



**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 9<sup>th</sup> Street  
IMPERIAL, CA 92251**

**WEDNESDAY, DECEMBER 14, 2022  
6:30 P.M.**

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

1. You are encouraged to observe the City Council meetings via Livestream at the City of Imperial Facebook page.
2. Email public comments to [publicinformation@cityofimperial.org](mailto:publicinformation@cityofimperial.org) by 5:00 pm on Wednesday, December 14, 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 THIS MEETING, PLEASE CONTACT (760) 355-4373. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28CFR 35.102-35.104 ADA TITLE II]**

**A. PLANNING COMMISSION 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 concerning any item not appearing on the agenda and within the Commission's jurisdiction, please raise your hand and be acknowledged by the Chairperson, and at that time state your name and address for the record. The Chairperson reserves the right to place a time limit on each person's presentation of three (3) minutes. It is requested that longer presentations be submitted to the Commission in writing.

**B-2. Matters appearing on the agenda.** If you wish to address the Planning Commission concerning any item appearing on the agenda within the Commission's jurisdiction, please raise your hand and be acknowledged by the Chairperson, and at that time state your name and address for the record. The Chairperson reserves the right to place a time limit on each person's presentation of three (3) minutes. It is requested that longer presentations be submitted to the Commission in writing.

**C. CONSENT CALENDAR**

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 October 26, 2022 and November 9, 2022.

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

**D-1: Subject: Public Hearing, Discussion/Action: Amendment to Conditional Use Permit 20-05 for Robert Sawyer, owner of Dunes 2 Dezert, located at 408 E. 2<sup>nd</sup> Street (APN 064-180-003) to allow for the use of off-road accessories retail sales and installation services for RV and off-road vehicles.**

1. **Open Public Hearing**
2. **Staff Report – Public Comment**
3. **Commission Discussion**
4. **Close Public Hearing**
5. **Recommended Action:** Approval of Resolution No. PC2022-13: A Resolution of the Planning Commission Amending Conditional Use Permit 20-05 for Robert Sawyer, owner of Dunes 2 Dezert, located at 408 E. 2<sup>nd</sup> Street (APN 064-180-003) to allow for the use of off-road accessories retail sales and installation services for RV and off-road vehicles. 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 22-02 for Dennise Chavez to allow the use of a trucking storage facility located at 426 E. 4<sup>th</sup> Street, APN 064-194-006.**

1. **Open Public Hearing**
2. **Staff Report – Public Comment**
3. **Commission Discussion**
4. **Close Public Hearing**
5. **Recommended Action:** Approval of Resolution No. PC2022-12: A Resolution of the Planning Commission approving Conditional Use Permit 22-02 for Dennise Chavez located at 426 E. 4<sup>th</sup> Street (APN 064-194-006). The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15322 of the Guidelines for In-Fill Development Projects.

**E. REPORTS:**

**E-1:** Commissioners' Reports

**E-2:** Staff Reports

**F. ADJOURNMENT**

**F.1 ADJOURNMENT OF PLANNING COMMISSION MEETING UNTIL NEXT REGULARLY SCHEDULED MEETING JANUARY 11, 2023 AT 6:30 P.M**

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  
COMMISSIONERS

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

# Minutes

PLANNING COMMISSION  
TRAFFIC COMMISSION

220 West 9<sup>th</sup> Street  
IMPERIAL, CA 92251

WEDNESDAY, OCTOBER 26, 2022  
6:30 P.M.

**A. PLANNING COMMISSION CALL TO ORDER:**

Chairperson Hammerness called the meeting to order at 6:32 p.m.

**ROLL CALL:**

Commissioners Present:

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

City Staff Present:

Dennis Morita- City Manager, City Manager, Katie Turner- City Attorney, Jillian Mehdipour- Public Records Analyst, Jesus Villegas- Community Development Manager, Yvonne Cordero- Community Development Planner, Luis Anguiano-Information Technology Support Technician.

**PLEDGE OF ALLEGIANCE:**

Led by Mark Hammerness

**ADJUSTMENTS TO THE AGENDA**

None

**B. PUBLIC APPEARANCES**

**B-1. Matters not appearing on the agenda:**

None

**B-2. Matters appearing on the agenda:**

None

**C. CONSENT CALENDAR**

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

**Action:**

**Mendoza made a motion** to approve the consent calendar item C-1. **Rivera seconded** the motion.

Ayes: 4 Abatti, Hammerness, Mendoza, Rivera

Nays: 0

Absent: 1 Harvey

Abstained: 0

**Motion Passed 4-0**

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

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

**Public Hearing was open at 6:36 p.m.**

**Discussion:**

Cordero, presented the staff report. The applicant, Joshua Quintero was on site to answer questions. Mendoza, what happens if we abandon the road and this project does not take place? What will happen to the road? Morita, if you find that it conforms to the general plan, then it will go to the City Council for a public hearing. The city's surface rights are terminated if the City Council decides to abandon the road. The ownership goes to the underlying owner. This is to determine the future need for the road, and you are making a recommendation to the City Council. Mendoza, please confirm that my understanding is correct: this was once intended to be a road, but there are no other plans for it. Morita, I would say there are no applications pending, but other parts of O Street further south may consider it part of the developments. Mendoza, there is a storm drain there. If they proceed with the development, I want to ensure they have to keep the storm drain in place. Rivera, the question about the future development is great. I rested when I noticed water treatment in the picture, there is no future development there. Abatti, does the landowner owns the property up to the middle of the road. The Land Surveyor for Mr. Quintero, the city owns the street, as published in the 1902 record. There is no right of way. We are proposing the right of way. Rivera, where is the retention basin going to be? Quintero, I have a design with a basin if the abandonment is not approved. If approved, we would reconfigure the layout. Rivera, what is the metal work that you do, and where are you based out of? Quintero, anything metal, we do it. We are based right here in the County of Imperial. We have grown too much, and the county is pushing us out of our current location. That is why we are trying to move here, into the city. Hammerness, O Street doesn't have much there; what is the idea for that, and will the city still have access to the gate along there? Quintero, I plan to use the land for a staff parking lot. The gate will still be accessible, and IID also has a power and water lines there. Villegas, if you look at Exhibit B of the application, the city is going to keep its access there along 13<sup>th</sup> Street North on O Street. Abatti, with the clarification that O Street is city property, is there an issue of giving away public funds? Is there some compensation that needs to be considered? Morita, you raise a question that occurred to me, and from my understanding, the city's interest is on the surface only. If the abandonment were to move forward, it would be subject to the city and IID utilities. If the city does own the property and it is not a right of way, then this would be a different discussion. If our interest is

