C-2 Commercial General Zoning. The proposed operation of a gas station and tentative drive-through restaurant uses will not interfere or conflict with the purposes of the zone.

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

The proposed location is ideal for facilities of this sort as it is abuts the Highway 86 corridor as it is surrounded by similar land uses. The project will be compatible with the adjacent land uses and will not adversely affect residents.

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

The project is very limited in nature, and as such, will not be detrimental to the public health, safety, or welfare. Cars waiting at drive through locations can sometimes cause traffic issues within parking lots and roadways. The proposed project will provide sufficient queueing space for cars as per California State Building Code Law and will comply with City ordinances. The Gas Station Convenience Store will abide by all City, County, and State Requirements regarding operations of facilities of this nature.

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 operation and use of a gas station and drive-through/restaurant uses will comply with all provisions of the Zoning Ordinance.

Environmental Compliance

The project is categorically exempt from the California Environmental Quality Act (CEQA) under the Class 32 Section for In-Fill Developments.

Recommendation

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends approval of **Resolution No. PC2019-17** approving a conditional use permit for a drive-through uses located at the following APN#'s:063-040-036 and 063-040-035 that are subject to the following conditions outlined within the Conditions of Approval.

Attachments:

- Resolution No. PC2019-17 with Conditions of Approval
- Site Plan
- Elevations

RESOLUTION PC2019-17

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A
CONDITIONAL USE PERMIT (CUP 19-07) FOR OPERATION OF A GAS STATION CONVENIENCE
STORE AND DRIVE-THROUGH USES LOCATED ON THE FOLLOWING ASSESSOR PARCEL
NUMBERS: 063-040-036 AND 063-040-035**

**(5TH STREET DEVELOPMENT, LLC– CONDITIONAL USE PERMIT FOR THE OPERATION OF A
GAS STATION CONVENIENCE STORE AND DRIVE-THROUGH USES)**

WHEREAS, 5TH Street Development, LLC submitted a Conditional Use Permit application to allow the operation of a gas station convenience store and drive-throughs at the following Assessor Parcel Numbers: 063-040-035 and 063-040-036 ; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on November 13, 2019; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for a Conditional Use Permit.

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

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby determines that the project is Categorically Exempt under Class 32 In-Fill Development Categorical Exemption of the California Environmental Quality Act; and
- E) That the utilization of drive-through is consistent with those uses allowed in the C-2 Commercial General Zone.
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Conditional Use Permit CUP (19-07) for a drive-through usage at the following assessor parcel numbers: 063-040-035 and 063-040-036 conditions of approval outlined in Exhibit A and based on the following findings:
 - 1. That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the Purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.
 - 2. That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources with consideration given to those items listed in Section 24.19.340.B of the Imperial Zoning Ordinance.

3. That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for an approved Variance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 11th day of December 2019.

Planning Commission Chairman

ATTEST:

Planning Secretary

**EXHIBIT A
RESOLUTION PC2019-17**

CONDITIONS OF APPROVAL

For

Conditional Use Permit 19-07

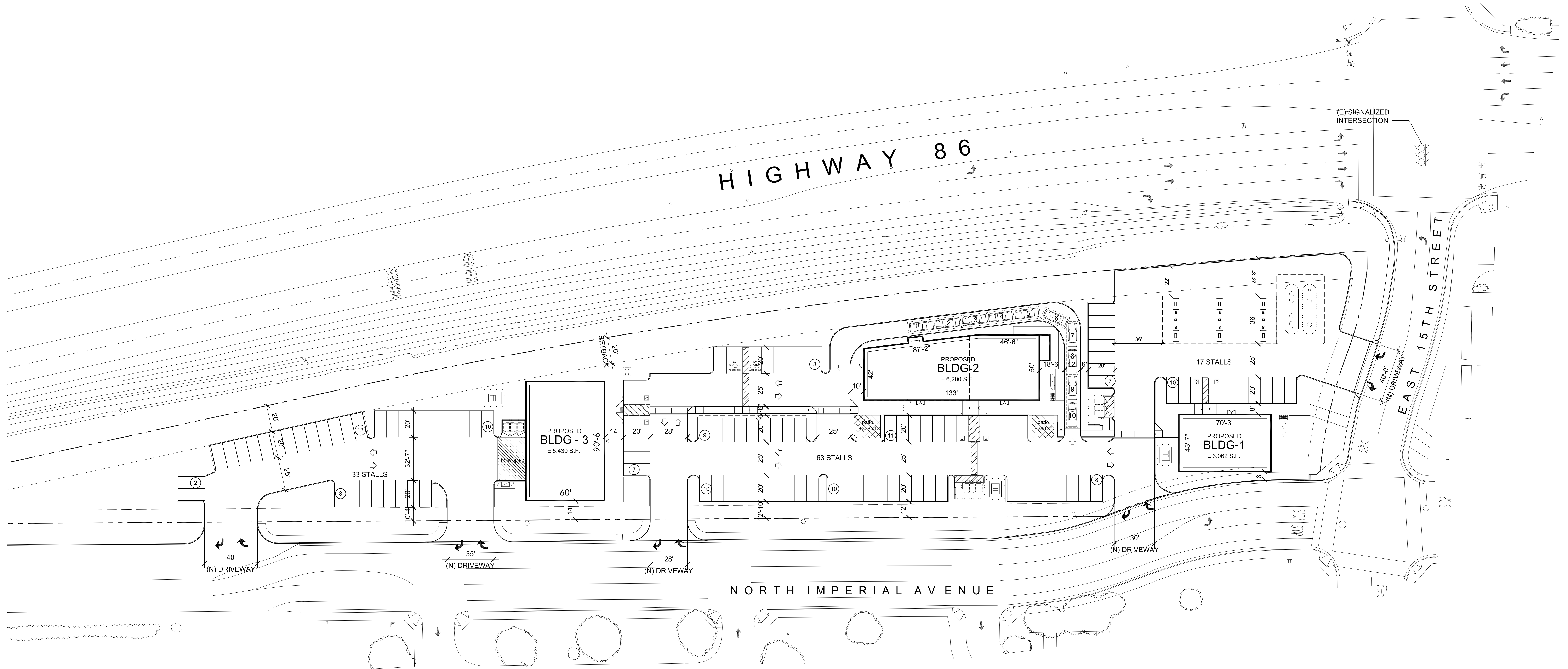
**5th Street Development, LLC
Assessor Parcel Numbers: 063-040-035 and 063-040-036
Imperial, CA 92251**

1. This Conditional Use Permit is granted for the operation of a gas station convenience store and drive-through restaurant and/or use at assessor parcel numbers: 063-040-035 and 063-040-036, Imperial, CA 92251;
2. This conditional use permit shall be null and void if a building permit is not obtained within a year;
3. The parking lot shall be paved and must be ADA compliant with the State of California American Disabilities Act Standards.
4. Internal Fire Hydrants may be required for the project and that determination will be made during the Building Permit Process.
5. The drive-through shall be paved with room for cars stacking;
6. Desert landscape shall be installed in the required setbacks before a certificate of occupancy is issued.
7. A Right-in and Right-out turn on 15th street is required, with no left turn out on 15th Street.
8. On-site Retention Basin is required and will be reviewed and approved by the Community Development Department during the Building Permit Process.
9. The Gas Station, fast-food drive through restaurant, and Mini-Market will be allowed to operate twenty-four (24) hours a day for seven (7) days a week.
10. On-site camera security shall be provided and twenty-four hour daily access shall be granted to the Imperial Police Department.
11. Signs shall be posted with current language of the Penal Code, Business and Professions Code, and Imperial Municipal Code, regarding the prohibition of loitering, open containers, and consumption of alcoholic beverages at the premises.
12. No illuminated alcohol advertising will be located on the windows or door of the storefront.
13. Sales of alcoholic beverages shall be permitted between the hours of 6:00am and 2:00am midnight.
14. Underground storage tanks CUPA/above ground will require review and approval by the Imperial County Fire Department during the Building Permit Process Phase.
15. Proprietor/owner shall maintain a paved walking path at all times;
16. Three (3) copies of a signage plan shall be submitted for approval by the Community Development Director at the time of building plan issuance to be in compliance with the Municipal Code and Design

Guidelines. Such plan shall be comprehensive and shall include: location, height, square-footage, method of attachment, construction materials, and colors of each sign proposed to be placed on the site.

