



staff report

Agenda Item No.

D-1

To: City of Imperial Planning Commission

From: Othon Mora, Community Development Director

Date: August 11, 2021

**Subject: Conditional Use Permit Request #21-08
North Pointe Hotel
1500 N. Imperial Avenue**

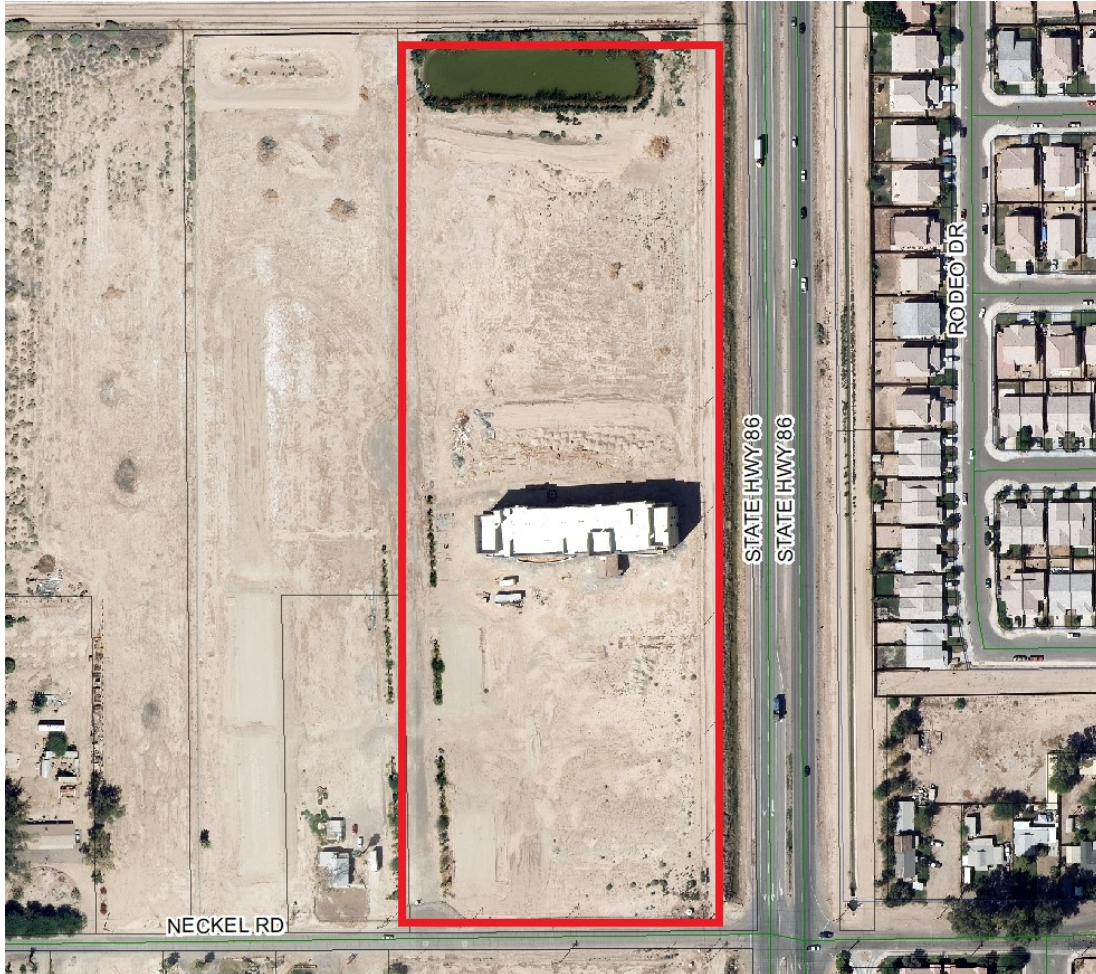
Summary:

Applicant:	Imperial Hotel Acquisition, LLC
Project Location:	Northwest Corner of Neckel and Highway 86 (1500 North Imperial Avenue)
Project Description:	Conditional Use Permit (CUP) to allow for a four-story, 108-room hotel an on-site restaurant serving alcohol
Zoning:	C-1 Neighborhood Commercial
General Plan:	General Commercial
Environmental:	Mitigated Negative Declaration (Adopted April 10 th 2013)
Recommendation:	Approve, Subject to Conditions

Background

The applicant is proposing to complete the construction of a previously approved hotel structure and site improvements and make necessary physical and cosmetic enhancements to the original hotel. A conditional Use Permit was granted on April 10, 2013 and was left in an abandoned state of construction since 2014.