only on the surface and we have no purpose, the law allows us to abandon that use. If we do own it, we cannot just give it away. The staff report states that it is surface-only. Abatti, did anyone do the prelim? This would say if it's the right way or not. Quintero's Land Surveyor, when the city created the map in 1902, gave the rights to all of the streets to the city. Abatti, that's the point you made when you stated the city owns the street. There needs to be a little more digging to determine what we should recommend to the council. Turner, one option would be to recommend it in exchange for payment if the city owns it or it returns? The difference for us is that we condition it based on whether it's a right-away or city-owned property, unless the department has the answer now, which it appears they do not. Hammerness, I want to remind Ms. Abatti that we did the same thing a year and a half, two years ago on the 13th or 14th, for an apartment complex entrance. There was no compensation. This is something we have done in the past. Morita, we have abandoned rights in the past, but that doesn't make it okay to continue if they are wrong. The surveyor, who was a part of 13th Street, stated that the city had no interest in the undeveloped street, so it would only make sense to abandon it. Abatti, that's not the issue for me. If the city has a financial interest in it, it should be compensated. I am leaning toward what the city attorney recommended so that you can continue to move along contingent on a dollar amount if the city owns that part of the property. We cannot just give away city property, and just because we did it in the past doesn't mean we have to do it again if it's not correct. In my experience, I have never seen a city ask for compensation on a street. If you owned a piece of property or a block and were just looking to get rid of it, I could see compensation, but since it's just a street and not a legal parcel, you cannot build on it. You are just releasing a liability onto the street. Mendoza, we are just making a recommendation to Council tonight. We are not approving you. By that time, legal and staff will be able to go through all of this, and council would be the one to determine what the fee would be for the property. Tonight, is just to get you past the Planning Commission. Quintero, what was the scenario on Worthington Square when they gave up the whole block to make parking? Abatti, I am not going to argue; it may be a dollar. Bring your points, make your argument, and it may only be a dollar, but it will cover the giving away of public funds. Rivera, the staff here—I don't think they were here in the past—know their stuff and have an obligation to fulfill what they know. Hammerness, we are just making sure we do what is right here; this is not making a profit. As the comment was made, it may only be \$1.00, but we just want to do what is right.

#### **Close Public Hearing at 7:04 p.m.**

#### **Action:**

**Mendoza made a motion** to recommend *"Approval of Resolution No. PC2022-08: A Resolution of the Planning Commission Finding Conformance with the General Plan for the right-of-way abandonment or vacation of a portion of O Street between 12th Street and 13th Street."* *"Contingent on the further research by staff to determine the ownership and discussion between Council and the applicant on the potential purchase of the property, if necessary."* **Rivera seconded the motion.**

Ayes: 4 Abatti, Hammerness, Mendoza, Rivera

Nays: 0

Absent: 1 Harvey

Abstained: 0

**Motion Passed 4-0**

**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. 2<sup>nd</sup> Street (APN 064-180-003)**

**Public Hearing opened at 7:06 p.m.**

**Discussion:**

Cordero, presented the staff report. The applicants Jose Velazco and Fernando Romero were on site to answer questions. Abatti, how long have you been in business? Velazco, this is our first application, but I have been in this line of work for 15 years. Hammerness, who did you work for? Velazco, All Star Collision. Romero, I have worked at M&M Collision, Caliber Collision, and Tucker's Autobody. We are now attempting to open our own shop. Rivera, how high are you going to be stacking cars out there? Are you going to be organized out there or just have stacks of cars so it looks like a junk yard? Velazco, we will be sharing a lot with the RV park, and we plan to keep it organized. Rivera, we have people that want to keep Imperial nice, and we have asked this question to others in the past. There is a home on the lot. Does someone still live there? Velazco, I don't know. Hammerness, there is a building on your lot, and you don't know if someone lives there. Is it fenced in, because there are cars next to the house? Velazco, that is part of the owners' property; I believe there is a fence around the house. Morita, notices are to be mailed to all address within 300 ft on a conditional use permit. Do we have a list of the addresses that notices were mailed to? Cordero, yes, I do not have the list currently with me. Abatti, are you renting this place? Velazco, yes. Abatti, we would want the owner to be aware that there should be a separation of the business so that you do not have people wondering onto your rented property. Mendoza, you mentioned that the house is the owner's property. Does he live there? Hammerness, does he rent it to someone else? Rivera, how well do you know the owner? Velazco, for about six months. Hammerness, there are two large holes in the fence. Have you talked to the owner about closing those gaps so that someone cannot just drive onto your lot? Velazco, we always close the gate. Abatti, you need to get informed on the residential and give you guys some information. Mendoza, it looks like there is some standing water. Do you know if there are any plans to improve the parking lot? Velazco, I think they are working on a plan for this area. Mendoza, in the painting area, is it enclosed? Velazco, yes. Rivera, do you already have the paint booth hooked up, and do you have all of your contingencies for hazardous materials and electricity? How long have you been working on setting up the property? Velazco, yes, for two months. We are waiting to do the rest, pending the application. Hammerness, I did see you had your hours listed as Monday through Friday, 8 a.m. to 5 p.m., and wanted some flexibility? There are no hours stated in the CUP; what are you looking at for hours? Velazco, we work full time, so we would like to add Saturday. Abatti, you want to ask for the what-ifs. Just because we add something does not mean you have to use it.