17. All necessary permits shall be obtained from the Community Development Department prior to any construction, remodeling, or replacement of buildings or other structures.
18. Landscaping in the form of trees, hedges, and low-laying vegetation shall be installed along the street frontage; Plant Palette to mirror the Development Standards and suggested features outline in the City of Imperials Downtown Redevelopment Plan.
19. Decorative architectural treatments shall be provided on all sides of the building; Colors, features, enhancements and structures to mirror the Development Standards and suggested features outline in the City of Imperials Downtown Redevelopment Plan.
20. The developer shall be responsible for the installation of one (1) master sign displaying all lessees at the location. The master sign shall conform to zoning code 24.16;
21. The provisions of this Conditional Use Permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project. This Conditional Use Permit is only valid for assessor parcel numbers 063-040-035 and 063-040-036;
22. The proprietor/owner shall be responsible for the removal of all graffiti from the walls, fences, pavement, or buildings within 72 hours of its appearance on the property;
23. The proprietor/owner shall be responsible for maintaining the parking lot and adjacent areas free of litter at all times;
24. 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;
25. The conditional approval of the Conditional Use Permit shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver;
26. Applicant must implement sound maintenance and housekeeping procedures;
27. The Applicant shall pay all impact and capacity fees as required by the city;
28. All applicable Conditions of Approval shall be completed prior to opening for business;
29. If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the CUP, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the CUP, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority;
30. 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;

31. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project.
32. This conditional use permit will not be effective until ten (10) working days after the date upon which it is granted by the Planning Commission and until the applicant has executed and returned to the Community Development Division an authorized acceptance of the conditions of approval applicable to said permit.
33. Colors should visually relate building elements to each other, and also individual facades to each other. The colors chosen for a building façade should relate, but not replicate, neighboring facades. No more than three colors should be used on any given façade. This includes any "natural" colors such as unpainted brick or stone. The three colors constitute the:
 - Primary Base Color. The color of the top, upper portion of the wall façade and the bottom storefront piers is defined as the primary base color. The larger and plainer the building, the more subtle the base color should be.
 - Secondary Color. A secondary color can be used to give additional emphasis to architectural features such as building bases, pilasters, cornices, and bands.
 - Minor Trim Color. If a minor trim is a third color, it should strengthen the color scheme already established by the base and secondary colors. In most cases, when two colors are used on the trim, the minor trim should be darker than the



NWC OF E 15TH STREET & N IMPERIAL AVE IMPERIAL, CALIFORNIA

Halferty Development Company
199 South Los Robles Avenue., Suite 480
Pasadena, California 91101

N.W.C. of Imperial Avenue & E 15th Street
Imperial, California

**McKently
Malak
ARCHITECTS**
35 Hugus Alley, Suite 200
Pasadena, California 91103-3648
TEL 626.583.8348 FAX 626.583.8387

PROPOSED SITE PLAN

12.03.2019 17154TMA

SP-08



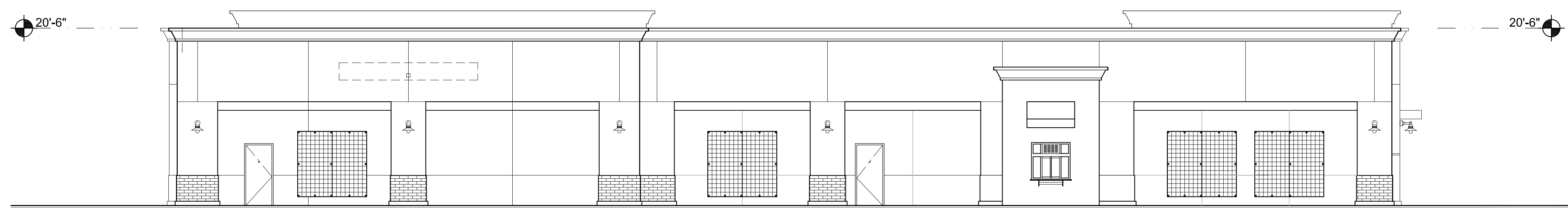
① WEST ELEVATION
SCALE: 1/8" = 1'-0"



④ NORTH ELEVATION
SCALE: 1/8" = 1'-0"



② SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



③ EAST ELEVATION
SCALE: 1/8" = 1'-0"

BUILDING -2

Halferty Development Company
199 South Los Robles Avenue., Suite 480
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Imperial, California

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PROPOSED SITE PLAN

09.25.2019 17154TMA

A202



Staff Report

Agenda Item No. D-2

To: City of Imperial Planning Commission

From: Lisa Tylanda, Planner

Date: December 11, 2019

Item: Variance-VAR (19-06) Deviation from ordained "Parking Requirements" for the addition of a 9000 square-foot gymnasium.

Applicant:	Valley Christian Church
Project Location:	431 West Wall Road; Imperial, CA 92251
APN:	064-432-001
Zoning:	R-A (Residential Apartments)
General Plan:	Residential
Environmental:	CEQA Categorical Exemptions: 15301(e.) and 15303(a.).
Recommendation:	Planning Commission to review Variance request.

Background:

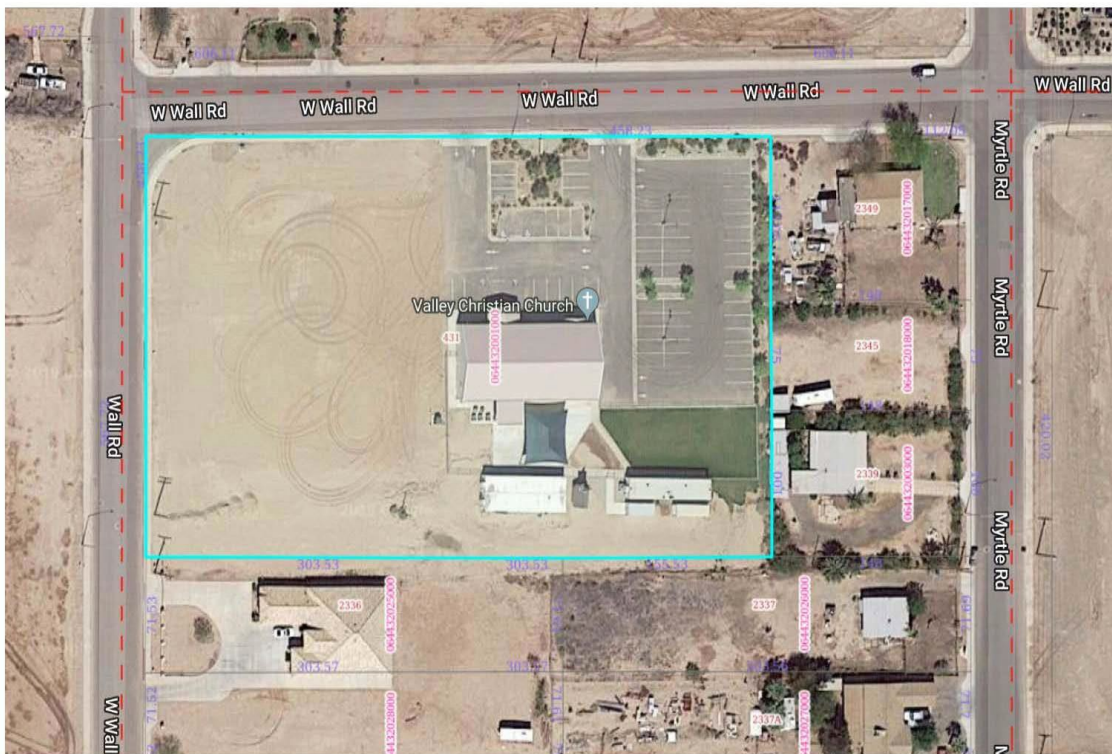
The applicant is requesting a Variance Permit to allow for deviation from the City of Imperials' "Parking Requirements" Section 24.13.130 of the zoning code regarding "off-street parking requirements" calls for churches and places of assembly to provide one (1) parking space for every forty-five (45) square-feet of floor area. Valley Christian Church is proposing to add a new 9000 square-foot gymnasium on the same parcel as the existing church. The addition of the new building/gymnasium triggers parking requirements. Currently, there are sixty-five (65) existing parking spaces being provided by the church use. The applicant would like to not have to provide any further parking and utilize the already existing parking provided by the church use. The applicant states on the Planning Application, that both buildings will not be utilized at the same time allowing for the parking to be used by either building separately.

