



# Staff Report

## Agenda Item No. D-1

**To:** City of Imperial Planning Commission

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

**Date:** February 15, 2024

**Subject:**

<b>Applicant:</b>	Wesley Boerner
<b>Project Location:</b>	685 W. Worthington Road
<b>Project Description:</b>	Conditional Use Permit 24-03 to allow a 14' accessory structure
<b>Zoning:</b>	Residential Single Family (R-1)
<b>General Plan:</b>	Residential Low Medium Density
<b>Environmental:</b>	Categorically Exempt
<b>Recommendation:</b>	Approve, subject to Conditions of Approval

### **Background**

Applicant and property owner, Wesley Boerner, submitted an application for a Conditional Use Permit to install a fourteen-foot metal accessory structure within his property located at 685 W. Worthington Road.

The submitted plans detail a fourteen-foot metal accessory structure that is intended to be used as a personal space for hobbies and storage. The proposed structure's height deviates from the twelve feet maximum allowable height limits within a Residential Zone. A Conditional Use Permit may be issued for structures higher than twelve feet within Residential Zones. Other than the accessory structure's height, the proposed accessory structure's site plan meets all of the property development standards outlined in Imperial's Zoning Ordinance. The Development Review Committee reviewed the project, submitted comments and determined there were no issues with the installation of the proposed metal accessory structure.



The subject site is located within the Residential Single Family Zone, which is intended as an area for single family residential development. Additional uses, such as the proposed accessory structure, are permitted that are complementary to and that can exist in harmony with a single-family residential neighborhood.

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 applicant's property is located on a parcel approximately 33,385 square feet and with sufficient space for the construction of the 1,225 square foot accessory structure. The structure, a metal building for general uses and storage, will not be a detriment nor adversely affects his residence, nor the adjacent residential uses. The applicant has agreed to make the structure compatible with the neighborhood's architecture by painting the structure in the same color scheme as his and the neighboring homes.

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 and agreed upon Conditions of Approval, the proposed project will not be detrimental to public health, safety or welfare of those within the vicinity of the project site. The applicant has submitted the project's structural plans to the City of Imperial's Building Division to ensure his project is structurally safe and abides by the California Building Codes adopted by the City.

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 accessory structure complies with all provisions of the City of Imperial's Zoning Ordinance.

### **Public Notification**

The public hearing scheduled for February 28, 2024 was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation, on February 15, 2024. A Notice of Public Hearing was mailed to all property owners within 300-feet of the property. No concerns or objections were received.

**Recommendation**

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends that the Planning Commission approve Conditional Use Permit 24-03 to allow for the installation of the fourteen-foot metal accessory structure at 685 W. Worthington Road.

**Attachments**

- Attachment A – DRAFT Resolution PC2024-02 with Conditions of Approval
- Attachment B - Site Plan
- Attachment C – Building Elevation Plan

Respectfully submitted,



Othon Mora, MCM, CBO  
Community Development Director

***ATTACHMENT A***

**RESOLUTION NO. PC2024-02**

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,  
APPROVING CONDITIONAL USE PERMIT 24-03 FOR A FOURTEEN-FOOT ACCESSORY  
STRUCTURE WITHIN A RESIDENTIAL ZONE LOCATED AT  
685 W. WORTHINGTON ROAD (APN 064-012-001),  
SUBJECT TO THE ATTACHED CONDITIONS**

WHEREAS, Wesley Boerner submitted an application for a 1,225 square foot accessory structure within a Residential Zone, located at 685 W. Worthington Road; and

WHEREAS, the subject site is located within a Residential Single-Family Zone and accessory structures over twelve feet in height are conditionally allowed uses within that zone; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on February 28, 2024, to hear testimony for and against the proposed Conditional Use Permit; and

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

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

- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Conditional Use Permit 24-03 subject to the Conditions of Approval outlined in Exhibit A and based on the following findings:
  - 1. 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.
  - 2. The initial environmental assessment shows that there is no substantial evidence that the proposed land use will have a significant impact on the environment.
  - 3. 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 Residential Single Family Zone, which is intended as an area for single family residential development. Additional uses,

such as the proposed accessory structure, are permitted that are complementary to and that can exist in harmony with a single-family residential neighborhood.

- 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 applicant's property is located on a parcel approximately 33,385 square feet and with sufficient space for the construction of the 1,225 square foot accessory structure. The structure, a metal building for general uses and storage, will not be a detriment nor adversely affects his residence, nor the adjacent residential uses. The applicant has agreed to make the structure compatible with the neighborhood's architecture by painting the structure in the same color scheme as his and the neighboring homes.