**Public Hearing was closed at 7:19 p.m.**

**Action:**

**Abatti made a motion** to recommend "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. with additional provisions of operation hours Monday through Saturday from 8 a.m. to 5 p.m." **Mendoza seconded the motion.**

Ayes: 4 Abatti, Hammerness, Mendoza, Rivera

Nays: 0

Absent: 1 Harvey

Abstained: 0

**Motion Passed 4-0**

**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. 2<sup>nd</sup> Street (APN 064-174-005).**

**Public Hearing opened at 7:22 p.m.**

**Discussion:**

Cordero, presented the staff report. The applicant, Mr. Donahue, was on site for questions. Hammerness, it looks like you have been in business for a while. Donahue, yes, this location since 2019, but we have been in business for a long time. Mendoza, are the silver buildings on the outside the ovens? With them being metal, what type of temperatures are you experiencing? Donahue, they reach temperatures of about 400 degrees, but you can go to the outside wall and touch it. There is steel wool insulation with 4-inch-thick walls. Mendoza, and you are not currently operating them? Donahue, no, we do not even have a gas meter over there. Mendoza, is there any noise from the buildings? Donahue, no. Rivera, is there any exhaust? What about your neighbors? Donahue, the air is recycled in the oven. The neighbors to the west are an older couple; they run a daycare facility and the neighbors to the east are a younger family. Before we purchased the building, it was an autobody paint shop. We have Precession, out of Yuma, doing the fire suppression system. The Imperial County Fire has been involved. Hammerness, what are your hours of operation? Donahue, in the summer we would run from 5 a.m. to 5 p.m., working a lot of 12-hour days, with no complaint from the neighbors. Mendoza, this building is just the ovens? Donahue, we will be doing the powder spray and using the ovens at the location.

**Public Hearing was closed at 7:30 p.m.**

**Action:**

**Mendoza made a motion to approve** "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."* **Rivera seconded the motion.**

Ayes: 4 Abatti, Hammerness, Mendoza, Rivera

Nays: 0

Absent: 1 Harvey

Abstained: 0

**Motion Passed 4-0**

**E. REPORTS:**

**E-1: Subject: Commissioners' Reports:**

Abatti, when are we going to start the Aten road project now that the weather has cooled down? Morita, very soon. Abatti, La Brucherie Road, has the timeline changed? Morita, the project is expected to be completed in the late part of November.

Rivera, are there any problems with the storm drains? Villegas, we solved the main problem, which was 2nd Street. After we fixed the problem, everything worked great. The other street was 11<sup>th</sup>. We addressed those issues, and we appear to have resolved them all. Rivera, how often do we update the bathrooms in the park areas? Morita, the Parks Department staff are there very often with the schedule they follow. When there is an issue, they are there right away. Rivera, I have a list of streets I will be submitting that need resurfacing and repair. Morita, the Council creates and approves a list of streets. There isn't always enough money for all the repairs.

Mendoza, on impact fees, I know that what we collect has to go to something related to the project. Is the transit occupancy tax applicable anywhere or is it restricted to a specific account? Morita, no, the transit occupancy tax is placed into a general funds account. Rivera, are we still moving along the Victoria Terrazas? Morita, a letter has gone out. The residents want the city to just leave them alone. The abandonment of the sidewalks is not viable. They have been advised from the city's standpoint that if there is a complaint filed, there is going to be enforcement.

Mendoza, the market days are approaching this weekend. I would encourage the city to do more marketing on that. The dates have changed since the cancellation, and it is not being marketed very well. I literally did not know until today that it was moved from Saturday to Friday. The only way to see the date changes is to read through the cancellation comments.

**E-2: Subject: Staff Reports:**

Cordero, the city was awarded a grant for SB1383 recycling organics, and we used the funds to purchase organic waste pails. These will be issued at the city's market days. Mendoza, does the community need to bring a bill or something? Cordero, yes, proof of residency is required.

Morita, the market day will start at 5 p.m. on Friday. Mendoza, was there a lot of damage to the stage equipment from the last storm? Morita, there was water damage.

**AT 7:53 P.M. HAMMERNESS ADJOURN PLANNING COMMISSION MEETING UNTIL  
NEXT REGULARLY SCHEDULED MEETING NOVEMBER 9, 2022 AT 6:30 P.M.**



## PLANNING COMMISSION

*Mark Hammerness – Chairperson*

*Veronica Harvey – Vice Chairperson*

*Alice Abatti – Commissioner*

*Stacy Mendoza – Commissioner*

*Ruben Rivera – Commissioner*

# Minutes

PLANNING COMMISSION

TRAFFIC COMMISSION

220 West 9<sup>th</sup> Street  
IMPERIAL, CA 92251

WEDNESDAY, NOVEMBER 9, 2022  
6:30 P.M.

## A. PLANNING COMMISSION CALL TO ORDER:

Chairperson Hammerness called the meeting to order at 6:48 p.m.