The proposed project includes completing construction of the existing four-story hotel structure and will provide a total of approximately 75,158 square feet consisting of 95-108 units, on-site restaurant serving alcohol of hotel rooms and suites, common area, indoor pools and amenities, small "grab-and-go" market, meeting rooms, business center, gym, and back-of-house support spaces. The project will include surface parking, landscaping, street lighting, site access, signage, concrete curb and gutter and sidewalk. The project would develop four new retail and restaurant buildings and associated onsite improvements will also be provided.



Vicinity Map

Discussion/Analysis

The subject site is zoned C-1 Neighborhood Commercial which is intended for limited retail business services for the convenience of the residents of the neighborhood. Hotels are conditionally permitted in this zone.

Off-site Improvements

There are currently limited utilities available to the project site. Electrical lines are available immediately to the south of the project site along Neckel Road, but there is insufficient capacity to provide adequate service to the project and related project components. The electrical lines and the substation will need to be improved. The Developer is required to submit plans to the Imperial Irrigation District.

Domestic water supply, and wastewater collection are currently available to the project site on Neckel Road. Infrastructure improvement will need to be completed to provide these services to the Hotel site. Improvement plans and encroachment permit will be reviewed and approved by the Engineering Division.

The project site located within a 15-acre portion. The actual footprint of the hotel site is approximately 280' from the nearest residence. Any direct impacts from the hotel itself or other compatibility issues resulting from the hotel will be minimized because of the distance and other planned projects in the vicinity.

Height

There are no protected scenery and vistas within the City of Imperial and surrounding areas, but residents of two-story homes and condominiums within the Sunset Ranch and Springfield subdivision along the east side of Highway 86 have long enjoyed views of the farm fields and distant mountains. A 4-story hotel would certainly obstruct their views but so would any 2-story building. The areas immediately to the west of the entire project site are planned for residential development and would also contribute to the impact of views.

The Zoning Code was amended in December 2011 to allow for a maximum of 5 stories and 75' in all commercial zone to allow for multi-story mixed use projects and multi-story commercial buildings within commercial zones. The proposed hotel is consistent with the requirements of the zoning code.

Noise and Hours of Operation

By their very nature, hotels are relatively quiet but with the increase in traffic generated by the hotel and the future commercial development, the neighboring residential uses will be subjected to additional noise. A Noise Analysis was conducted in September 2012 wherein existing noise levels were measured within the project boundaries and adjacent areas. Although the area is subject to the occasional noise from the railroad and aircraft overhead, the primary source of noise is traffic from Highway 86. Existing peak-hour outdoor noise levels are between 65 and 70 dB. At full build-out, traffic from the hotel and commercial buildings will result in a 5dB increase. This impact is considered significant and requires mitigation.

The nearby residences will also be subjected to construction noise but if construction activities comply with the City's requirements related to construction hours, the impacts from noise will be less than significant.

Traffic Impacts

A Traffic Impact Study was prepared in September 2010 and was prepared in accordance with Caltrans requirements. Existing traffic counts of various street segments and turn movements on several key intersections were conducted. The amount of traffic generated by the hotel and commercial developments was projected based Institute of Traffic Engineers (ITE) standards. Significant impacts were identified for the intersection of Highway 86 and Neckel Road and Highway 86 and Ralph Road. Signalization of those intersections would alleviate the impacts.

Environmental Compliance

An Initial Study (IS) was conducted in compliance with the requirements of the California Environmental Quality Act (CEQA). The IS identified the need for further study in the following categories: air quality, archaeological resources, biological resources, greenhouse gas emissions, hazards and hazardous materials, noise, and traffic. A Mitigated Negative Declaration (MND) was prepared to examine the potential effects of the proposed hotel and the cumulative impacts of the proposed commercial development.