Parking Calculations:

The existing Church is 5,000 square-feet. The parking ordinance for the City of Imperial calls there be either 1 space for every 3 fixed seats or 1 space every 45 square-feet where there are no fixed seats in a church or place of assembly. For the existing church, based on a square-footage calculation, there should be 111 parking spaces. There are only 65 existing parking spaces currently provided for the existing church building. For the proposed new construction of a 9000 square-foot gymnasium building addition, there should be 200 additional parking spaces provided per the City ordinance.

Section 24.19.400 et seq. of the Imperial Zoning Ordinance allows for variances from development standards “only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.”

(An aerial photo of the project site is shown below)



Required Findings:

For the Planning Commission to approve a variance, all of these findings must be made:

1. Special circumstances apply to the property. These can be its size, shape, topography, location, or surrounding structures. You must explain how these circumstances deprive your property of the privileges enjoyed by other property in the neighborhood which is zoned the same, and;

2. The variance will meet the intent of the zoning on the parcel, and will not be detrimental to public health, safety, and welfare, and not be detrimental to other property in the neighborhood; and,
3. The variance will not be a grant of special privilege in the neighborhood, and will not allow you to build in a way that would not be allowed for someone else.
4. The granting of the Variance or its modifications will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and
5. The granting of this Variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
6. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.

The applicant has provided justification for the required findings. Please see below:

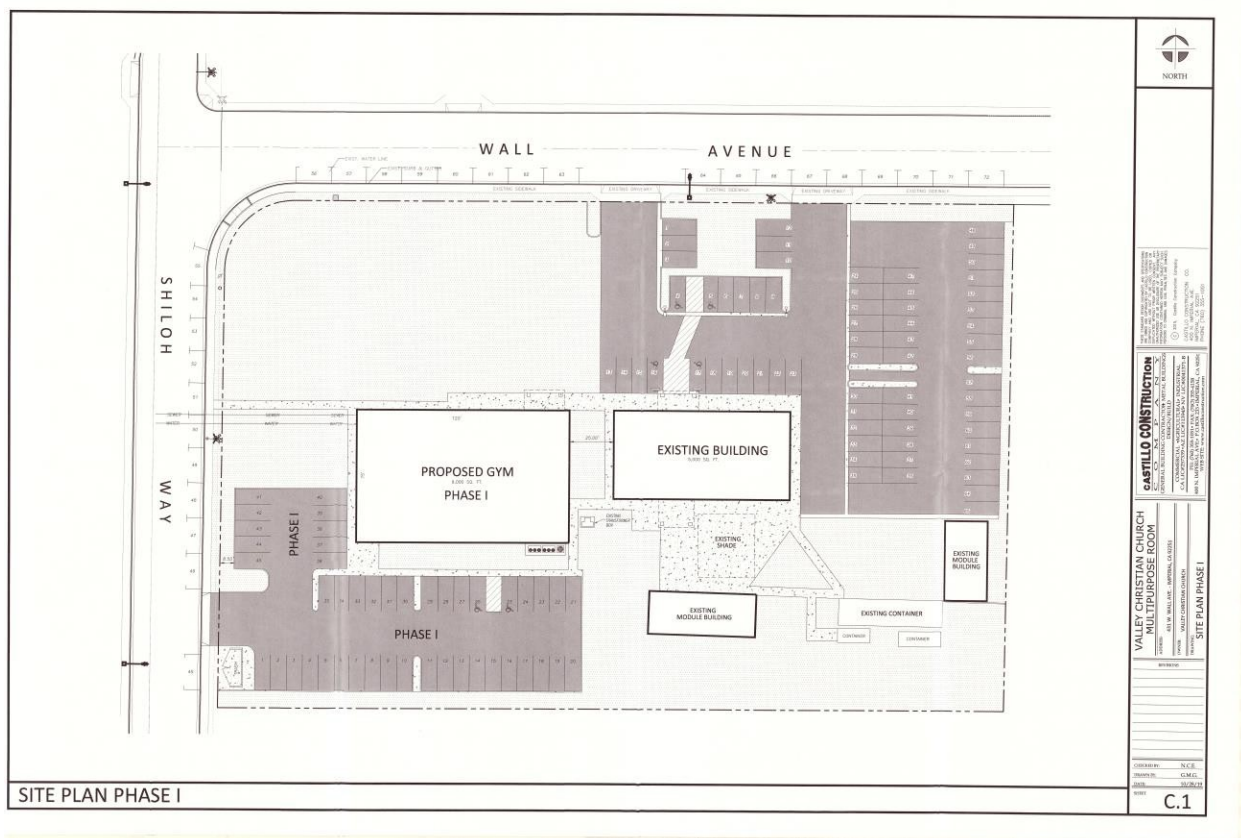
Findings/Questions:

1. That there are exceptional or extraordinary circumstances applying to the property (size, shape, topography, location or surroundings) or the intended use of the property, and because of this, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification; and
NO
2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
Valley Christian Church uses its current sanctuary on Sunday Mornings only from 10am-12pm. The proposed building will not be used concurrently with the existing sanctuary. We request a variance for ALL of the parking. The monies used to build the proposed multi-purpose building are donated and adding the cost of a parking lot will add an additional 110k-150k to the project. If this amount is added the project will not be feasible.
3. That granting the variance or its modifications will not be materially detrimental to the public health, safety of welfare or injurious to the property of improvement in such vicinity and zone in which the property is located; and
Granting of the variance will not no effect on the surrounding areas

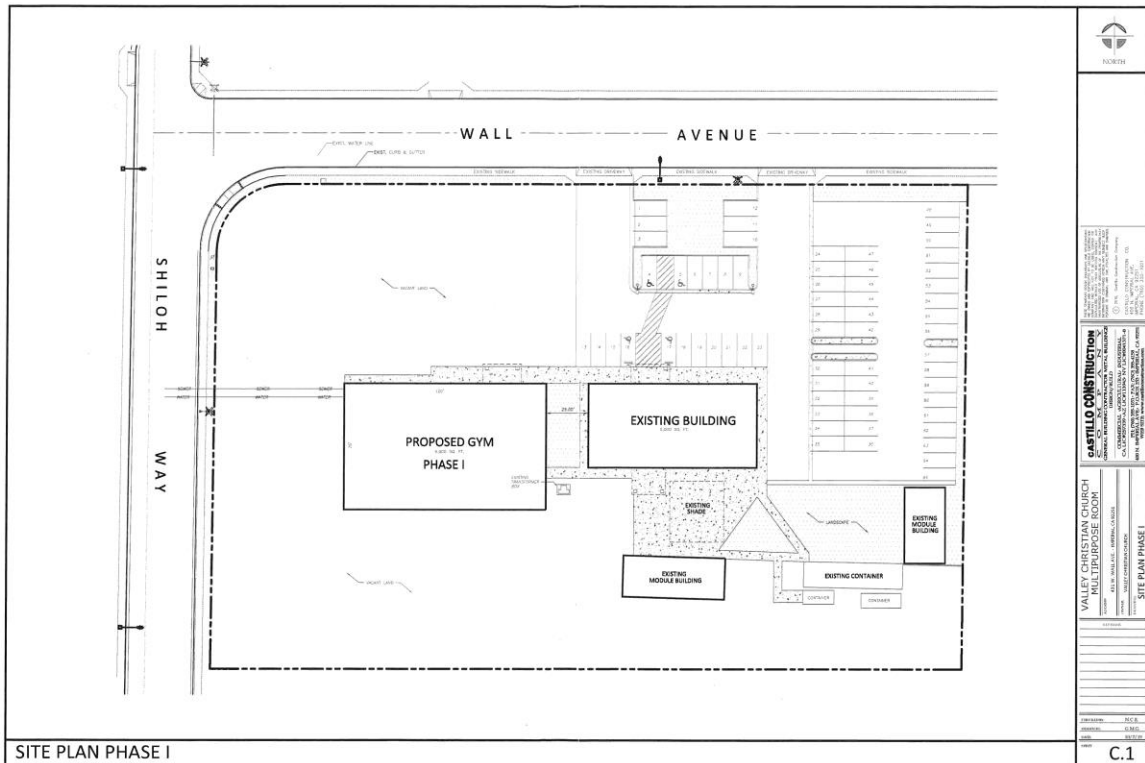
4. The granting of this variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and
NO
5. The granting of this variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property. **NO**
6. That granting the variance or its modification will not be incompatible with the City of Imperial General Plan. **NO**

Proposed Site Plans for Valley Christian Gymnasium Addition:

1. Site Plan with proposed additional parking:



2. Site Plan with no additional parking:



Environmental:

The project is Categorically Exempt from the California Environmental Quality Act via the following categorical exemptions: 15301(e.) and 15303(a.).