### ROLL CALL:

#### Commissioners Present:

Mark Hammerness – Chairperson, Alice Abatti – Commissioner, Ruben Rivera – Commissioner

#### City Staff Present:

Dennis Morita- City Manager, Alexis Brown- Assistant City Manager, Katie Turner- City Attorney, Othon Mora- Director of Community Development, Luis Anguiano-Information Technology Support Technician, and Fire Battalion Chief -Hector Garcia

### PLEDGE OF ALLEGIANCE:

Led by Ruben Rivera

### ADJUSTMENTS TO THE AGENDA

None

## B. PUBLIC APPEARANCES

### B-1. Matters not appearing on the agenda.

None

### B-2. Matters appearing on the agenda.

None

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

C-1: Subject: Public Hearing, Action: Conditional Use Permit 22-07 for ALVA Collectives to allow for the operation of a cosmetology educational facility located at 504 W. Aten Road (APN 064-330-041)

## **Public Hearing Opened at 6:51 p.m.**

### **Discussion:**

Mora, presented the staff report. Mora, we want to point out a change to the conditions, the applicant shall comply with all California Fire Code and Fire Building Standards. Rivera, do you understand what is being amended? Applicant, the building has all the fire protection required already installed. Abatti, so they are already in compliance? Mora, yes there will be an additional inspection to ensure they are in full compliance with extinguishers and exits. Garcia, the Fire Department has no objections. The wording was left in place, so if there are alterations to the building, the Fire Department would need to enforce other codes depending on the alterations done to the building. Rivera, how many instructors will there be? Applicant, we currently have three instructors who come at different times. Hammerness, do you have the same batches of students for each instructor and how many students are in each group? Applicant, we have six to seven students per group. Each group comes once a week for 3200 hours. Rivera, do you have the parking worked out? Applicant, absolutely, we have worked it out with the neighbor that we share the parking lot with.

## **Close Public Hearing at 7:06 p.m.**

### **Action:**

**Rivera made a motion to approve** "Resolution No. PC2022-11: A Resolution of the Planning Commission approving Conditional Use Permit 22-07 for ALVA Collectives' cosmetology educational facility located at 504 W. Aten Road (APN 064-330-041). The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the Guidelines for Existing Facilities" to include the staff-recommended changes. **Abatti seconded** the motion.

Ayes: 3 Abatti, Hammerness, Rivera

Nays: 0

Absent: 2 Harvey, Mendoza

Abstained: 0

**Motion Passed 3-0**

## **D. REPORTS:**

### **D-1: Subject: Commissioners' Reports:**

Abatti, with the rain on the 15th, how far back are we on La Brucherie? Mora, we are looking at the beginning of December. Abatti, what about Aten Road? Brown, we have had a few delays, but there are phases that will be taking place.

Rivera, I was happy to see the celebration that has taken place. Did we get the grant funds for the project for Valor to Aten? Mora, Yes, we did receive the grants. Rivera, when will we have the next market? Brown, we did have a successful schedule change for the last event in October. The next will be the Parade of Lights on December 9th and Christmas in a small town on December 10th, from 5 p.m. to 9 p.m. We will be doing our state of the city as well on December 10th, along with a signoff from Mayor Dale, who will be stepping down from the City Council and sending off Director Eugenio to IID. This

will be a public change of power at this event. Rivera, are we still going to have our meeting on November 23rd? Brown, the staff is proactive, and we will let you know as soon as we can confirm there are no public hearings set.

Hammerness, how did the ground-breaking go the other day? Brown, this has been a long process to reach ground breaking, and we are looking forward to summer 2023 with no delays. This will be much like Worthington. 68 residential units; commercial will be under residential. I would like to congratulate Commissioner Mendoza on her election to the City Council. Where does that leave the rest of us? Brown, we first need to receive the letter of certified results. The process will then start for the change of powers, and a notice of vacancy will be published. Applications will be accepted, and a person will be appointed to fulfill the remainder of her term. The rest of the commissioners will fully fulfill their terms.

**D-2: Subject: Staff Reports:**

None

**E. ADJOURNMENT:**

CHAIRPERSON HAMMERNESS ADJOURN PLANNING COMMISSION MEETING AT 7:19 P.M.  
UNTIL NEXT REGULARLY SCHEDULED MEETING TO BE HELD ON NOVEMBER 23, 2022  
AT 6:30 P.M.



# Staff Report

Agenda Item No. D-1

**To:** City of Imperial Planning Commission

**From:** Othon Mora, Community Development Director

**Date:** December 5, 2022

**Subject:** Amendment to Conditional Use Permit 20-05 to allow for the use of off-road accessories retail sales and installation services for RV and off-road vehicles

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## Summary:

|                             |                                                                                                                                                            |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant:</b>           | Robert Sawyer- Dunes 2 Dezert                                                                                                                              |
| <b>Project Location:</b>    | 408 E 2 <sup>nd</sup> street                                                                                                                               |
| <b>Project Description:</b> | Amendment to Conditional Use Permit 20-05 to allow for the use of off-road accessories retail sales and installation services for RV and off-road vehicles |
| <b>Zoning:</b>              | I-2 Rail Served Industrial                                                                                                                                 |
| <b>General Plan:</b>        | Rail Served Industrial                                                                                                                                     |
| <b>Environmental:</b>       | Categorically Exempt                                                                                                                                       |
| <b>Recommendation:</b>      | Approve, Subject to Conditions                                                                                                                             |

## Background

Dunes 2 Dezert RV Storage obtained Conditional Use Permit 20-05 to operate an RV Storage in November 2021. In addition to their storage facility, Dunes 2 Dezert sells off-road parts and accessories via e-commerce, trade shows and various off-road events. Because of the increased demand for products, Dunes 2 Dezert is proposing to expand and incorporate retail sales of off-road parts and accessories and bolt-on parts installation services. No fabrication or welding will take place on sight.

Mr. Sawyer has been working towards meeting the conditions of approval set forth for CUP 20-05, but has conditions pending completion. The COVID-19 shut down stalled his progress due to businesses being closed and he was unable to obtain quotes and services. In addition, the City of Imperial's 2<sup>nd</sup> Street rehabilitation project resulted in delays to his project. The decorative fencing and driveway extending to the property have been installed. Mr. Sawyer is currently installing the privacy fence material and has the west side of the property completed. Irrigation and desert landscaping are being installed in the near future and he is negotiating with engineering firms for the grading and elevation plan costs.