- 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 and agreed upon Conditions of Approval, the proposed project will not be detrimental to public health, safety or welfare of those within the vicinity of the project site. The applicant has submitted the project's structural plans to the City of Imperial's Building Division to ensure his project is structurally safe and abides by the California Building Codes adopted by the City.

- 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 accessory structure complies with all provisions of the City of Imperial's Zoning Ordinance.

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

**PASSED, ADOPTED AND APPROVED** by the Planning Commission of the City of Imperial, this 28th day of February, 2024.

\_\_\_\_\_  
Planning Commission Chairperson

ATTEST:

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

EXHIBIT A

CONDITIONS OF APPROVAL

for

CUP 24-03 Wesley Boerner

685 W. Worthington Road

Imperial, CA 92251

APN 064-012-001

1. The Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
2. The Applicant shall pay all applicable permit fees.
3. The Conditional Use Permit shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
4. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the Conditional Use Permit. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the Conditional Use Permit, including any claim for private attorney general fees claimed by, or awarded to any party from the City.
5. 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 waiting or to be worked on shall be stored within the building during. There shall be no outdoor storage of materials.
7. Accessory structure shall comply with all Residential Zone setback requirements and shall be located no closer than three (3) feet to an interior side or rear lot line and is at least ten (10) feet from the main structure.
8. Accessory structure's paint colors shall be consistent with the residential structure's paint colors.
9. The provisions of the conditional use permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.
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 conditional use

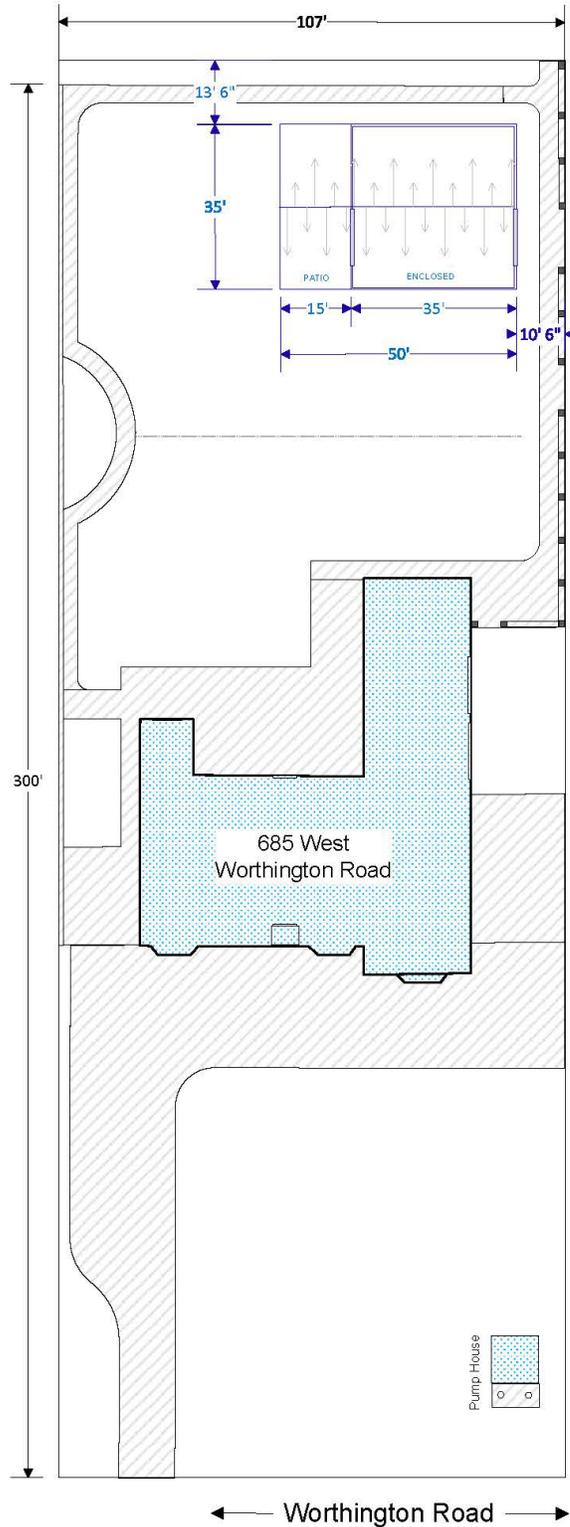
permit, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee 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.

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.