Air quality impacts identified in the MND were from construction activities and operational activities resulting from traffic impacts. Construction impacts are short-term and result from fugitive dust, equipment exhaust, and indirect effects associated with construction workers and deliveries. Operational impacts are primarily due to vehicular emissions from congested roadways in the area. The Imperial County Air Pollution Control District requires that construction activities comply with certain specific standards conditions to mitigate construction impacts to a level that is less than significant. Operational related emission impacts can be mitigated through the provision of bicycle lockers and amenities to encourage other forms of transportation; provision of on-site eating, refrigeration, and food vending machines to reduce lunch time trips; provision of automotive charging stations for use by electric vehicles; and certain specific roadway and intersection improvements to minimize traffic congestion.

The cultural resources analysis included a records search of any known historical or pre-historical sites within one mile of the project area. There were no such sites found. The Native American Heritage Commission and eight Native American tribe groups were consulted, and no Native American cultural resources were identified. As such, there are no impacts to cultural resources.

A biological resources assessment was conducted of the 25-acre property and a 100-foot buffer area surrounding the immediate vicinity of the property. There were no sensitive species observed at the project site, but the burrowing owl, flat tail horned lizard and western yellow bat are known to exist in the Imperial Valley. No nesting site or suitable habitat exist within the project site and therefore, there are no significant impacts to biological resources.

Analysis of greenhouse gas (GHG) emissions are similar to those performed for air quality and are a direct result of construction and operational activities. There will be an estimated 2,800 tons of GHG's emitted at project buildout. This is considered a potentially significant impact. Mitigation measures include on-site bicycle parking and storage; street tree planting; shade tree planting in parking lots; transit-oriented development features; pedestrian friendly facilities; and energy efficient building materials and appliances.

Although the entire property has long been used for agricultural purposes and has remained vacant since the 1940's, a Phase I Environmental Site Assessment was performed to determine the potential for the existence of hazardous waste. Low concentration of pesticide residue was identified but those levels are significantly lower than actionable quantities. No further mitigation is required.

Noise and traffic impacts were previously discussed in this report. Mitigation measures were identified.

The draft MND was circulated to local agencies and the State Clearinghouse. Comments were received from Caltrans, the Imperial County Air Pollution Control District, and the Native American Heritage Commission. The MND was certified by the Planning Commission on April 10, 2013.

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 a C-1 Neighborhood Commercial zone which is intended to provide retail and commercial services amenities to the existing and future residential uses surrounding the subject site. Although the proposed hotel and related commercial development have more of a regional draw, the proposed project is consistent with the goal of the General Plan in siting regional projects along Highway 86.

- 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.***

There are existing country homes across the road on Neckel Road and future single family residential uses to the west of the property boundary. Mitigation measures and conditions of approval imposed on the Morningstar Subdivision project minimize the impact to future residential development. Likewise, mitigation measures identified in the MND and recommended conditions of approval will minimize any adverse effects onto existing residential uses.

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.

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 the Conditional Use Permit (CUP) application to allow for a four-story, 108-room Hotel and on-site restaurant serving alcohol.

