



Staff Report

Agenda Item No. C-1

To: City of Imperial Planning Commission

From: Yvonne Cordero, Planner

Date: May 2, 2024

Item: Conditional Use Permit 24-04 to allow the operation of a storage facility within the I-2 Rail Served Industrial Zone

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|------------------------------|---|
| Applicant: | Miguel Meza |
| Project Location: | Corner of 10 th Street and O Street APN 063-143-007 APN 063-143-010 APN 063-143-011 |
| Zoning Designation: | Rail Served Industrial (I-2) |
| Land Use Designation: | Industrial |
| Environmental: | Categorically Exempt per Section 15332 |
| Recommendation: | Approve, subject to Conditions of Approval |

Background

Applicant and property owner, Miguel Meza, is requesting a Conditional Use Permit for the operation of a storage facility on his recently purchased three parcels within the Rail Served Industrial Zone. Storage facilities require a conditional use permit to operate within the Rail Served Industrial Zone, per the City of Imperial's Municipal Code Section 24.07.120. The project consists of the installation of twenty, forty-foot storage containers, fencing along the perimeter of his property with a roll gate at the entrance on 10th Street, solar lighting, security cameras and dedicated RV and travel trailer storage parking spaces. The planned hours of operation are between the hours of 8:00 am to 6:00 pm and will be accessible to customers seven days a week with phone accessibility for any emergencies twenty-four hours a day.

Mr. Meza is a lifelong Imperial resident and gives back to his community by immersing himself and volunteering in various youth organizations his children are involved in. He currently serves as President of the FFA Ag Boosters. His daughter, Brianna, is nearing high school graduation and aspires to become a doctor. Facing the financial burden of a medical education for his daughter, Mr. Meza decided to purchase the three parcels and generate revenue by operating B’s Storage in hopes of making his daughter’s dream of becoming a doctor a reality.

Project Site

The site is located at the corner of O Street and 10th Street and encompasses 22,557.52 square feet. Other than materials stored at the site in preparation for the storage facility, the site is vacant and contains no structures.

Below is a table summarizing the abutting land uses and zoning designations:

| Direction | Uses | Zoning |
|-----------|---|----------------------------|
| North | Storage facility | I-2 Rail Served Industrial |
| East | Vacant land with a single storage container | I-2 Rail Served Industrial |
| South | Storage facility | I-2 Rail Served Industrial |
| West | Single-family residence and a fertilizer service business | I-2 Rail Served Industrial |

Project Location Map



Aerial Photos of Project Site







Evaluation

The Zoning Ordinance provides flexibility in the regulation of land 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 when reviewing a Conditional Use Permit. 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 Rail Served (I-2) Industrial Zone, which is intended as an area for uses which can avail themselves of the railroad line in the area. The Zone also permits many General Industrial (I-1) Zone uses, such as storage facilities, which are also conditionally approved. The site's corner location and size of 22,557.52 sf is suitable for a storage facility and aptly sized for the Applicant's intended use. The proposed design of the facility will be an aesthetic improvement to the vacant site.

- 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 proposed project is compatible with and will not adversely affect or be materially detrimental to the adjacent storage facilities located to the North, South and East. The residents residing at the property to the West are pleased with the fencing and lighting improvements the Applicant is making to the site as it will deter transients from approaching the area. The applicant is installing a Class II base at the project site to mitigate particle pollution emitted from the increased traffic that the project will generate.

- 3. That the 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, or materially injurious to the properties or those within the vicinity of the project site. Mr. Meza’s proposed improvements of a fence installation, lighting and security cameras will assist in decreasing transient activity and he will be accessible for any emergencies twenty-four hours a day.

- 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 land use complies with all provisions of the City of Imperial’s Zoning Ordinance and is compatible with the City of Imperial’s General Plan.

Discussion/Analysis

The subject site is zoned within the Rail Service Industrial Zone. The surrounding land uses and zoning of the project site are Rail Served Industrial as well. A non-conforming residence within the Rail Served Industrial Zone is located directly to the West of the project site.

