



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

# Minutes

PLANNING COMMISSION  
TRAFFIC COMMISSION  
REGULAR MEETING

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

WEDNESDAY, DECEMBER 13, 2023  
6:30 P.M.

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

Vice Chair Harvey called the meeting to order at 6:34 p.m.

**ROLL CALL:**

**Commissioners Present:** Commissioner Winkler, Chairperson Harvey, Vice-Chairman Rivera

Commissioner Abatti arrived after roll call at 6:49pm.

**ABSENT:** Rebecca Terrazas- Baxter

City Staff Present: City Manager, Dennis Morita, City Attorney, Katherine Turner, Planner, Yvonne Cordero, Community Development Technician, Lorena Galindo, and Community Development Director, Othon Mora.

**PLEDGE OF ALLEGIANCE:** Led by Chairperson Harvey.

**ADJUSTMENTS TO THE AGENDA:** NONE

**B. PUBLIC APPEARANCES**

**B-1. Matters not appearing on the agenda:** NONE

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

**C-1. Subject: Public Hearing, Discussion/Action: Recommend approval of General Plan Amendment changing the Land Use Designation from Low Density Residential to High Density Residential and Zone Change 21-02 from Single Family Residential to Residential Apartments for APN 044-200-098.**

1. Public Hearing
2. Staff Report – Public Comment
3. Commission Discussion
4. Close Public Hearing
5. Recommended Action:
6. Approve/Deny Resolution No. PC2023-12: A Resolution of the Planning Commission of the City of Imperial, California, recommending the City Council approval of

**General Plan Amendment changing the Land Use Designation from Low Density Residential to High Density Residential and Zone Change 21-02 from Single Family Residential to Residential Apartments for APN 044-200-098.**

Chairperson Harvey opened the public hearing at 6:36pm. City Manager, Dennis Morita, requested a recess to allow for Commissioner Abatti's arrival. Public hearing commenced at 6:49 pm after Commissioner Abatti's arrival. Yvonne Cordero, Planner, presented the project.

The project's Developer, Ray Roben from Roben LLC, provided an overview of the CEQA exemption and the mixed-use affordable housing multi-family development. Commissioner Abatti questioned Mr. Roben on the possible parking issues the apartment complex will bring to the residential area. Othon Mora, Community Development Director provided the City's parking requirements for residential apartment buildings. Commissioner Abatti and Mr. Roben discussed the agricultural impacts to abutting farm land.

Imperial resident and local school teacher, Lisa Legakes, expressed her concerns on the additional traffic, additional parking and the negative school impacts to Imperial Cross Elementary School. She stated she and her husband spoke to the Imperial Unified School District Superintendent and school staff and they were unaware of the project. As the land owner abutting the project site, Mrs. Legakes confirmed that the abutting properties are being leased and farmed and asked the Commission to consider not approving the project based on her concerns and that she recognized that Imperial needs affordable housing, however this site may not be the best location.

Original and abutting property owner of the project site, Don Euhus, expressed concerns that the project would eliminate his access to canal water for his sistern. He clarified that he spoke to Mr. Roben prior to the meeting and they have resolved the issue. He further mentioned his concern regarding the existing school traffic issues.

Imperial resident and abutting land owner, Chris Legakes, confirmed that he is completing the sale of some of his properties to Victoria Homes that his father initiated per his request, however clarified that his properties to the West of his residing property and South of the project site are not being sold in his lifetime.

Commissioner Winkler provided an explanation on low-income housing and the income thresholds, which she added was just under the average median income of \$86,000 per year for Imperial. Commissioner Winkler addressed the existing traffic and parking issues surrounding the school and requested that more research on the environmental impacts is conducted and that the project provide more than the City's required parking.

Chairperson Harvey questioned staff on noticing the school district. The Commission agreed that although the noticing requirements were met by staff, there perhaps was not enough time for the school district to become aware of the public hearing notice that was delivered.

Commissioner Abatti reiterated her concerns regarding traffic, parking and negative impacts and restrictions to the surrounding agricultural and residential properties. She recommended, if the project is approved, to require an eight to nine-foot block fence to serve as a barrier between the agricultural fields and the project to diminish the noise and trash onto neighboring agricultural properties.