Attachments

- Site Plan, Elevations and Photo
- RESO 2021-10 and Conditions of Approval

Respectfully Submitted,

Othon Mora, MCM, CBO
Community Development Director

EXHIBIT A

CONDITIONS OF APPROVAL

Conditional Use Permit #21-08

A 108-ROOM HOTEL WITH INDOOR POOL AND AN ON-SITE RESTAURANT SERVING ALCOHOL FOR ON-SITE CONSUMPTION

1. The project is approved as shown on the "Site Plan" and Conditional Use Permit application, collectively described as Exhibit "B," except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Community Development Director if found to be in substantial conformance to this development plan.
2. The Developer/Applicant shall further implement all applicable recommended or required mitigation measures adopted in the certified Mitigated Negative Declaration whether restated herein or not.
3. Decorative street lights along "A" Street (heretofore known as North Imperial Avenue) shall be installed in accordance with Imperial Avenue design standards.
4. Landscaping shall be installed prior to the issuance of a Certificate of Occupancy. The minimum require landscaping shall include:
 - a. Street trees consisting of 24-inch box trees spaced at least 20' apart along the north side of Neckel Road, North Imperial Avenue, and the entire length of the Highway 86 frontage.
 - b. A combination of trees, shrubbery and groundcover around the perimeter of all buildings.
 - c. Shade trees shall be installed on the west street frontage of the hotel and along the northern limit of construction.
 - d. All landscaping required by this section shall be live material.
 - e. An automatic irrigation system shall be installed and all landscaping shall be properly maintained.
5. One electric vehicle charging station shall be provided.
6. A decorative, wrought-iron fencing with split-faced masonry pilaster shall be installed along the entire eastern property boundary along the IID easement line and fronting Highway 86. The design of the fencing shall be consistent with the SLPP design for Downtown Imperial.
7. No Certificates of Occupancy shall be issued until all infrastructure improvements are complete. Such infrastructure improvements shall include, but not limited to, water and wastewater lines connected to the City's system.
8. The Developer/Applicant shall provide a deceleration lane southbound at the intersection of Highway 86 and Neckel to improve traffic safety before any Certificates of Occupancy is issued.
9. The Owner shall dedicate sufficient right-of-way along the northern edge of Neckel Road to provide for the ultimate buildout width of Neckel Road.

10. The Owner shall dedicate all areas designated for street improvements in the Site Plan attached hereto as Exhibit B.
11. The Owner shall provide a 10' public utility easement along all street frontages.
12. The Developer/Applicant shall improve Neckel Road and North Imperial Avenue as shown in the Site Plan attached hereto as Exhibit B plans and modified by these Conditions of Approval.
13. Fire Department
 - a) Completion of the roadway to access the site as per City of Imperial Development Standards. This shall also include the installation of fire hydrants, streetlights, road markings and any other items noted for streets and roadway as per the City of Imperial Development Standards.
 - b) Second point of connection to City of Imperial water service will be required to obtain un-interruptible water flow to the project.
 - c) A licensed fire protection engineer shall determine the condition and integrity of all underground firewater piping. The report shall be submitted to Imperial County Fire Department for review. Any item found to be insufficient shall be replaced to current code requirement.
 - d) Underground firewater piping plans shall be submitted to Imperial County Fire Department for review and approval due to the time of non-activity with the project.
 - e) Fire protection and detection systems shall consist of all new components with new construction plans submitted to Imperial County Fire Department for review and approval before installation.
 - f) Fire flow determination shall be between Imperial County Fire Department and the fire protection engineer or C-16 contractor of design.
 - g) Construction plans and documents shall be submitted for review and current code requirements will be determined.
14. All required infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the issuance of a building permit.
15. 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.
16. The Developer/Applicant shall pay all applicable impact and capacity fees.
17. A Grading and Drainage Plan/Study shall be submitted to the City Engineer for review and approval. The Grading and Drainage Plan/Study shall address property grading and erosion control which shall include the prevention of sedimentation or damage to off-site properties. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City of Imperial for review and approval. Best Management Practices shall be utilized to minimize or prevent storm water pollution.
18. All lighting sources shall be shielded in such a manner that light is not visible, as feasible, from streets or adjoin properties. Illuminators shall be integrated within the architecture of the building and shall conform to adopted City standards.
19. The Developer/Applicant shall obtain, pay for and comply with all permits from the Imperial Irrigation District, and other applicable agencies for all improvements within, across, or affecting the respective rights of way.