The City of Imperial’s Development Review Committee reviewed the proposed project and provided conditions of approval listed in Exhibit A within draft Resolution PC2024-04 (Attachment A) to ensure compliance with applicable building and safety codes, and development standards.

The Applicant reviewed and agreed to all the conditions of approval with the exception of the condition of installing concrete sidewalks along the project’s frontage on N. O Street listed in number 8 (b) under Public Services’ Department Comments. Mr. Meza is requesting the Planning Commission consider removing the condition as the surrounding storage facilities within the Industrial Zone do not have concrete sidewalks along their property and the start-up costs of the proposed project have strained his finances.

Environmental Compliance

The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15332-In-Fill Development.

Public Notification Requirements

The public hearing scheduled for May 8, 2024, was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation, on April 25, 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

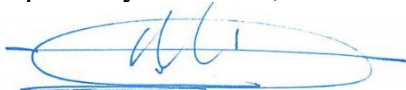
Staff recommends the Planning Commission conduct a public hearing and allow input from all proponents and opponents of the proposed project. Because the use would be compatible with the surrounding uses of the area, it is staff recommendation that the Planning Commission approve Conditional Use Permit 24-04 to allow for the operation of B’s Storage, a storage facility at the corner of 10th Street and O Street.

Attachments

- Attachment A – DRAFT Resolution PC2024-04 with Conditions of Approval
- Attachment B - Site Plan
- Attachment C – Letter to Planning Commission from Miguel Meza

Prepared by: Yvonne Cordero, Planner

Respectfully submitted,



Othon Mora
Community Development Director

ATTACHMENT A
DRAFT RESOLUTION PC2024-04

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL
APPROVING CONDITIONAL USE PERMIT 24-04 FOR MIGUEL MEZA TO ALLOW
THE OPERATION OF A STORAGE FACILITY LOCATED AT
APN 063-143-007, APN 063-143-010 AND APN 063-143-011**

WHEREAS, Miguel Meza submitted a Conditional Use Permit Application for a storage facility located at APN’s 063-143-007, 063-143-010 and 063-143-011; and

WHEREAS, the subject site is located within a I-2 Rail Served Industrial and storage facilities are conditionally allowed uses within that zone pursuant to Section 24-07 of the City Code; and

WHEREAS, a duly notified public hearing was published on April 25, 2024 in a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning Conditional Use Permit 24-04, and said notice was mailed to each property owner within a 300-foot radius of the project site in accordance with state law; and

WHEREAS, a public hearing was held by the Planning Commission on May 8, 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 comment received, the Planning Commission considered all facts relating to the request for a Conditional Use Permit.

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

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby determines that the project is Categorical Exempt under Section 15332, In-fill Development Projects, of the California Environmental Quality Act and is exempt from further environmental review requirements; and

- E) That the storage facility is consistent with those uses allowed in the I-2 Rail Served Industrial Zone.
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Conditional Use Permit 24-04 for a storage facility on APN 063-143-007, APN 063-143-010 and APN 063-143-011, subject to the conditions of approval outlined in Exhibit A and based on the following findings:
5. 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.
 6. 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.
 7. 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.
 8. That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for any approved Variance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 8th day of May, 2024.

Planning Commission Chairperson

ATTEST:

City Clerk

**EXHIBIT A
CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT 24-04
MIGUEL MEZA/B’S STORAGE
APN’S 063-143-007, 063-143-010 AND 063-143-011**

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 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. 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 8:00 a.m. to 6:00 p.m.
8. Department Comments

Public Services:

- a) An approved Encroachment Permit will be required prior to any work within City Right-of-Way.
- b) Concrete sidewalks along project frontage on N. O Street per city standards.
- c) Concrete driveways on N. O Street shall be installed per city standards.
- d) Show location of existing or proposed fire hydrants on the site plan.

- e) Show proposed water and sewer line placement/locations on the site plan if any.
- f) If a city water connection is requested, a city-approved back flow prevention device must be installed and successfully tested before connection.
- g) Applicant shall mitigate any track-off dirt onto roads by installing a Class II base ground cover to proper compaction on the entire property.