DRAFT

**ATTACHMENT B**  
**SITE PLAN**

685 West Worthington Road



Wesley & Anna  
BOERNER  
  
760-427-4065  
wesleeb@gmail.com

Installation of a  
35' x 50' metal shop

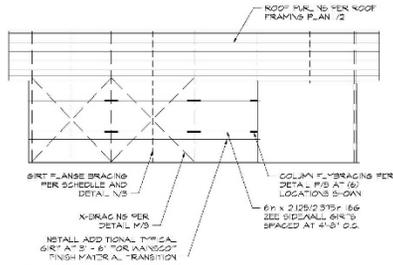


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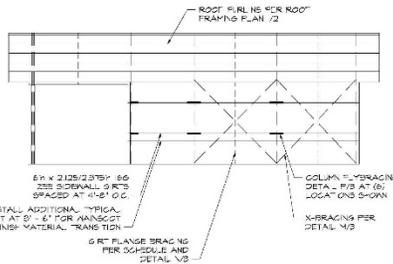
# ATTACHMENT C

## Building Elevation Plans

SCALE OF PROJECT DRAWINGS SHALL BE AS INDICATED THEREIN.



**2 SIDEWALL 'A' EXTERIOR ELEVATION**  
SCALE: 1/8" = 1'-0"

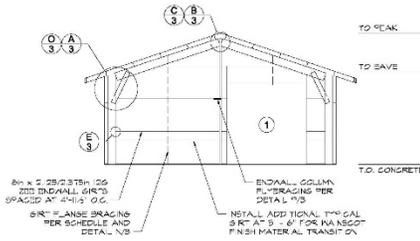


**3 SIDEWALL 'B' EXTERIOR ELEVATION**  
SCALE: 1/8" = 1'-0"

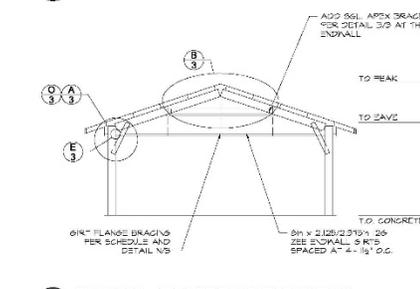
**GIRT FLANGE BRACING SCHEDULE**

SIDEWALL	BAY #	M/S	M/S
Sidewall 'A'	M/S	M/S	M/S
Sidewall 'B'	M/S	M/S	M/S
Division 'A'	M/S	M/S	---
Division 'B'	1/2 P/S	---	---
Partition Under 'Roof' Frame 'C'	M/S	M/S	---

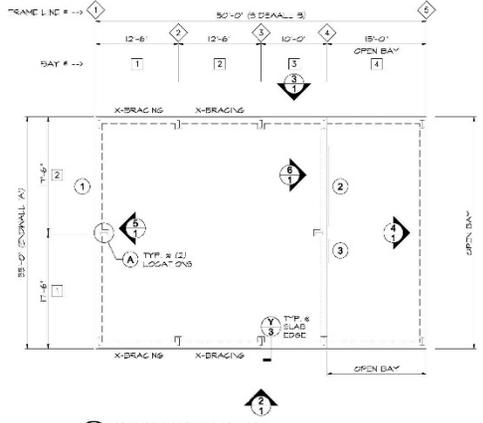
--- = NONE REQUIRED M/S = MIDSPAN



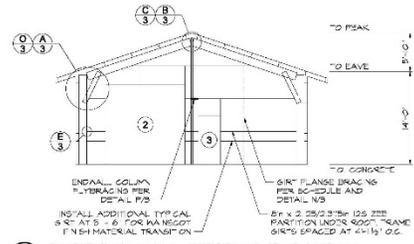
**5 ENDWALL 'A' INTERIOR ELEVATION**  
SCALE: 1/8" = 1'-0"



**4 ENDWALL 'B' INTERIOR ELEVATION**  
SCALE: 1/8" = 1'-0"



**1 FOUNDATION PLAN**  
SCALE: 1/8" = 1'-0"



**6 PARTITION WALL INTERIOR ELEVATION**  
SCALE: 1/8" = 1'-0"

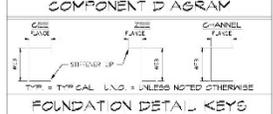
**IMPORTANT:** IN ADDITION TO THESE ENGINEERING PLANS (WHICH ALWAYS TAKE PRECEDENCE), YOU SHOULD HAVE THE FOLLOWING FROM A/C BUILDING SYSTEMS:  
- CONSTRUCTION PACKAGE  
- INSTALLATION MANUALS  
- CONSTRUCTION VIDEOS  
PLEASE CONTACT YOUR SALES REPRESENTATIVE IF YOU HAVE NOT RECEIVED THESE PRIOR TO STARTING CONSTRUCTION.