Recommendation:

Staff recommends that the Planning Commission conduct a public hearing as required by Section 24.19.425 of the Imperial Zoning Ordinance.

RESOLUTION PC2019-18

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
IMPERIAL APPROVING A THE DEVIATION OF THE ORDAINED
PARKING REQUIREMENTS FOR THE ADDITION OF A 9000 SQUARE-
FOOT GYMNASIUM ADDITION LOCATED AT 431 WEST WALL
ROAD; IMPERIAL, CA 92251 AND ADOPTION OF CEQA
CATEGORICAL EXEMPTION 15301 (E) AND 15305 (A).
APN#: 064-432-001**

WHEREAS, Valley Christian Church submitted a request for a Variance for the deviation of the ordained development standards regarding parking requirements; and

WHEREAS, a duly notified public hearing was held by the Planning Commission during an adjourned meeting on December 11, 2019 and;

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for a Variance.

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

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) Installation and alteration of the property and deviation from the setback requirements are ministerial and therefore exempt from the California Environmental Quality Act via the following categorical exemptions: 15301(e.) and 15303(a.).
- D) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Variance-**VAR 19-06** for Valley Christian Church for the deviation of the “parking” requirements allowing the church to utilize the existing parking for the gymnasium instead of providing the required additional 200 parking spaces , to allow the development of a 9000 square-foot gymnasium building with the following findings:

1. That there are exceptional or extraordinary circumstances applying to the property (size, shape, topography, location or surroundings) or the intended use of the property, and because of this, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification; and
2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
3. That granting the variance or its modifications will not be materially detrimental to the public health, safety of welfare or injurious to the property of improvement in such vicinity and zone in which the property is located; and
4. The granting of this variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and
5. The granting of this variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
6. That granting the variance or its modification will not be incompatible with the City of Imperial General Plan.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this December 11, 2019.

Planning Commission Chairman

ATTEST:

Planning Secretary

**RESOLUTION PC 2019-18
CONDITIONS OF APPROVAL**

For

**Variance Permit #VAR 19-06
Valley Christian Church
431 West Wall Road
APN#: 064-432-001
Imperial, CA 92251**

1. A building permit from the City of Imperials' Community Development Department must be obtained after variance approval along with any required development and/or construction plans required and payment of processing fees as well.
2. Applicant shall not hold the City of Imperial or any of its employees responsible for any incidents regarding this Variance Permit.
3. The provisions of this Variance Permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.
4. The proprietor/owner shall be responsible for the removal of all graffiti from the property within 72 hours of its appearance on the property.
5. The proprietor/owner shall be responsible for maintaining the locations where the expansion is located and adjacent areas free of litter at all times.
6. 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.
7. The conditional approval of the Variance Permit shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
8. The Applicant shall pay all impact and capacity fees as required by the city.
9. Applicant must obtain an approved Building Permit from the Community Development Department within 6 month of approval of the Variance Permit. If the applicant does not obtain and approved Building Permit from the Community Development Department, the Variance Permit becomes null and void based on the final date of approval of the Variance Permit.
10. If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the Variance, 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 Variance, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.

11. As between the City and the Permittee, any violation of this permit may be a "nuisance per se". The City may enforce the terms and conditions of this permit in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
12. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project.



Staff Report

Agenda Item No. D-3

To: City of Imperial Planning Commission

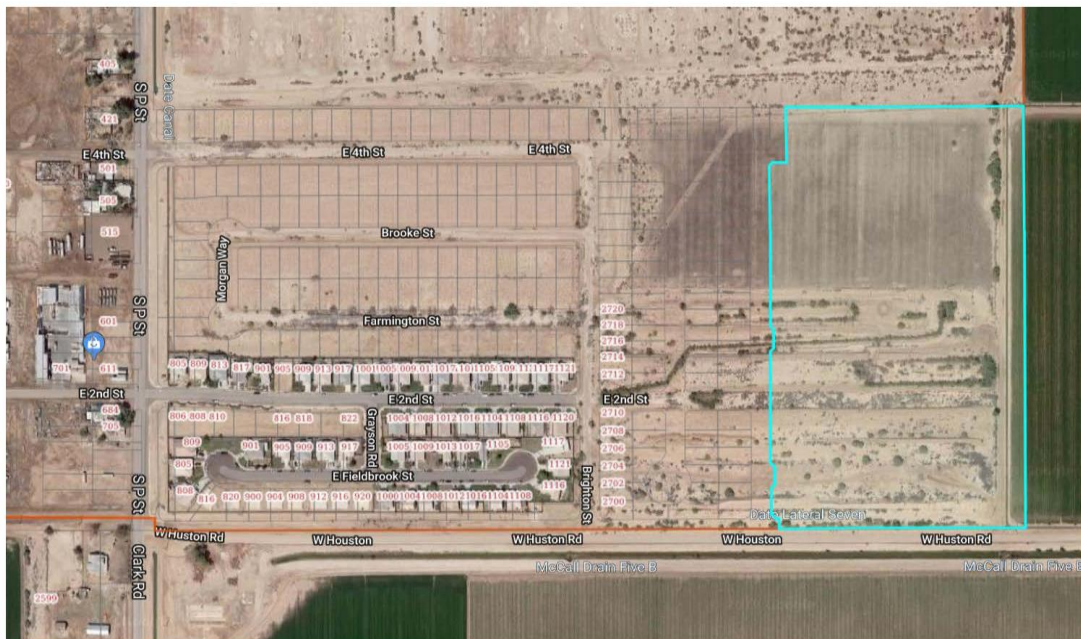
From: Lisa Tylanda, Planner

Date: December 11, 2019

Item: Variance-VAR (19-05)
Deviation from ordained "Side and Rear-Yard Setback"
Development Standards.

Applicant:	Michael Pursglove
Project Location:	APN#: 044-200-099; Imperial, CA 92251
Zoning:	R-1 (Residential Single Family)
Recommendation:	Planning Commission to review Variance request.

Mayfield Unit 3C Variance Permit Request



1" = 376 ft	City of Imperial	12/05/2019		
This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up to date information.				

Background

The applicant is requesting a Variance Permit to allow for deviation from the City of Imperials' "Property Development Standards" Section 24.03.120 of the zoning code regarding "setback requirements" for the side and rear yards of the property from the ordained 5 feet to 0 feet to allow the development of single-story homes. The Mayfield Subdivision Unit 3C Planned Unit Development parcels are too small to fit floor plans on currently. Without the variance permit, the developer will not be able to move forward with the project as it will not be feasible for the development. The California Building Code allows Single Family Residential to be constructed at less than 5' feet from the property line. As long as exterior walls have a 1 hour fire-resistance as specified on the California Building Code Table 602.

Section 24.19.400 et seq. of the Imperial Zoning Ordinance allows for variances from development standards "only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification."