Police Department:

- h) Applicant shall install sufficient lighting in the interior of the facility and security cameras facing the interior and exterior of the facility.

Community Development:

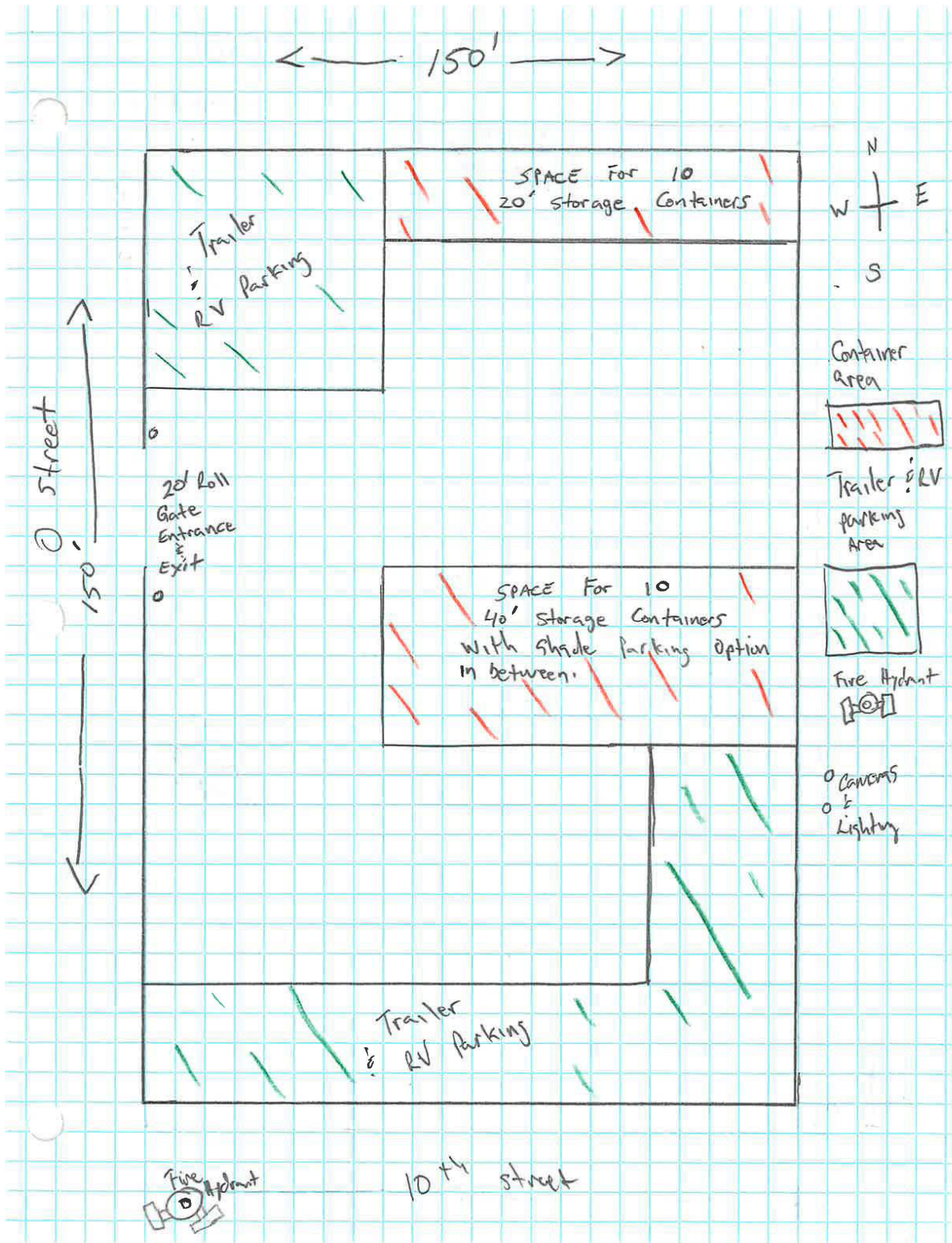
- i) The approved project shall consist of an RV and container storage yard.
- j) A Recreational Vehicle (RV) is defined as stated in this section as a vehicle which is:
 - a. Built on a single chassis;
 - b. Designed to be self-propelled or permanently towable by a light-duty truck; and
 - c. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
 - d. Flatbed one or two-axle utility trailers.
- k) No semi-truck, trailer or bus shall be stored on the site.
- l) All storage areas shall be screened from public view by utilizing solid fencing throughout the project site. All fencing facing west and south shall be decorative fencing and screening of storage areas.
- m) No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted.
- n) Overnight camping is prohibited in RVs and trailers being stored on-site.
- o) The site shall control dust (PM-10) generation through daily watering in accordance with a dust control plan submitted to and approved by the Air Pollution Control District as required by Imperial APCD Rule 800.
- p) All applicable Conditions of Approval shall be completed prior to opening for business.
- q) The construction or operation of the storage yard shall not add to the contamination of the soil, alter ground water flow, create additional drainage runoff or alter topography in such a way that creates hazards to the proposed site, adjoining properties, or the City.
- r) No pollutants, including, but not limited to, sediment, chemicals, trash, mud and contaminated storm water shall be discharged from private property into, or where they could be transported to, City property, the City's storm drain system, streets, storm channels, or waterways, either during or after construction.
- s) No mechanical work is allowed within the facility.

