



Staff Report

Agenda Item No. D-1

To: City of Imperial Planning Commission
From: Yvonne Cordero, Planner
Date: March 19, 2024
Item: Variance 24-01 – Deviation from the Commercial Property Development Standards

Applicant:	Quentin Tucker
Project Location:	300 E. Barioni Blvd.
Zoning:	C-1 Neighborhood Commercial
Environmental:	Categorically Exempt from CEQA – 15332 In-Fill Development
Recommendation:	Staff recommends Planning Commission approval of Variance 24-01.

Background

Quentin Tucker is requesting a variance to deviate from the front yard and street-side setback requirements outlined in the Commercial Property Development Standards for the property located at 300 E. Barioni Blvd. The variance request is for the Applicant's proposed project to construct a new 2,400 sf, two-story building for a laundromat in the same location as the current building's location. The current building, dating back to 1947, built on the Western and Northern property line with zero setbacks, includes a 10-foot IID

easement, with installed power poles on the Western boundary between the property line and the City's Right of Way. IID Real Estate Records verified the information with a Quitclaim Deed from 1947 provided in Attachment B. The corner properties in the vicinity all have IID power poles (easements) installed abutting the properties. The corner property to the West has a fence installed with zero front yard and zero street-side setbacks. IID Headquarters to the North has an expansive front yard setback, but their monument sign does not have the required front yard setback and the street-side fence was installed on the property line with no street-side setback. The vicinity's longstanding structures do not conform to the current Commercial Property Development Standards and have no recorded negative impacts due to their non-conforming characteristics. Imperial Police Department confirmed no incidents involving any traffic or pedestrian accidents at the subject site's intersection.

Imperial County Assessor's Map details the measurements of the project site 150 sf in length and 50 sf in width with a total square footage of approximately 7,451 sf. Our Commercial Property Development Standards for the Neighborhood Commercial Zone require a street-side setback of 20 feet and a front yard setback of 12 feet. The front yard setback requirement of 12 feet will occupy the space intended for the proposed rear parking lot. A 2,400 sf commercial building requires 8 parking spaces, including one handicapped parking space. The parcel's size will not accommodate all the specified requirements for commercial development and barely has sufficient space without the required setbacks for a 2,400 sf commercial building.

The site's topography has been deteriorated by years of rain, wind and general use and will require grading and a retention basin/swale for proper stormwater management. The street-side setback requirement would occupy sixty percent of the width of the parcel, resulting in limited square footage and an inability to accommodate the required retention basin proposed to be installed on the Eastern side of the parcel.

The existing conditions of the subject property do not allow for the construction of a building, parking lot, and retention basin. New commercial development in a very visible corner to replace the dilapidated building will improve the aesthetic of East Barioni, considered to be an extension of Downtown Imperial, according to the General Plan. An approved variance is required to address the specific challenges and move forward with the proposed laundromat project that will provide modern commercial development intended to be compatible with the surrounding commercial and residential environment and ensure the project complies with the parking and retention basin development standards.

Project Location



Street View



Required Findings:

In order to approve Variance 23-03, the Planning Commission is required to review six findings per Section 24.19.400 of the City of Imperial's Zoning Ordinance. The findings are listed below, along with the reasons why staff considers that the findings are or are not met in this case. These findings are:

- 1. There are special circumstances, such as size topography, location, or surroundings applicable to the property or the intended use of the property, and because of this, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.**

The project site is located within the Neighborhood Commercial Zone (C-1) on the Southeast corner of Barioni Boulevard and K Street. The corner location is subject to front yard setbacks of twelve feet and street-side setback of twenty feet. The existing building currently on the parcel and the Southwest corner building similarly deviate from setback requirements. Additionally, an approximate 10-foot Imperial Irrigation District Easement is located between the property line and the City's Right of Way. A setback of an additional twenty feet would occupy sixty percent of the parcel's width of fifty feet. The intended land use is for a new laundromat two-story building with parking at the South end of the parcel and a swale on the Eastern side of the property for stormwater management. The project site houses an existing building dating back to 1947. The years of rain, winds and general use have deteriorated the site's topography, therefore the required installation of a swale will benefit the site's new use and surrounding properties. The current Commercial Zone's development requirements deprive the property of the privileges enjoyed by this and other corner properties in the vicinity. There are no special circumstances that apply to this property regarding its size or shape.