The project building site is a 5,600 square foot building that is now partitioned off with an auto body shop, VelRom Collision. Dunes 2 Dezert will occupy 2,400 square feet of the of the existing building for their retail and parts installation space. The facility will continue to be accessible for RV storage 24 hours a day, seven days a week, via gates located at the East end of the property. The gates are controlled via a padlock and rolling gate, but they will be upgraded to electronic gates. The retail and sales portion of the business will primarily open Monday through Friday between 7:00 a.m. and 8:00 p.m., but is dependent on seasonal and operational needs. Saturday hours are tentatively scheduled for 8:00 a.m. to 3:30 p.m.

### Vicinity Map



## **Discussion/Analysis**

The subject site is zoned I-2 Rail-Served Industrial, which is intended as an area for uses that can avail themselves of the railroad line in the area. This zone also permits many general Industrial uses such as; building equipment storage, sales and rentals, automobile fleet storage, and, truck and bus terminals. RV storage facilities are conditionally permitted in this zone.

## **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 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 an I-2 Rail Served Industrial zone. RV storage, sales and service facility will not interfere or conflict with the purposes of the zone.

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

The proposed location is ideal for the facility as it is surrounded by similar land uses, is compatible to adjacent land uses and will not adversely affect or be materially detrimental to adjacent uses, residents, building structures, or natural resources.

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

With the established Conditions of Approval 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 RV storage facility with the additional land uses of retail sales and service complies with all provisions of the Zoning Ordinance.

**Public Notification**

The public hearing scheduled for December 14, 2022 was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation on December 1, 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, and the Conditions of Approval are imposed, staff recommends that the Planning Commission approve the amendment to Conditional Use Permit 20-05, to allow for the use of off-road accessories retail sales and installation services for RV and off-road vehicles.

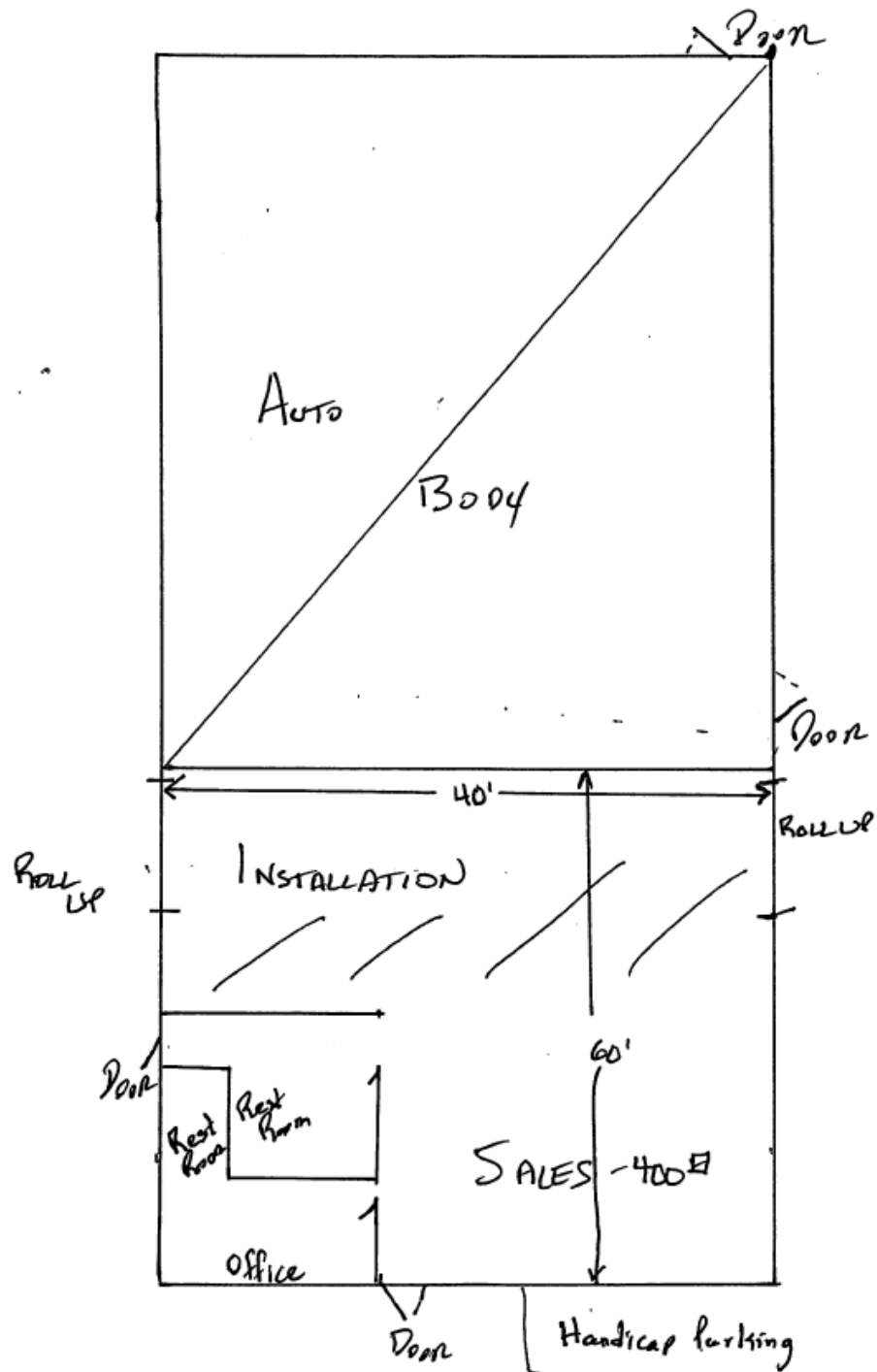
**Attachments**

- Site Plan
- Draft Resolution PC2022-13 with Conditions of Approval
- CUP 20-05 Resolution PC2021-13 with Conditions of Approval