- t) Applicant shall abide by the Industrial Zone's Property Development Standards for any structure within the project site set forth in section 24.07.130 of the municipal code.
- u) 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.
- v) Reciprocal ingress and egress, circulation and parking arrangements shall be required where possible and feasible to facilitate ease of vehicular movement between adjoining properties and to limit superfluous driveways.
- w) 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, healthy and thriving condition, free of weeds, trash and debris.
- x) 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.
- y) All ground-mounted mechanical equipment, including heating and air conditioning units and trash receptacle areas, shall be completely screened from surrounding properties by use of a parapet, wall or fence, or shall be enclosed within a building. Exposed gutters, downspouts, vents, louvers, and other similar elements shall match the surface to which they are attached unless they are used as part of the design theme.
- z) 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.
- aa) No use shall be permitted which creates odor in such quantities as to be readily detectable beyond the boundaries of the site.
- bb) 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.
- cc) 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.
- dd) 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.
- ee) All signage shall be per Section 24.16 of the City of Imperial's Zoning Code pertaining to Sign Regulations for Industrial Zones and approved by the Community Development Department by submitting a building permit application.

Fire Department

- ff) Ensure the project meets the current City of Imperial ordinances and codes.
 - gg) Ensure the project complies with all sections of the California Fire Code including:
 - Chapter 3 - General Requirements
 - Chapter 5 – Fire Service Features
 - Chapter 9 – Fire Protection and Life Safety Systems
 - hh) Knox box entry system as approved by Imperial County Fire Department.
 - ii) A pre-incident plan shall be developed and approved by the Imperial County Fire/OES Department in a format and using a platform determined by ICFD. of the fire code.
 - jj) Ensure the project complies with all applicable fire codes, NFPA standards, and any other regulations that pertain to the project.
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) the Permittee fails to comply, and/or (2) the Permittee cannot comply with the conditions outlined 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.

ATTACHMENT B SITE PLAN



ATTACHMENT C
LETTER TO PLANNING COMMISSION

4/24/24

To Whom it May Concern

I Miguel Meza agree to the conditions of approval set by the City of Imperial for the use permit "Miguel Meza/B's Storages."

I kindly ask and request that exhibit (B) from public Services be removed as 1. I don't have the money to build sidewalks and 2. None of the established businesses already established north and south of me have them either.

I'm pretty much capped out with money with the improvements that I have already begun to do to the establishment.

Like for example:

- ① New 6' Fence with 3 strand Bobwire on top of it
- ② Cleaned and hauled off all trash and demolition that has been illegally dumped there.
- ③ Professionally had land graded with grader and "Global Positioning System" G.P.S.
- ④ Getting power to property from I.I.D
- ⑤ Getting lighting and cameras for entrance and exit for the moment.

Thank you very much for your attention to this matter.

Sincerely
MIGUEL MEZA