- 2. The granting of the variance or its modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the variance is sought.**

The granting of Variance 24-01 will preserve the substantial property right possessed by the same property owners of the project site for the past seventy-seven years. Other corner buildings and/or structures on properties within the same zone and vicinity also deviate from the current street-side setback requirements, thus denying the current property owner of the project site of the same right.

3. That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.

Granting the variance, or any modifications will not be materially detrimental to public health, safety or welfare or injurious to the property in the vicinity and zone. Applicant is proposing to construct a building in the exact location as the existing building that has stood on that parcel for seventy-seven years causing no recorded negative impacts.

4. The variance will not constitute a privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

The variance will align with neighboring corner properties in the vicinity, ensuring that no special privileges are granted that would conflict with the development standards applied to the other Commercial Zone buildings in the vicinity.

5. The granting of this variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.

Approving Variance 24-01 will not expressly allow activities or uses on the parcel not authorized by the zoning regulations governing the parcel. The proposed project consists of the construction of a new laundromat facility with the required retention basin and parking spaces occupying approximately fifty percent of the parcel that measures approximately 7,451 square feet. The Variance is being sought to allow more square footage for the building.

6. That granting the variance or its modification will not be incompatible with the City of Imperial General Plan.

Granting Variance 24-01 will be compatible with The City of Imperial's General Plan's Community Development Element by allowing the Applicant to Move forward with his proposed project by improving the physical development of the City and the City's environment in a functional, aesthetic pattern and the Land Use Element by offering a pedestrian-friendly Downtown area offering a mix of locally-owned businesses to provide unique cultural experiences and support higher density developments. The Land Use Element describes East Downtown area on Barioni as an extension of Downtown Imperial, envisioned to offer commercial diversity, while still providing an attractive image intended to provide commercial businesses, maintain street frontage with parking in the rear and provide a link to the core of Downtown Imperial.

Environmental:

This item is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15332 for projects characterized as in-fill development. This exemption is intended to promote in-fill development within urbanized areas where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Staff Recommendation:

Staff recommends the Planning Commission conduct a public hearing and allow input from all proponents and opponents of the proposed variance. Because the variance meets the required findings, staff has no objections to the proposed variance. Therefore, it is staff recommendation that Variance 24-01 be granted approval.

Attachments

- Attachment A – DRAFT Resolution PC2024-03 with Conditions of Approval
- Attachment B – IID Quitclaim Deed
- Attachment C – Site Plan
- Attachment D – Conceptual Landscaped Site Plan

ATTACHMENT A
DRAFT RESOLUTION NO. PC2024-03

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING VARIANCE 24-01 FOR QUENTIN TUCKER TO ALLOW THE DEVIATION OF
THE COMMERCIAL ZONE'S PROPERTY DEVELOPMENT STANDARDS FOR
FRONT YARD AND STREET-SIDE SETBACK REQUIREMENTS FOR PROJECT SITE
LOCATED AT 300 EAST BARIONI BOULEVARD (APN 064-063-001)**

WHEREAS, Quentin Tucker submitted a variance request for the deviation of the Commercial Zone's Property Development Standards setback requirements; and

WHEREAS, a duly notified public hearing was held by the Planning Commission during a meeting on March 27, 2024; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff, and considering any written comment received, the Planning Commission considered all facts relating to the request for Variance 24-01.

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

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) Installation and alteration of the property and deviation from the Commercial Zone's Property Development Standards are ministerial and therefore categorically exempt from the California Environmental Quality Act per Section 15332-In-Fill Development Projects.
- D) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby determines that the project is Categorical Exempt under Section 15332 of the California Environmental Quality Act; and
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Variance 24-01** for Quentin Tucker to allow for the deviation of the Commercial Zone's Property Development Standards for front yard and street-side setback requirements, subject to the Conditions of Approval outlined in **Exhibit A** and based on the following findings:

2. **There are special circumstances, such as size topography, location, or surroundings applicable to the property or the intended use of the property, and because of this, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.**

The project site is located within the Neighborhood Commercial Zone (C-1) on the Southeast corner of Barioni Boulevard and K Street. The corner location is subject to front yard setbacks of twelve feet and street-side setback of twenty feet. The existing building currently on the parcel and the Southwest corner building similarly deviate from setback requirements. Additionally, an approximate 10-foot Imperial Irrigation District Easement is located between the property line and the City's Right of Way. A setback of an additional twenty feet would occupy sixty percent of the parcel's width of fifty feet. The intended land use is for a new laundromat two-story building with parking at the South end of the parcel and a swale on the Eastern side of the property for stormwater management. The project site houses an existing building dating back to 1947. The years of rain, winds and general use have deteriorated the site's topography, therefore the required installation of a swale will benefit the site's new use and surrounding properties. The current Commercial Zone's development requirements deprive the property of the privileges enjoyed by this and other corner properties in the vicinity. There are no special circumstances that apply to this property regarding its size or shape.