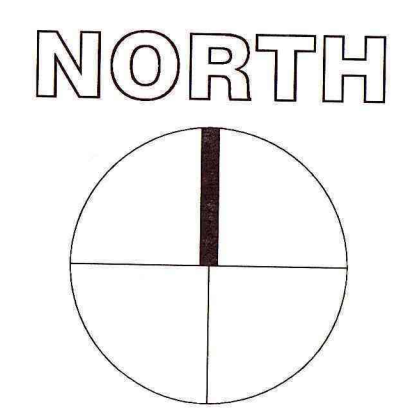
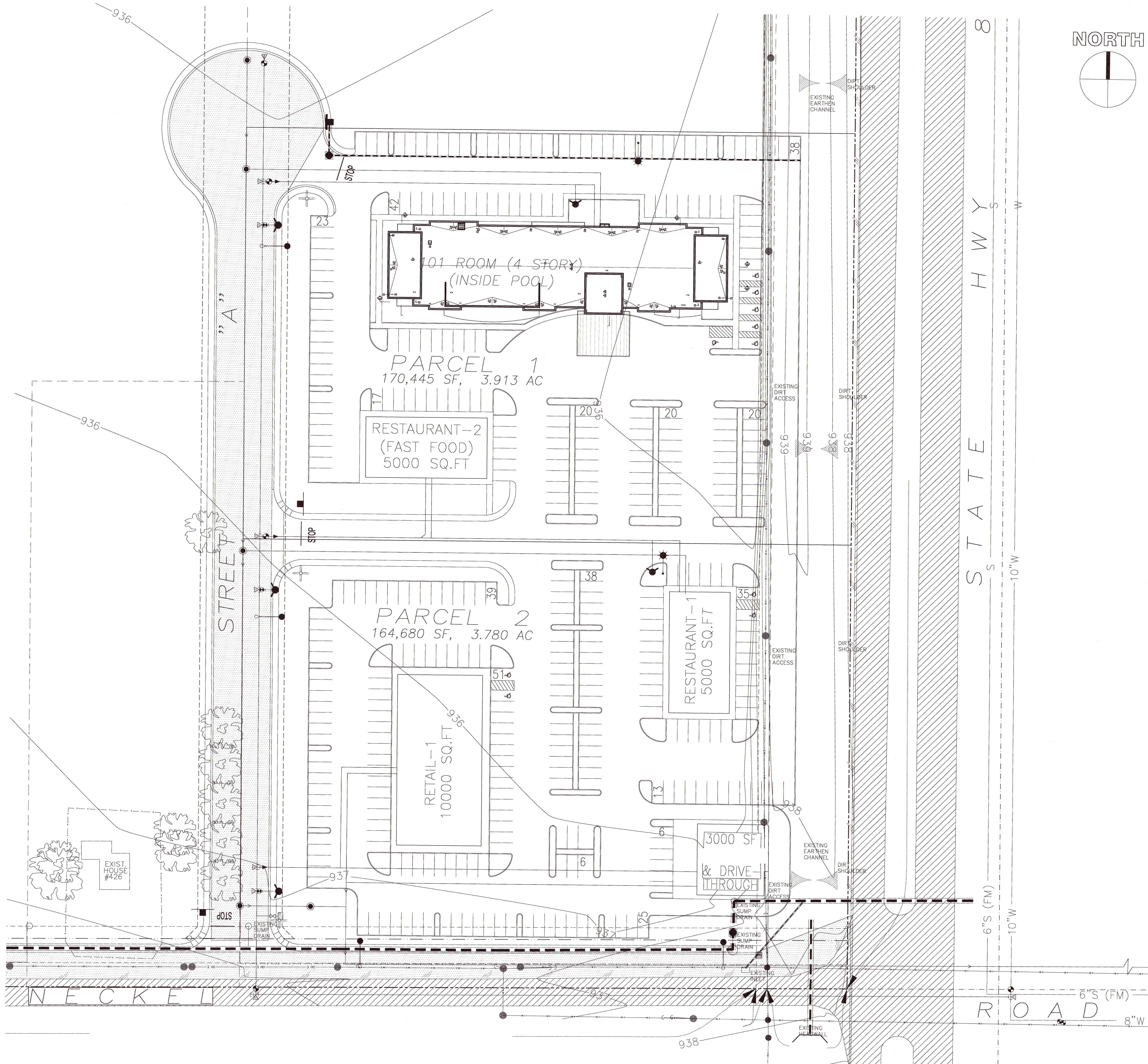
20. All on-site utilities including power lines, telephone lines, and any gas lines shall be installed underground. In the event that the utility companies, such as the Imperial Irrigation District, determines that on-site utilities cannot be located underground, the Developer/Applicant may install such utilities as needed above ground.
21. Construction sites shall control dust (PM-10) generation through implementation of the construction mitigation measures detailed in Regulation VIII of the Air Pollution Control District's CEQA handbook and as outlined in the Mitigation Monitoring Program.
22. All off-site and on-site improvements shall comply with the City of Imperial Development Standards. Where no standards exist, the improvements shall be completed in accordance with the City Engineer's recommendations.
23. The Developer/Applicant shall pay any and all amounts as determined by the City of Imperial to defray all costs for the review of maps, drawings, reports, field investigations, or other activities related to compliance of this project with City ordinances and/or any other laws, regulations, or requirements that apply.
24. All maps, plans, studies, cost estimates, designs and calculations required for this project shall be subject to the review and approval of the City Engineer, Department of Public Works or Department of Community Development, as applicable, prior to the approval of building permits.
25. 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.
26. 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 Site Plan, Conditional Use Permit and Mitigated Negative Declaration Plan . This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys fees, or expert witness costs that may be asserted by any person or entity, including the Developer/Applicant arising out of or in connection with the approval of the Site Plan, Conditional Use Permit and Mitigated Negative Declaration Plan, including any claim for private attorney general fees claimed by or awarded to any party from the City.
27. All conditions of approval for this project 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. It is the responsibility of the Development/Applicant to ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans. Prior approval from the Department of Community Development must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
28. 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.
29. 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.