Respectfully submitted,

Othon Mora, MCM, CBO  
Community Development Director

## Dunes 2 Dezert Site Plan



2<sup>nd</sup> Street

**DRAFT RESOLUTION NO. PC2022-13**

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,  
AMENDING CONDITIONAL USE PERMIT 20-05 FOR DUNES 2 DEZERT LOCATED AT  
408 E. 2<sup>ND</sup> STREET (APN 064-180-003) TO ALLOW FOR THE USE OF OFF-ROAD  
ACCESSORIES RETAIL SALES AND INSTALLATION SERVICES FOR RV AND OFF-  
ROAD VEHICLES, SUBJECT TO THE ATTACHED CONDITIONS**

**WHEREAS**, Robert Sawyer, owner of Dunes 2 Dezert, submitted an application for a Conditional Use Permit Amendment; and

**WHEREAS**, the subject site is located within an Industrial Zone and retails sales and services uses are conditionally allowed uses within that zone; and

**WHEREAS**, a duly notified public hearing was held by the Planning Commission on December 14, 2022, to hear testimony for and against the proposed Conditional Use Permit Amendment; and

**WHEREAS**, upon hearing and considering all testimony and arguments, examining the environmental study, 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** the amendment of Conditional Use Permit 20-05 to allow for the use of off-road accessories retail sales and installation services at the RV storage facility, 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 standard of the City.**

The subject site is located within an I-2 Rail Served Industrial zone. RV storage, sales and service facility will not interfere or conflict with the purposes of the zone.

- 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 ideal for the facility as it is surrounded by similar land uses, is compatible to adjacent land uses and will not adversely affect or be materially detrimental to adjacent uses, residents, building structures, or natural resources

- 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 established 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 RV storage facility with the additional land uses of retail sales and service complies with all provisions of the Zoning Ordinance.

**PASSED, ADOPTED AND APPROVED** by the Planning Commission of the City of Imperial, this 14<sup>th</sup> day of December, 2022.

\_\_\_\_\_  
Planning Commission Chairman

ATTEST:

\_\_\_\_\_  
City Clerk

## **EXHIBIT A**

### **CONDITIONS OF APPROVAL**

#### **AMENDMENT TO CONDITIONAL USE PERMIT 20-05**

##### **Dunes 2 Dezert 408 E. 2<sup>nd</sup> Street**

1. This amendment of Conditional Use Permit (CUP) 20-05 is granted to Dunes 2 Dezert located at 408 E. 2<sup>nd</sup> Street; Imperial, CA 92251, APN 064-180-003, to allow for the use of off-road accessories retail sales and installation services for RV and off-road vehicles.
2. All Conditions of Approval for Conditional Use Permit 20-05 apply to this amendment.
3. The Developer/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.
4. The Developer/Applicant shall pay all applicable impact and capacity fees.
5. 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.
6. 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.
7. 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.
8. All storage of materials 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) Community Development

- a) 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.
- b) If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the Conditional Use Permit, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the Conditional Use Permit, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.
- c) 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.
- d) Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the re-located business.
- e) The project site shall be maintained in a clean, orderly manner, free of weeds, debris or junk materials.



# staff report

Agenda Item No. D-2

**To:** City of Imperial Planning Commission

**From:** Othon Mora, Community Development Director

**Date:** December 7, 2022

**Subject:** **Conditional Use Permit Request 22-02**  
**Truck Storage Facility**  
**426 E. 4<sup>th</sup> Street**

## Summary:

|                             |                                                                                                 |
|-----------------------------|-------------------------------------------------------------------------------------------------|
| <b>Applicant:</b>           | Dennise Chavez-JD Freight Forward, LLC                                                          |
| <b>Project Location:</b>    | 426 E. 4 <sup>th</sup> Street                                                                   |
| <b>Project Description:</b> | Conditional Use Permit 22-02 to allow a truck storage facility within a General Industrial Zone |
| <b>Zoning:</b>              | I-1 General Industrial                                                                          |
| <b>General Plan:</b>        | General Industrial                                                                              |
| <b>Environmental:</b>       | Categorically Exempt                                                                            |
| <b>Recommendation:</b>      | Approve, Subject to Conditions                                                                  |

## Background

Applicant Dennise Chavez submitted a Conditional Use Permit application for a truck storage facility located at 426 E. 4<sup>th</sup> Street (APN 064-194-006). The applicant's trucking company, JD Freight Forward, LLC, intends to use their location for parking 2-4 trucks and/or trailers for a limited time. Their fleet consists of semi-trucks, platform trucks, flatbeds, dry vans and tank trucks which transport a variety of goods such as building materials, clothes and racks for retail sales and food goods within California.

The applicant does not intend to build an office or any building structure at the site other than a carport and comply with the development standards detailed in the Conditions of Approval. Estimated hours of operation will be 7:00AM-9:00PM with an occasional variance to those times for any unforeseen traffic delays. Daily truck traffic to the site will be approximately 2-4 trucks with no loading or unloading taking place at the site. Applicant does not intend to store any freight on site.

### **Vicinity Map**



### **Discussion/Analysis**

The City's Development Review Committee reviewed the project and their comments are detailed in the Conditions of Approval. Staff recommendation was to conduct a noise study to evaluate the noise impacts the project will have on the abutting Residential Zone. Staff obtained a quote from Dudek and the general range for a baseline noise study is between \$10,000 to \$14,000. The applicant has opted to forego the costly expense of contracting an agency to conduct a noise study. Instead, the applicant met with the residents in close proximity of the project and collected their signatures on a Neighbor's Consent Form to confirm and document there are no objections to the project. The applicant has agreed to install a six-foot masonry wall and landscaping to provide a barrier between the site and the residential zone that will assist in attenuating the noise. In addition, the Imperial County Public Works Road Distribution Yard has been located West of the property for many years with heavy equipment and trucks traveling in and out of the yard. The

residents Ms. Chavez contacted are accustomed to the heavy equipment traffic and truck noise and find no objections to her project.