Required Findings:

For the Planning Commission to approve a variance, all of these findings must be made:

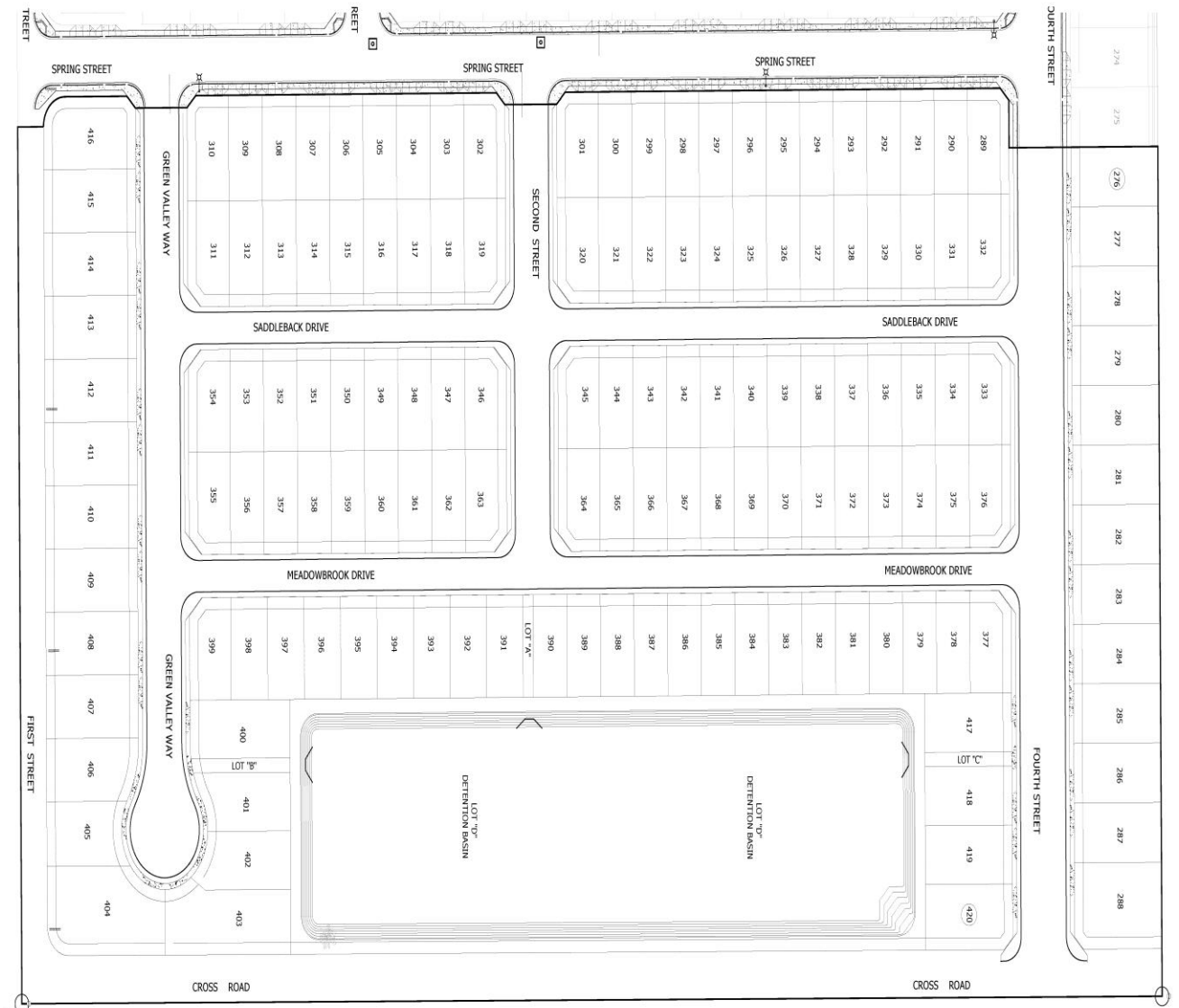
1. Special circumstances apply to the property. These can be it's size, shape, topography, location, or surrounding structures. You must explain how these circumstances deprive your property of the privileges enjoyed by other property in the neighborhood which is zoned the same, and;
2. The variance will meet the intent of the zoning on the parcel, and will not be detrimental to public health, safety, and welfare, and not be detrimental to other property in the neighborhood; and,
3. The variance will not be a grant of special privilege in the neighborhood, and will not allow you to build in a way that would not be allowed for someone else.
4. The granting of the Variance or its modifications will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and
5. The granting of this Variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
6. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.

The applicant has provided justification for the required findings. Please see below:

Marty Coyne, Principle
Morningside Ventures LLC
2351 South 4th Street
El Centro, CA 92243
(760) 353-2110 o
martycoyne@hotmail.com

1. As to Mayfield Ranch Unit #3_3C (heretofore referred to as The Project). There are exceptional or extraordinary circumstances applying to the property (size, shape, topography, location or surroundings) or the intended use of the property, and because of this, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property. Further exceptional complications is The Project was isolated by both location and the economic destruction caused by the 2007-2008 downturn.
2. The Project will conform as a positive for the neighborhood. That granting the variance or its modifications will not be materially detrimental to the public health, safety of welfare or injurious to the property of improvement in such vicinity and zone in which the property is located; and the inception of this Project will be an economic boon to an otherwise already challenged municipal location.
3. The granting of this variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and infusing a minor healthy code variance will allow this area and The Project to capitalize on a burgeoning and developing neighborhood.
4. The granting of this variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property. The variance will have only positive impacts allowing affordable housing to flourish.
5. That granting the variance or its modification will not be incompatible with the City of Imperial General Plan. The entire SFD units zoning will remain unchanged.
6. Yes, granting approval of this variance is consistent and supports the state of California and City of Imperial's housing element that is a requirement by law. Upon examining all aspects of this variance The Project will only produce healthy home purchasing in vibrant communities.

Proposed Layout for Mayfield Unit 3C Single-Story Homes:



Environmental:

The project is Categorical Exempt from the California Environmental Quality Act via the following categorical exemptions: 15301(e.) and 15303(a.).

Recommendation:

Staff recommends that the Planning Commission conduct a public hearing as required by Section 24.19.425 of the Imperial Zoning Ordinance.

RESOLUTION PC2019-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A VARIANCE PERMIT (19_05) FOR MICHAEL PURSGLOVE AND MARTIN D. COYNE ALLOWING THE DEVIATION OF THE ORDAINED 5 FOOT SIDE-YARD AND REAR-YARD SETBACK REQUIREMENTS TO ALLOW A 0 FOOT SIDE-YARD AND REAR-YARD SETBACKS FOR THE DEVELOPMENT OF SINGLE STORY HOMES WITHIN THE MAYFIELD SUBDIVISION UNIT 3C, LEGALLY KNOWN AS ASSESSOR PARCEL NUMBER: 044-200-099; IMPERIAL, CA 92251; AND ADOPTION OF CEQA CATEGORICAL EXEMPTION 15301 (E) AND 15305 (A).

WHEREAS, Michael Pursglove and Martin D. Coyne submitted a request for a Variance for the deviation of the ordained development standards regarding side-yard and rear-yard setback requirements; and

WHEREAS, a duly notified public hearing was held by the Planning Commission during an adjourned meeting on December 11, 2019 and;

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for a Variance.

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

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) Installation and alteration of the property and deviation from the setback requirements are ministerial and therefore exempt from the California Environmental Quality Act via the following categorical exemptions: 15301(e.) and 15303(a.).
- D) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Variance-**VAR 19-05** for Michael Pursglove and Martin D. Coyne for the deviation of the “rear and side -yard setback” requirements from 5 feet to 0 feet, to allow the development of the Mayfield Subdivision Unit 3C following findings:

1. That there are exceptional or extraordinary circumstances applying to the property (size, shape, topography, location or surroundings) or the intended use of the property, and because of this, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification; and
2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
3. That granting the variance or its modifications will not be materially detrimental to the public health, safety of welfare or injurious to the property of improvement in such vicinity and zone in which the property is located; and
4. The granting of this variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and
5. The granting of this variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
6. That granting the variance or its modification will not be incompatible with the City of Imperial General Plan.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this December 11, 2019.

Planning Commission Chairman

ATTEST:

Planning Secretary

**RESOLUTION PC 2019-19
CONDITIONS OF APPROVAL**

For

**Variance Permit #VAR 19-05
Michael Pursglove and Martin D. Coyne
APN#: 044-200-099
Imperial, CA 92251**

1. A building permit from the City of Imperials' Community Development Department must be obtained after variance approval along with any required development and/or construction plans required and payment of processing fees as well.
2. Applicant shall not hold the City of Imperial or any of its employees responsible for any incidents regarding this Variance Permit.
3. The provisions of this Variance Permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.
4. The proprietor/owner shall be responsible for the removal of all graffiti from the property within 72 hours of its appearance on the property.
5. The proprietor/owner shall be responsible for maintaining the locations where the expansion is located and adjacent areas free of litter at all times.
6. 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.
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10. If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the Variance, 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

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86.00'

P.L. FENCE

39.00'

P.L. FENCE

39.00'