30. 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.
31. 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.



1 FRONT ELEVATION

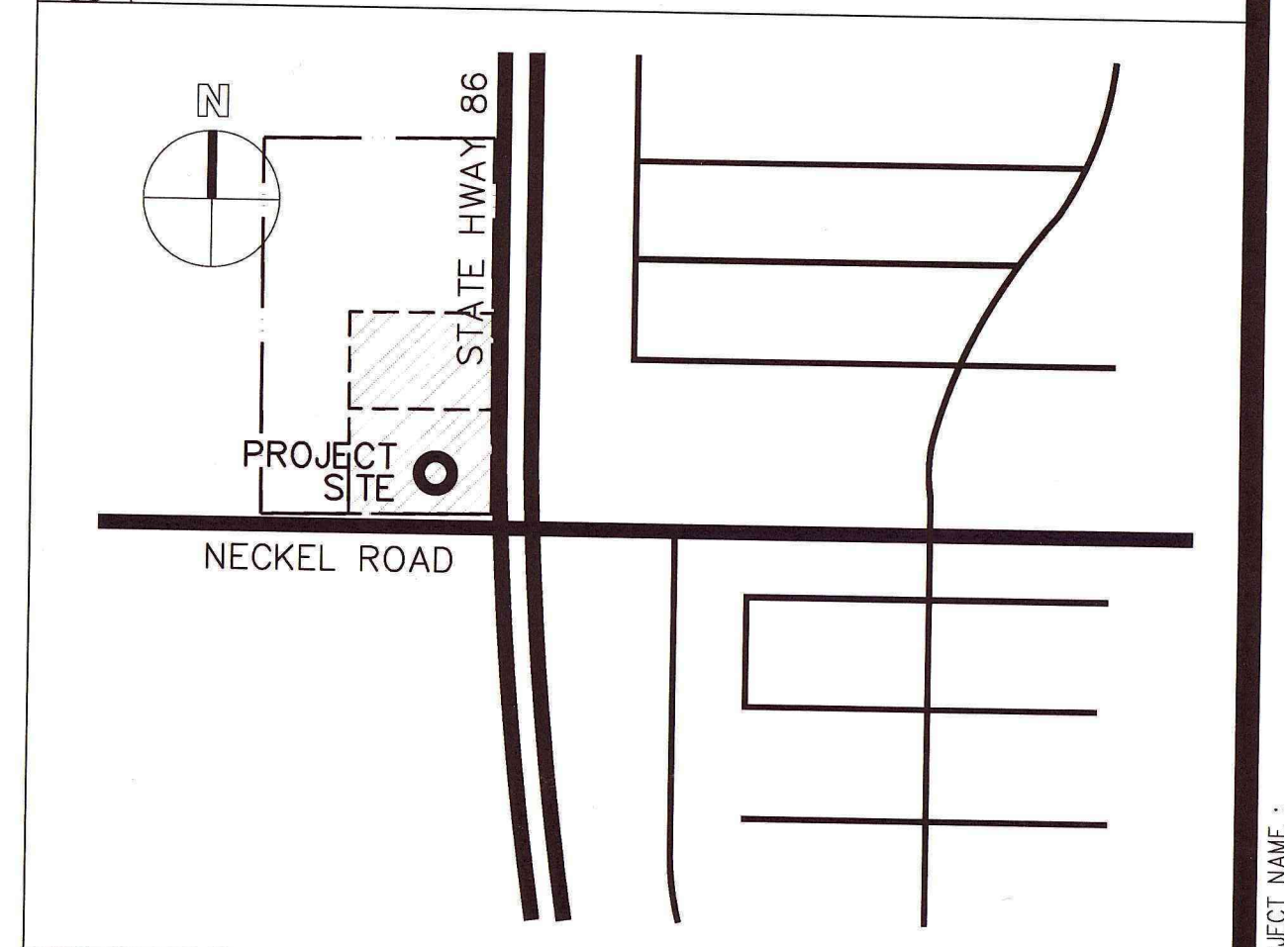


PROJECT DATA	
ADDRESS	NW CORNER OF HWY 86 & NECKEL ROAD CITY OF IMPERIAL, CA
OWNER	
EXISTING ZONING	ROOM 4 STORY HOTEL W/ INSIDE POOL
PROJECT DESCRIPTION	RESTAURANT 1 & 2 (FUTURE) DRIVE THRU (FUTURE)
JURISDICTION	RE-MAIL (FUTURE) CITY OF IMPERIAL
CODE ANALYSIS	
OCCUPANCY	PRIMARY USE GROUP- R1 FOR HOTEL SEPARATED USES- A4 POOL DECK A2 MEETING ROOM
TYPE OF CONSTRUCTION	V-A
FIRE SPRINKLERS	YES (HOTEL ONLY)
HEIGHT (MAX.)	ALLOWABLE? ACTUAL: 51'-0" (HIGHEST POINT ON TOP OF PARAPET)
STORIES (MAX.)	ALLOWABLE? PROVIDED: 4 STORIES
LOT AREA	355,190 S.F. (8.154 ACRES)
LAND OF USE	COMMERCIAL NEIGHBORHOOD
ACTUAL BUILDING AREA	PARCEL 1 AREA PROPOSED: 1ST FLR 20,385 S.F. 2ND FLR 17,928 S.F. 3RD FLR 18,865 S.F. 4TH FLR 17,978 S.F. TOTAL AREA 75,153 S.F. VAULTED CEILING 781 S.F. CANOPY 1,720 S.F.
LOT COVERAGE	TOTAL F.A.R 77,664 S.F.
LOT COVERAGE	ALLOWABLE? PARCEL 1 AREA PROPOSED: PROVIDED LANDSCAPE AREA 12,345 S.F. (7%) TOTAL BUILDING FOOTPRINT 22,105 S.F. (6%) TOTAL PAVED AREA 12,345 S.F. (7%)