The Imperial County Fire Department is requiring the installation of a fire hydrant located within 300 feet for fire services. The applicant is asking the Planning Commission to consider removing the installation of a fire hydrant requirement as it is a costly expense and has pointed out that a fire hydrant is located in close proximity on L Street. The existing fire hydrant, measured in a straight line, is located approximately 240 feet from the project site. Imperial County Fire Department maintains that the measurement is based on an approved route that a fire apparatus would use and not a straight line.

### **Environmental Compliance**

The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15322 of the guidelines for in-fill development projects.

### **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 the I-1 General Industrial Zone, which is intended as an area for modern industrial, research, and administrative facilities that can meet high performance and development standards.

- 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 surrounded by a variety of land uses. The parcel abuts a Residential Zone to the North, Rail Served Industrial Zone to the East and General Industrial to the South and West. Although compatible with Industrial Zone uses, the truck storage facility seemingly presents an issue with adversely affecting the residential homes located across the street with noise pollution. The applicant has ensured the affected residents are in agreement with the project and

has agreed to mitigate the noise with a six-foot masonry wall and landscaping, which are acceptable attenuation measures.

- 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 December 14, 2022 was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation on December 1, 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, and the Conditions of Approval are imposed, Staff recommends that the Planning Commission approve Conditional Use Permit 22-02 to allow for the use and operation of a truck storage facility at 426 E. 4<sup>th</sup> Street.

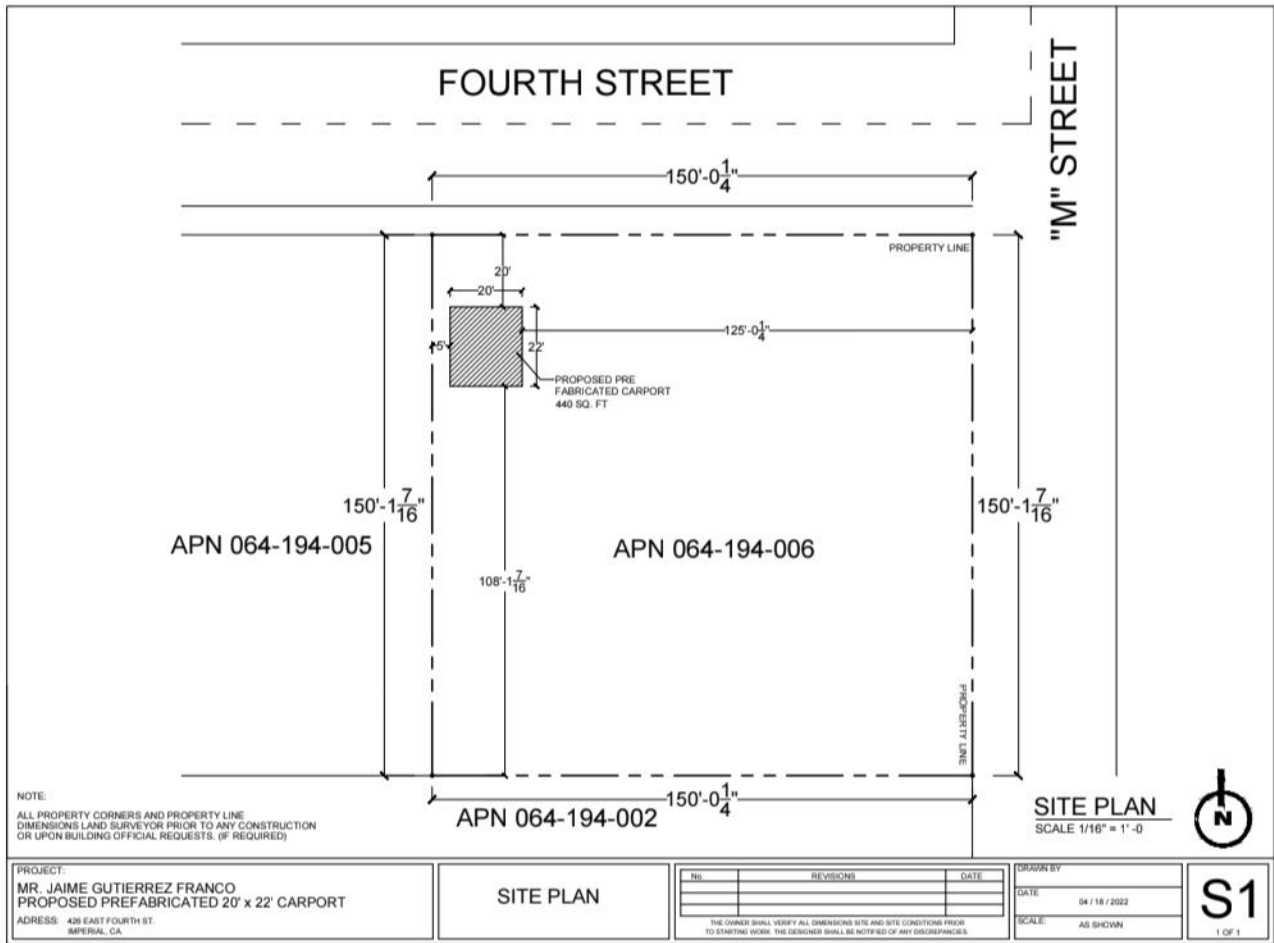
### **Attachments**

- Site Plan
- Neighbor's Consent Form
- Draft Resolution PC2022-12 with Conditions of Approval

Respectfully submitted,

Othon Mora, MCM, CBO  
Community Development Director

# Site Plan



## Neighbor's Consent Form

### NEIGHBOR'S CONSENT FORM

Date: 9-10-22

We, the undersigned, are the neighbors around the Truck Yard located at 426 E 4<sup>th</sup> street, Imperial, Ca 92251. We have no objections/complaint for the future operation of this applicant namely JD Freight Forward, LLC

Name and address of Neighbor

Signature

422 S K ST Imperial 760 718-22-40  
Udefonso Ayala

Udefonso Ayala

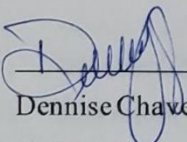
Viola River 422 E 4<sup>th</sup> St Imperial