Chairperson Harvey asked Commissioner Abatti to elaborate on the agricultural restrictions the farming community faces when abutting residential zones/properties and if the restrictions change whether the zone is R1 (Single Family Residential) or RA (Residential Apartments). Commissioner Abatti explained the negative impacts regarding pesticides, fungicides, farming times and type of crops allowed to be farmed. She confirmed that the impacts are further compromised when a residential multi-family complex, with more concentration of people, is located next to agriculture. Chairperson Harvey further questioned staff on the project's parking requirements and Othon Mora, Community Development Director, confirmed that the project on Worthington Avenue, that this project is being

compared to, because it was an affordable housing project was allowed a parking requirement reduction. He further confirmed the project being considered will not have any parking reductions. City Attorney, Katherine Turner, asked Mr. Mora to review the zone change entitlement process and if there will be any further project review by a governing body. Mr. Mora explained that Planning Commission can recommend or deny the approval of the zone change. Either decision is to be reviewed by City Council, and City Council will approve or deny the zone change. If the zone change is approved, the apartment building project is reviewed by the Development Review Committee and staff as an over the counter permit. City Attorney Turner confirmed that any conditions the Planning Commission imposes on the zone change entitlement at the present hearing would be imposed on the apartment building project. Commissioner Abatti reiterated her concerns, but added that the surrounding single-family residents be further considered and expressed disappointed at the lack of resident participation.

A discussion between the Commission, City Attorney and staff ensued regarding the Imperial County Fire Department's condition of a capital purchase presumably referenced as the purchase of a fire truck in the Staff Report due to similar imposed conditions on previous projects. Chairperson Harvey recommended condition #20 be removed from the Conditions of Approval as the Developer will be paying impact fees. City Attorney Turner explained that the minimum requirements are to pay impact fees, but if further analysis of the project requires additional resources from the Fire Department, they will negotiate the additional conditions with City Manager, the Community Development Director and City Council. Chairperson Harvey asked for confirmation if the inclusion of condition #20 conditionally bind the Developer to the purchase of a fire truck as previously requested by the Fire Department. Ms. Turner advised the Commission that the inclusion of condition #20, in its generic language, would not necessarily constitute the purchase of a fire truck, but would include an analysis and negotiation between all parties involved and could be legally challenged. City Manager, Dennis Morita, elaborated on the litigation arguments in regards to the nexus of the impact and direct proportionality of the development.

Vice Chairman Rivera stated that irrespective of income levels, the project will impact the surrounding areas with increased traffic, increased parking and agricultural restrictions. He further stated his concerns on the school district's impacts and them not being aware of the project and recommended a hearing continuance. Mr. Morita instructed the Commission to continue the hearing to a specific date and for staff to contact the school district. The Commission and City Attorney Turner discussed the importance of obtaining the school district's participation.

Commissioner Winkler questioned staff's next steps and public hearing noticing procedures. Community Development Director, Othon Mora, responded that staff would contact the school district and no additional noticing was required. City Attorney Turner informed the Commission that public hearings are published in the Calexico Chronicle because of the lower cost and free readership. Commissioner Abatti recommended the public hearing notice be published in the Desert Review.

City Manager, Dennis Morita, explained the project's CEQA exemption was based on the State of California's desire to expand the availability for affordable housing. Mr. Mora concurred and added that the parcel is currently zoned single-family residential and an additional 17 dwellings can be permitted by right with up to 34 dwellings allowed with the State's new housing laws resulting in increased traffic.

**Action:** Commissioner Winkler motioned to continue the public hearing to January 24, 2024, publish the public hearing in the Desert Review and for staff to contact Imperial Cross School Elementary. Vice-Chairperson Rivera seconded the motion.

**AYES:** Winkler, Harvey, Rivera, Abatti  
**NOES:** NONE  
**ABSTAIN:** NONE  
**ABSENT:** Terrazas-Baxter

**MOTION CARRIED 4-0**

**D. REPORTS:**

**D-1: Commissioners' Reports**

Commissioner Winkler commended the City of Imperial's Christmas activities and invited everyone to the Imperial Valley Regional Chamber Christmas festivities.

Commissioner Rivera applauded staff's hard work and the City of Imperial's Light Parade and Christmas in a Small Town community events and wished everyone a Merry Christmas and Happy New Year.

Commissioner Abatti suggested to place the younger children at the beginning of the parade line up due to the cold weather and to facilitate parent pick up and place tractors at the end of the parade.

Vice Chairman Harvey thanked staff for their hard work and wished everyone a Merry Christmas and Happy New Year.

**D-2: Staff Reports**

City Manager, Denise Morita and staff wished everyone Happy Holidays.

**E. ADJOURNMENT**

**E-1. Subject: Adjourn the Planning Commission meeting until the next regularly scheduled meeting of January 10, 2024 at 6:30 p.m.**

Vice Chairperson Harvey adjourned the Planning Commission Meeting at 7:58 p.m.