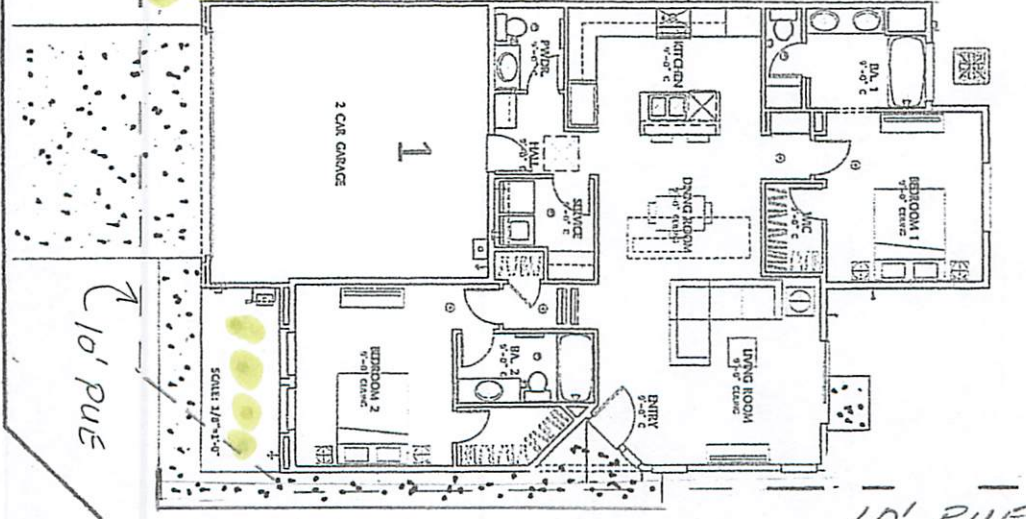
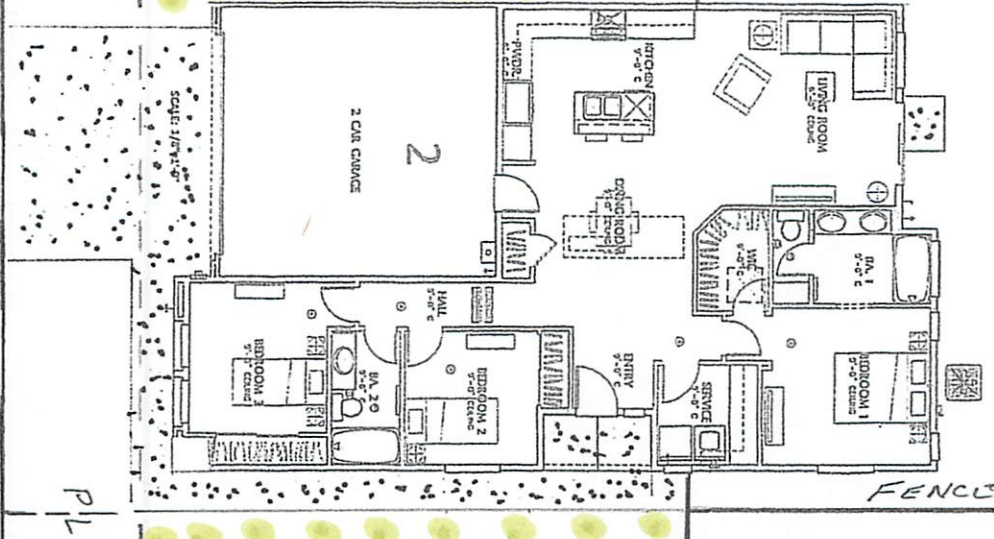
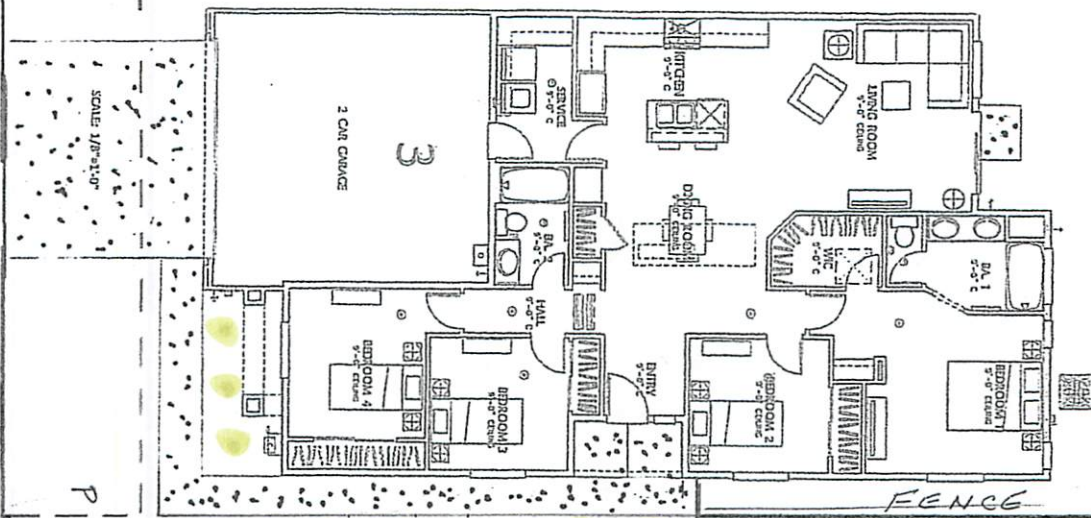
48.00'

71.00'

PROPERTY LINE

PROPERTY LINE

STREET C.L.