OCCUPANT LOAD	PARCEL 1- AREA PRIMARY OCCUPANTS ??? MEETING ROOM (15 NET SF/OCCUPANT) 132 POOL DECK (15 GROSS SF/OCCUPANT) 116
EXIT	PARCEL 1- AREA 1ST FLOOR (PRIMARY AREA) - 4 (REQUIRED-2) 1ST FLOOR (POOL DECK AREA) - 2 (REQUIRED-2) 1ST FLOOR (LOBBY/LOUNGE) - 2 (REQUIRED-2) 2ND FLOOR - 2 (REQUIRED-2) 3RD FLOOR - 2 (REQUIRED-2) 4TH FLOOR - 2 (REQUIRED-2)
REQUIRED FIRE RESISTANCE OF EXTERIOR WALLS AND PROTECTION OF OPENINGS DUE TO LOCATION ON PROPERTY	NO
FIRE RESISTIVE CONSTRUCTION REQUIREMENTS	YES
SPECIAL INSPECTIONS REQUIREMENTS	YES
CODE YEAR/TYPE	2007 CBC
PROPOSED BUILDING USE	HOTEL RESTAURANTS FAST FOOD & DRIVE THRU RETAIL SPACES
HOURS OF OPERATION	=24 HOURS
PARKING REQUIREMENTS	
PARCEL 1+2:	(1 SPACE:1 ROOM) =108+12 EMPLOYEE SPACES=120 RESTAURANT 1 & 2 (1/75 @ 7000 NET S.F.) =94+5 EMPLOYEE SPACES=99 STARBUCKS & DRIVE THRU (1/50 @ 2000 NET S.F.) =40+2 EMPLOYEE SPACES=42 RETAIL (1/250 @ 10,000 S.F.) =40+12 EMPLOYEE SPACES=52
TOTAL CAR PARKING REQUIRED	306 SPACES
TOTAL CAR PARKING PROVIDED	383 SPACES (383+10 ACCESSIBLE)