Viola River

Frank Morales 421 S. L ST

Frank Morales

Certified true and correct

  
Dennise Chavez

JD Freight Forward LLC

**DRAFT RESOLUTION NO. PC2022-12**

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,  
APPROVING CONDITIONAL USE PERMIT 22-02 FOR A TRUCK STORAGE FACILITY  
LOCATED ON 426 EAST 4<sup>TH</sup> STREET (APN 064-194-006),  
SUBJECT TO THE ATTACHED CONDITIONS**

**WHEREAS**, Dennise Chavez, owner of JD Freight Forward, submitted an application for a truck storage facility; and

**WHEREAS**, the subject site is located within an Industrial Zone and a truck storage facility is conditionally allowed uses within that zone; and

**WHEREAS**, a duly notified public hearing was held by the Planning Commission on December 14, 2022, to hear testimony for and against the proposed Conditional Use Permit; and

**WHEREAS**, upon hearing and considering all testimony and arguments, examining the environmental study, 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 22-02** to allow the truck storage facility, 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 standard of the City.**

The subject site is located within the I-1 General Industrial Zone, which is intended as an area for modern industrial, research, and administrative facilities that can meet high performance and development standards.

- 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 surrounded by a variety of land uses. The parcel abuts a Residential Zone to the North, Rail Served Industrial Zone to the East and General Industrial to the South and West. Although compatible with Industrial Zone uses, the truck storage facility seemingly presents an issue with adversely affecting the residential homes located across the street with noise pollution. The applicant has taken measures to ensure the affected residents are in agreement with the project and has agreed to mitigate the noise with a six-foot masonry wall and landscaping, which are acceptable attenuation measures.

- 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 14<sup>th</sup> day of December, 2022.

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Planning Commission Chairman

ATTEST:

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City Clerk

## **EXHIBIT A**

### **CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT 22-02  
DENISSE CHAVEZ/JD FREIGHT FORWARD, LLC  
426 E. 4<sup>th</sup> STREET**

1. The Developer/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 Developer/Applicant shall pay all applicable impact and capacity fees.
3. The Conditional Use Permit (CUP) shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
4. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the Conditional Use Permit. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the Conditional Use Permit, including any claim for private attorney general fees claimed by, or awarded to any party from the City.
5. 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.
6. All storage of materials 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. Any storage areas shall be screened from public view and no double-stacking of cargo containers is allowed.
7. Hours of operation shall be limited between the hours of 7:00 a.m. to 9:00 p.m. No trucks shall enter or exit the project site outside of these hours.

## 8. Department Comments

### Public Services:

- a) Applicant shall mitigate any truck fleet track-off dirt onto roads by installing a Class II base ground cover to proper compaction on the entire property.

### Police Department:

- b) Applicant shall install sufficient lighting and surveillance cameras determined by the City on the entire property.

### Community Development:

- c) Applicant shall abide by property development standards for any structure within the project site set forth in section 24.07.130 of the municipal code.
- d) A minimum setback of fifteen feet shall be required wherever a lot in the industrial zone abuts a lot in any residential zone.
- e) A minimum three-foot high landscaped earthen berm shall be constructed along all street frontages situated across any residentially zoned property.
- f) A maximum six-foot high masonry wall shall be constructed along lot lines adjacent to residential zones.
- g) Fifteen-gallon trees twenty feet on-center and shrubbery shall be installed and maintained along the inside of the wall in a five-foot wide, raised landscape planter to provide a dense landscape screen for street frontages situated across any residentially zone property. A Landscaping Plan shall be submitted to the City of Imperial's Community Development Department for review and approval.
- h) Streetscapes shall be enhanced to provide an ease in the transition from the street to any future building. Patios, parking and circulation spaces can be included in setback areas to help buffer adjoining parcels from one another.
- i) Landscaping within the required setbacks shall be landscaped with predominantly drought tolerant, low maintenance plant materials and shall be irrigated by automatic sprinklers. All landscaping shall be permanently maintained in a clean and health and thriving condition, free of weeds, trash and debris.
- j) All light sources shall be shielded in such a manner that no adverse light intrusion is visible from streets or adjoining properties. Freestanding lamp posts shall be no taller than eighteen feet. The intensity of light at the boundary of an industrial zone shall not exceed seventy-five foot lamberts from a source of reflected light. All lighting shall be approved by the City of Imperial Community Development Department.
- k) No use except a temporary construction operation shall be permitted which creates noise level which exceeds five decibels (as defined in the

Occupational Safety and Health Act of 1970) above the ambient level of the area measured at the property line.

- l) No use shall be permitted which creates odor in such quantities as to be readily detectable beyond the boundaries of the site.
- m) No use except a temporary construction operation 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.
- n) There shall be no emission on any site, for more than one minute in any hour, 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.
- o) Outdoor storage areas shall be entirely enclosed by solid masonry walls not less than six feet in height to adequately screen view from the external boundaries of the properties.

#### Fire Department

- p) An approved public fire hydrant shall be installed within three hundred feet of the property as per City of Imperial details and specifications.
  - q) Fire Department access shall be a width of at least twenty feet and all-weather surface capable of supporting a fire apparatus. Gates will be in accordance with the current adapted fire code and the project site will maintain a Knox Box/lock for on-site access.
  - r) A Hazardous Material Management Plan (HWMP) shall be required for all hazardous materials on site and shall be submitted to Certified Unified Program Agency (CUPA) for their review and approval. All spills shall be documented and reported to Imperial County Fire Department and CUPA as required by the HWMP.
  - s) All storage and handling of flammable and combustible liquids shall be in accordance with the California Fire Code and all federal, state and local regulations, codes and ordinances.
  - t) Applicant shall remain in compliance with all the required sections of the fire code.
9. 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.
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 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.

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 re-located business.