Plan 1A



ELEVATION

Plan 1B



FLOOR PLAN



Plan 2A



Plan 2B

ELEVATION



FLOOR PLAN



Plan 3B

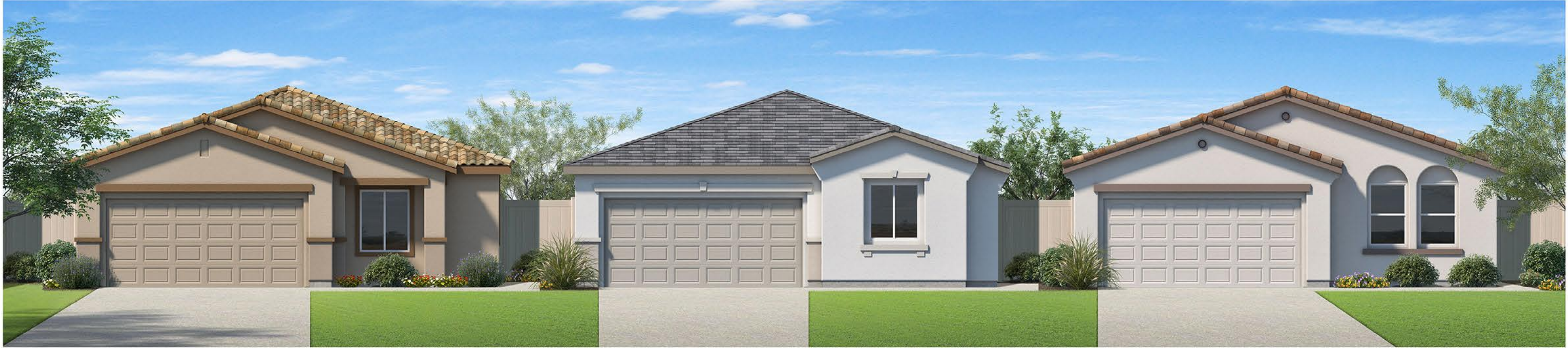


ELEVATION

Plan 3C



FLOOR PLAN



3B

2B

1A

Street view

The Residences at
Mayfield Ranch
Imperial, CA. 92251



SCHEME 1



BASE COLOR 1
SW 7002 - Downy



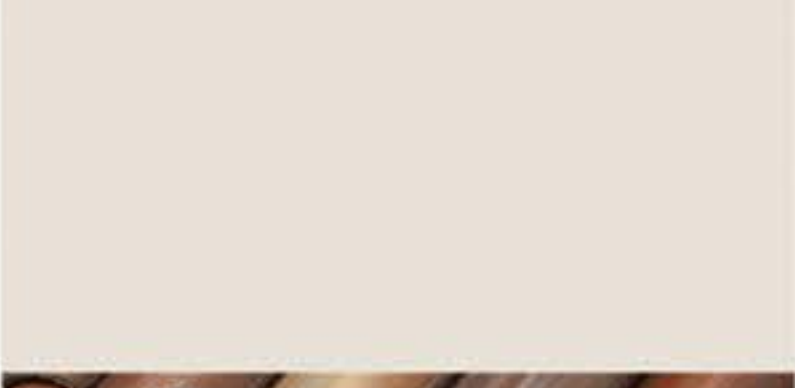
BASE COLOR 2
SW 7036 - Accessible Beige



FASCIA/TRIM
SW 7508 - Tavern Taupe



ACCENT
SW 6223 - Still Water



GARAGE
SW 7002 - Downy



CONCRETE ROOF TILE
BARCELONA Red Castle
1BCCS 7970

SCHEME 2



BASE COLOR 1
SW 7526 - Maison Blanche



BASE COLOR 2
SW 7527 - Nantucket Dune



FASCIA/TRIM
SW 7040 - Smokehouse



ACCENT
SW 2838 - Polished Mahogany



GARAGE
SW 7526 - Maison Blanche



CONCRETE ROOF TILE
BARCELONA Buckskin
1BCCS 0141

SCHEME 3



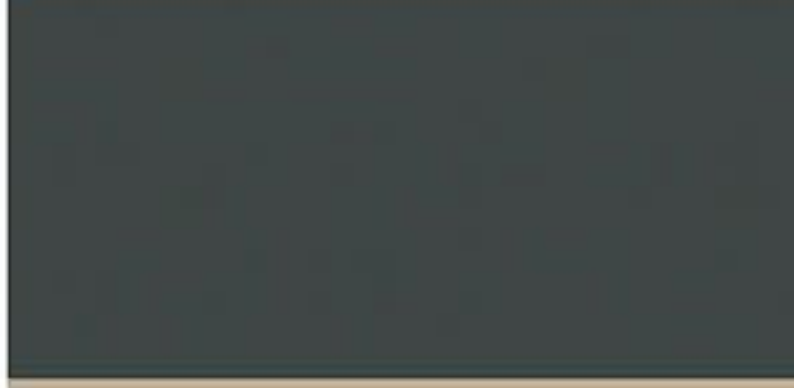
BASE COLOR 1
SW 6142 - Macadamia



BASE COLOR 2
SW 7534 - Outerbanks



FASCIA/TRIM
SW 6124 - Cardboard



ACCENT
SW 7062 - Rock Bottom

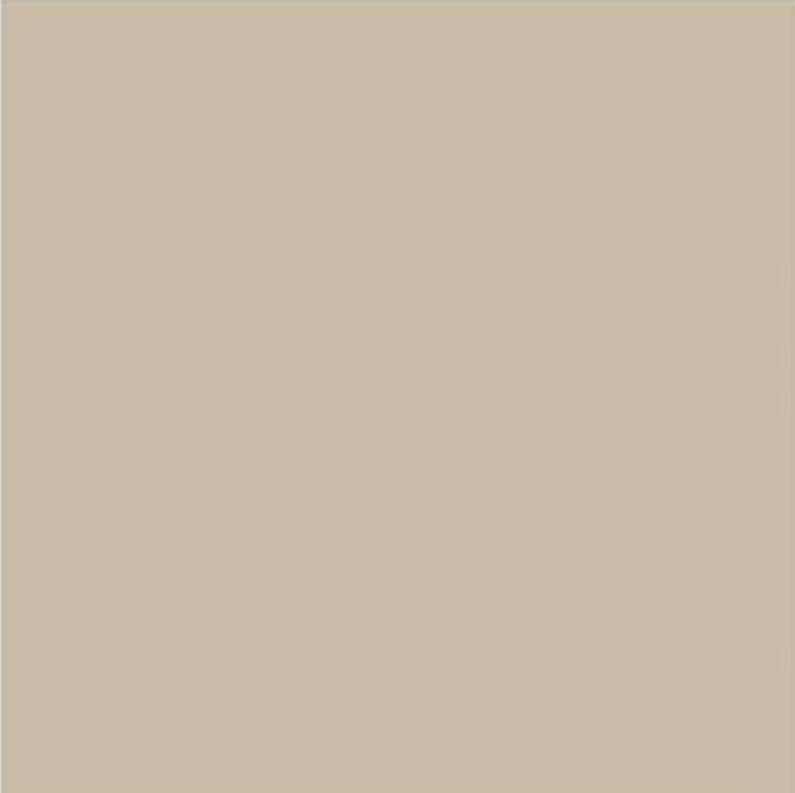


GARAGE
SW 6142 - Macadamia



CONCRETE ROOF TILE
BARCELONA Cliffside
1BCCS 3940

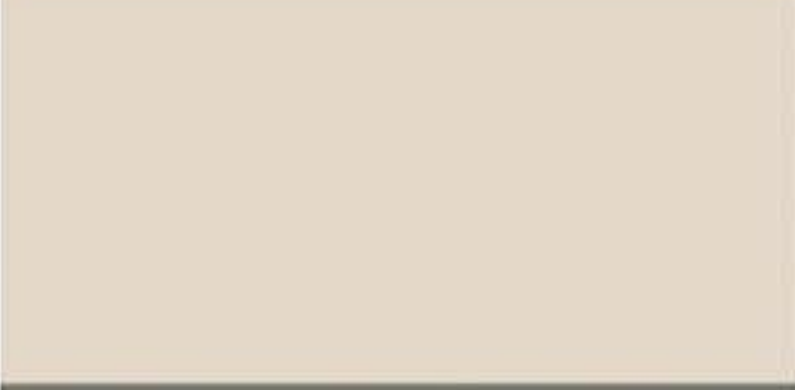
SCHEME 4