**PROJECT DESIGN CRITERIA**

ROOF DEAD LOAD: 15 psf	Roof Slope: 12:12
ROOF LIVE LOAD: 20 psf	Roof Snow Load: 0 psf
WIND SPEED: 105 mph	Wind Exposure: C
WIND EXPOSURE: C	Soil: 1.501
SEISMIC DESIGN CATEGORY: 1	Soil: 0.72
RISK CATEGORY: 1	R. Transverse: 3.0 R. Longitudinal: 3.0
SOIL BEARING CAPACITY: 1500 psf	

AND DESIGN OF LATERAL FORCE-RESISTING SYSTEMS IS BASED ON THE DESIGN LOADS AND DESIGN PROCEDURE OF ASCE 7-16, CHAPTER 21.

SEISMIC DESIGN OF LATERAL FORCE-RESISTING SYSTEMS ARE AS FOLLOWS:  
- TRANSVERSE: ORDINARY STEEL MOMENT FRAME (SEISMIC DESIGN IS BASED ON DESIGN OF THE SEISMIC DESIGN CATEGORY 1)  
- LONGITUDINAL: ORDINARY STEEL BRACED FRAME (SEISMIC DESIGN IS BASED ON DESIGN OF THE SEISMIC DESIGN CATEGORY 1)



**FOUNDATION DETAIL KEYS**

(A)	ENDWALL COLUMN DETAIL N/3 FOR TOP CONNECTION AND G/3 FOR BASE CONNECTION
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**WALL OPENING SCHEDULE**

DOOR #	WIDTH (ft-in)	HEIGHT (ft-in)	OPENING TYPE	HEADER (OPENING)	JAMB (OPENING)
1-2	12'-0"	7'-0"	ROLL UP DOOR	SINGLE C20X4	C20X4
3	3'-4"	7'-4"	PERSONAL DOOR	2 INGS. 2	CHNEX 2X2

**NOTES:**  
1) JAMB MEMBERS SHOWN AS 'GIRT' ARE CHANNEL MEMBERS (WITHOUT STIFFENING LIPS) AND THOSE SHOWN AS 'JAMB' ARE CHANNEL MEMBERS WITH STIFFENING LIPS. SEE DETAIL N/3 FOR OPENING INFORMATION.  
2) SIZE OF HEADER GIRT MEMBER TO BE SAME AS CHANNEL OR ENDWALL GIRT AS APPROPRIATE FOR ELEVATIONS. AT WINDOWS, INSTALL HEADERS OR RT SPECIFIED ABOVE AND SILL WINDOWS (A, B, C).  
3) AT OPENINGS NOTED, INSTEAD OF ATTACHING DOOR JAMB TO HEADER GIRT PER DETAIL N/3 AT EACH DOOR JAMB TO ENDWALL RATHER PER DETAIL N/3.  
4) ALL OPENINGS AND ACCESSORIES SHALL BE CAPABLE OF SUPPORTING ALL AND PRESSURES PERPENDICULAR TO THE SURFACE GENERATED BY WINDS AT THE SPEED AND EXPOSURE NOTED ABOVE BY SPANNING BETWEEN THE JAMBS.  
5) ALL OPENINGS AND ACCESSORIES SHALL BE CAPABLE OF SUPPORTING ALL AND PRESSURES PERPENDICULAR TO THE SURFACE GENERATED BY WINDS AT THE SPEED AND EXPOSURE NOTED ABOVE BY SPANNING BETWEEN THE JAMBS.

**DEFLECTION LIMITS**

FURLINS:	1/80 (D/2)
GIRTS:	1/40 (D/2)
ENDWALL COLUMN:	1/100 (D/2)
WALL PANEL:	1/60 (D/2)

WES LEEB  
Professional Engineer  
No. C 60881  
Exp. 12/31/25

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**ALLIANCE ENGINEERING**

26050 Georgetown  
SALEM, OR 97301

503.586.0727  
503.586.0728  
FAX 503.586.0728

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**ACT BUILDING SYSTEMS**

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**EMPIRE STEEL BUILDINGS**

JOB NAME: **WES LEEB**

JOB ADDRESS: **685 WORTHINGTON RD  
IMPERIAL, CA 92521**

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DISTRIBUTOR: **EMPIRE STEEL BUILDINGS**

JOB NAME: **WES LEEB**

JOB ADDRESS: **685 WORTHINGTON RD  
IMPERIAL, CA 92521**

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CHECKED: \_\_\_\_\_

DATE: **12/20/2023**

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JOB NO: **NS6258331**

SHEET: **1** OF **3**