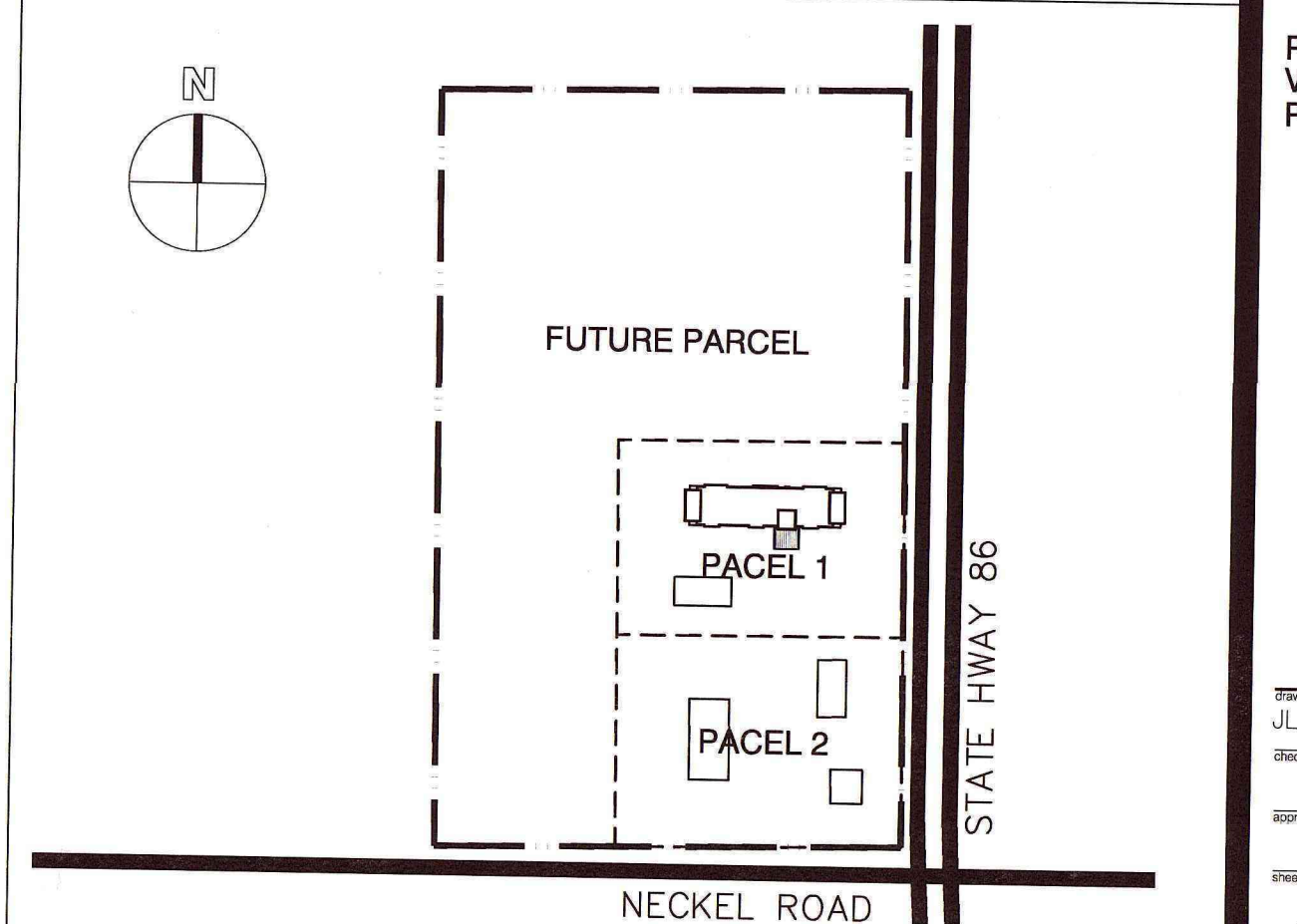
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4 SITE PLAN

1 PROJECT INFO



2 VICINITY MAP



3 PARCEL PLAN

1/32"=1'-0"

JL	1/32"=1'-0"
DATE	09/01
DATE	06/16/2010

A1.0