BASE COLOR 1
SW 7529 - Sand Beach



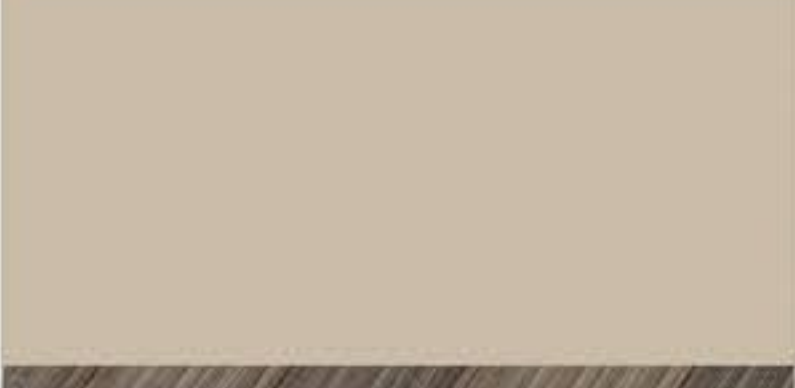
FASCIA
SW 7731 - San Antonio Sage



TRIM
SW 7571 - Casa Blanca



ACCENT
SW 6200 - Link Gray



GARAGE
SW 7529 - Sand Beach

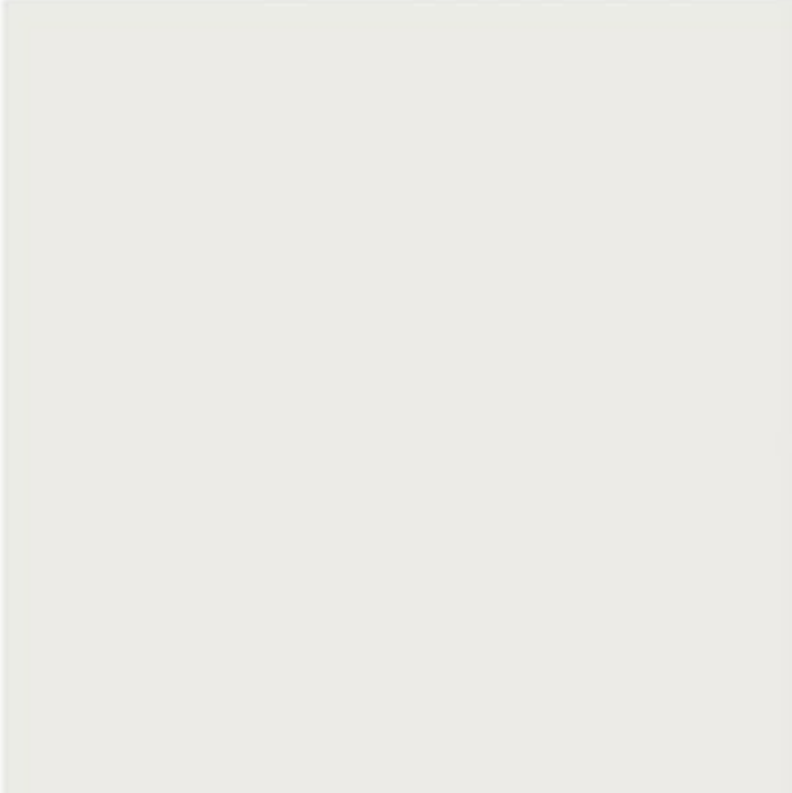


CONCRETE ROOF TILE
SHAKE Charcoal Brown Blend
1FBCJ 1132



STONE
CLIFFSTONE
Mesquite

SCHEME 5



BASE COLOR 1
SW 7005 - Pure White



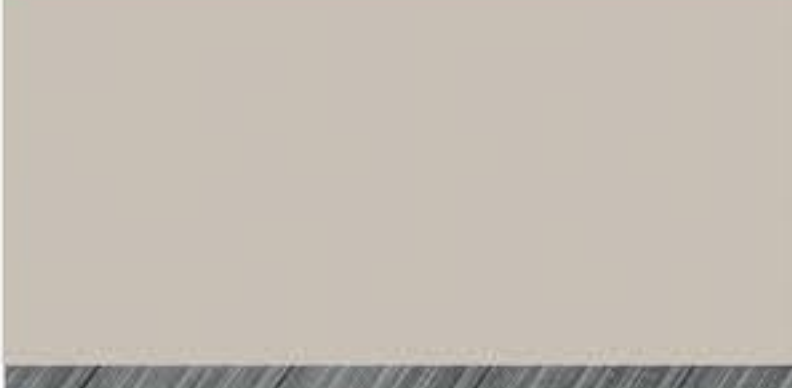
FASCIA
SW 7048 - Felted Wool



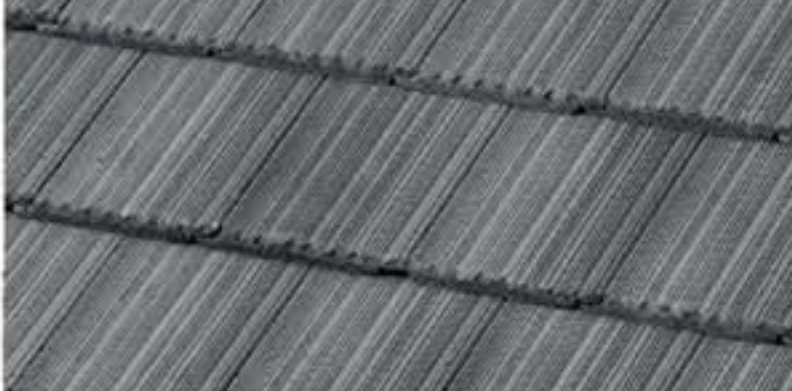
TRIM
SW 7049 - Nuance



ACCENT
SW 6327 - Bold Brick



GARAGE
SW 7050 - Useful Gray

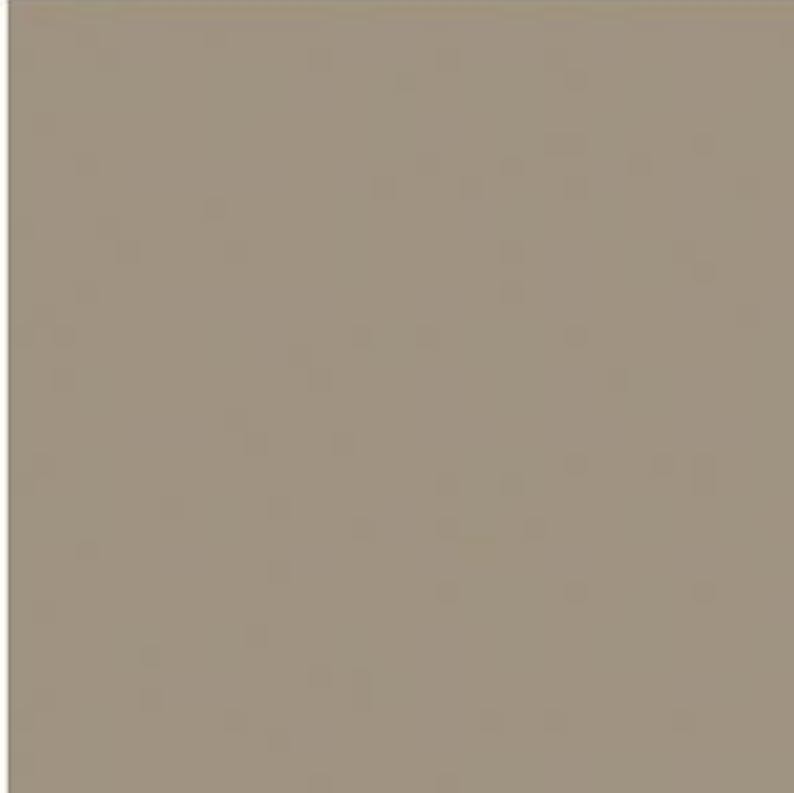


CONCRETE ROOF TILE
SHAKE Charcoal Blend
1FBCJ 1430



STONE
OLD COUNTRY FIELDSTONE
Echo Ridge

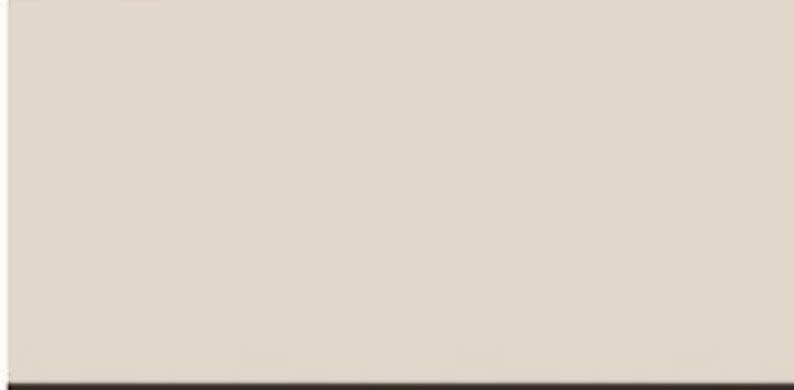
SCHEME 6



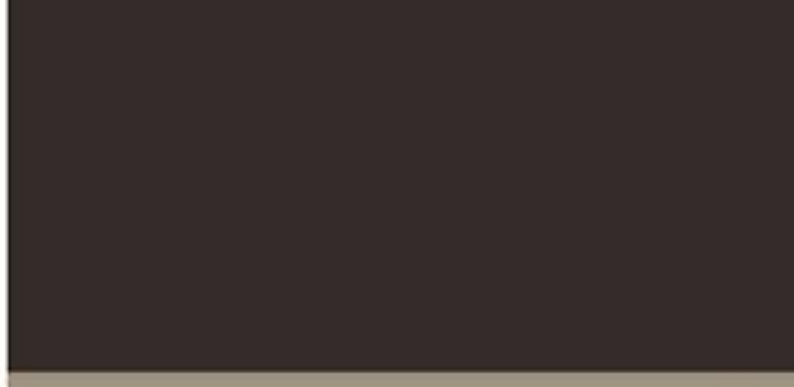
BASE COLOR 1
SW 7544 - Fenland



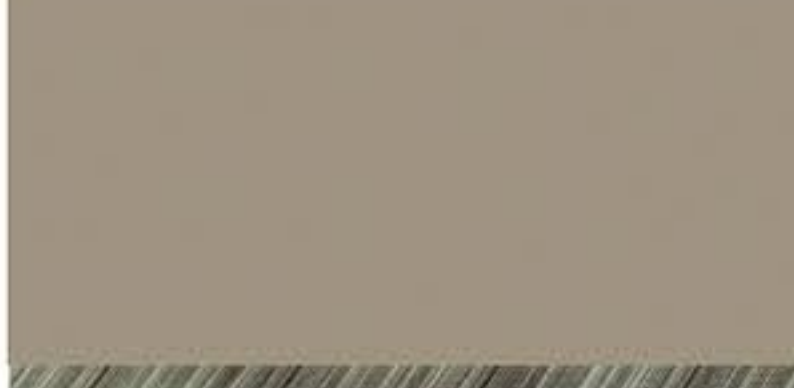
FASCIA
SW 6090 - Java



TRIM
SW 6140 - Moderate White



ACCENT
SW 6006 - Black Bean



GARAGE
SW 7544 - Fenland



CONCRETE ROOF TILE
SHAKE Foerst Green
1FBCJ 4598



STONE
CLIFFSTONE
Lantana



Plan 1A



Plan 1B



Plan 2A



Plan 2B



Plan 3B



Plan 3C