2. **The granting of the Variance or its modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the Variance is sought.**

The granting of Variance 24-01 will preserve the substantial property right possessed by the same property owners of the project site for the past seventy-seven years. Other corner buildings and/or structures on properties within the same zone and vicinity also deviate from the current street-side setback requirements, thus denying the current property owner of the project site of the same right.

3. **That granting the Variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.**

Granting the Variance, or any modifications will not be materially detrimental to public health, safety or welfare or injurious to the property in the vicinity and zone. Applicant is proposing to construct a building in the exact location as the existing building that has stood on that parcel for seventy-seven years causing no recorded negative impacts. The Imperial Police Department researched, but did not locate any recorded traffic or pedestrian incidents at the location.

4. The Variance will not constitute a privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

The Variance will align with neighboring corner properties in the vicinity, ensuring that no special privileges are granted that would conflict with the development standards applied to the other Commercial Zone buildings in the vicinity.

5. The granting of this Variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.

Approving Variance 24-01 will not expressly allow activities or uses on the parcel not authorized by the zoning regulations governing the parcel. The proposed project consists of the construction of a new laundromat facility with the required retention basin and parking spaces occupying approximately fifty percent of the parcel that measures approximately 7,451 square feet. The variance is being sought to allow more square footage for the building.

6. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.

Granting Variance 24-01 will be compatible with The City of Imperial's General Plan's Community Development Element by allowing the Applicant to move forward with his proposed project by improving the physical development of the City and the City's environment in a functional, aesthetic pattern and the Land Use Element by offering a pedestrian-friendly Downtown area offering a mix of locally-owned businesses to provide unique cultural experiences and support higher density developments. The Land Use Element describes East Downtown area on Barioni as an extension of Downtown Imperial, envisioned to offer commercial diversity, while still providing an attractive image intended to provide commercial businesses, maintain street frontage with parking in the rear and provide a link to the core of Downtown Imperial.

G) 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 27th day of March, 2023.

Planning Commission Chairperson

ATTEST:

City Clerk

EXHIBIT A
CONDITIONS OF APPROVAL

Variance 24-01
Quentin Tucker
300 E. Barioni Boulevard
APN 064-063-001

1. Owner shall not hold the City of Imperial or any of its employees responsible for any incidents regarding Variance 24-01.
2. The provisions of Variance 24-01 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.
3. The owner shall be responsible for the removal of all graffiti from the property within seventy-two (72) hours of its appearance on the property.
4. The owner shall be responsible for maintaining the property free of litter at all times.
5. The owner 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.
6. The approval of Variance 24-01 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.
7. The owner shall pay all applicable fees as required by the city.
8. If the Community Development Department finds and determines that the owner or successor-in-interest has not complied or cannot comply with the terms and conditions of Variance 24-01, or the Planning/Building Division determines that the permitted activities constitute a nuisance, the City shall provide the owner with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) the owner fails to comply, and/or (2) the owner cannot comply with the conditions set forth in the Variance, then the matter shall be referred to the Planning Commission, or to the appropriate enforcement authority, for modification, suspension, or termination.
9. As between the City and the owner, any violation of Variance 24-01 approval may be a "nuisance per se". The City may enforce the terms and conditions of Variance 24-01 in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.

10. The owner shall not be permitted to maintain a “nuisance”, which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project.
11. The owner must maintain all signs clean and in working order.
12. The owner must comply with all applicable fire codes, CFPA standards and any other pertinent regulations.
13. The owner must have access to the retention basin pump should there be any mechanical malfunction with the pump.
14. Any new construction or remodel within the designated downtown Commercial Zones shall follow the guidelines set forth in the Downtown Imperial Redevelopment Master Plan.