



staff report

Agenda Item No. D-1

To: City of Imperial Planning Commission
From: Othon Mora, Community Development Director
Date: September 3, 2021
Subject: **Conditional Use Permit Request #21-10**
Paint Booth
474 Treshill Road

Summary:

| | |
|-----------------------------|--|
| APPLICANT: | NICHOLAS SANCHEZ |
| PROJECT LOCATION: | 474 TRESHILL ROAD, APN 064-434-015 |
| PROJECT DESCRIPTION: | CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR THE USE AND OPERATION OF A PAINT BOOTH |
| ZONING: | C-1 NEIGHBORHOOD COMMERCIAL |
| GENERAL PLAN: | GENERAL COMMERCIAL |
| ENVIRONMENTAL: | CATEGORICALLY EXEMPT |
| RECOMMENDATION: | APPROVE, SUBJECT TO CONDITIONS |

Background

The applicant is proposing to operate a pre-manufactured paint booth for painting custom cabinets within the existing building with associated ventilation, filters, and hazardous waste disposal. The paint booth is located within the existing 9,220 square feet as shown below; no work will be done on the exterior of the property. The applicant currently operates a General Construction Company that specializes in fire and flood restoration.

Paint Booth (see next page)



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. This zone is intended for professional, administrative offices, restaurant, theatre, health clubs, and neighborhood shopping centers which provide limited retail business services and office facilities for the convenience of residents of the neighborhood. Painting booth facilities are conditionally permitted in this zone.

Environmental Compliance

The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the Guidelines.

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.

- 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 proposed location is ideal for the facility as it is surrounded by similar land use to the East. To the north and west of the project site are existing Residential Apartment land uses, and an existing commercial use within the vicinity. The project will be compatible with the adjacent land uses and will not adversely affect residents.

- 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.

Public Notification

The public hearing scheduled for September 8, 2021 was duly noticed in the Imperial Valley Press, a newspaper of general circulation on August 29, 2021 and a Notice of Public Hearing was sent to all property owners within 300-feet of the property.

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 the use and operation of a paint booth.

Attachments

- Site Plan
- Floor Plan
- RESO 2021-12
- Conditions of Approval

Respectfully submitted,

Othon Mora, MCM, CBO
Community Development Director

RESOLUTION NO. PC2021-12

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING A CONDITIONAL USE PERMIT FOR AN PAINT BOOTH FACILITY
FOR NICHOLAS SANCHEZ AT 474 TRESHILL ROAD APN 064-434-015 SUBJECT TO
THE ATTACHED CONDITIONS**

WHEREAS, Nicholas Sanchez submitted an application for a paint booth facility at 474 Treshill Road; and

WHEREAS, the subject site is located within an C-1 General Neighborhood Zone and painting booth facilities are conditionally allowed uses within that zone; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on September 8, 2021, to hear testimony for and against the proposed Conditional Use Permit; and

WHEREAS, upon hearing and considering all testimony and arguments, examining the environmental study, 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 #21-10** 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 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.

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 proposed location is ideal for the facility as it is surrounded by similar land use to the East. To the north and west of the project site are existing Residential Apartment land uses, and an existing commercial use within the vicinity. The project will be compatible with the adjacent land uses and will not adversely affect residents.

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 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.

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 facility complies with all provisions of the Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 8th day of September 2021.

Mark Hammerness, Chairman

ATTEST:

City Clerk

**RESOLUTION PC2021-12
EXHIBIT A**

CONDITIONS OF APPROVAL

**CONDITIONAL USE PERMIT #21-10
NS Construction-Paint Booth
474 Treshill Road**

1. Conditional Use Permit #2021-12 is valid for the operation a pre-manufactured paint booth for painting custom cabinets on the site.
2. 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.
3. The Developer/Applicant shall pay all applicable impact and capacity fees.
4. 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.
5. 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.
6. 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.
7. All equipment stored on the premises shall be maintained at all times so that fire, health, law enforcement and building officials have access to and can inspect any materials within the building for the proper removal and disposal thereof.

8. All storage of materials waiting or to be worked on shall be stored within the building during the time that the business is not open for business. There shall be no outdoor storage of materials.
9. The installation of the paint booth shall be subject to the requirements of the Imperial County Air Pollution Control District and other applicable State and Federal requirements. The paint booth may only be installed in the location shown on the floor plan.
10. Fire Department

Fire Suppression

- a) Spray booth(s) shall be protected by an approved automatic fire-extinguishing system
- b) Fire extinguishers shall comply with Chapter 9 section 906 in the California Fire Code for sizing, placement, and quantity for Extra (high) Hazard Occupancy.

Operations

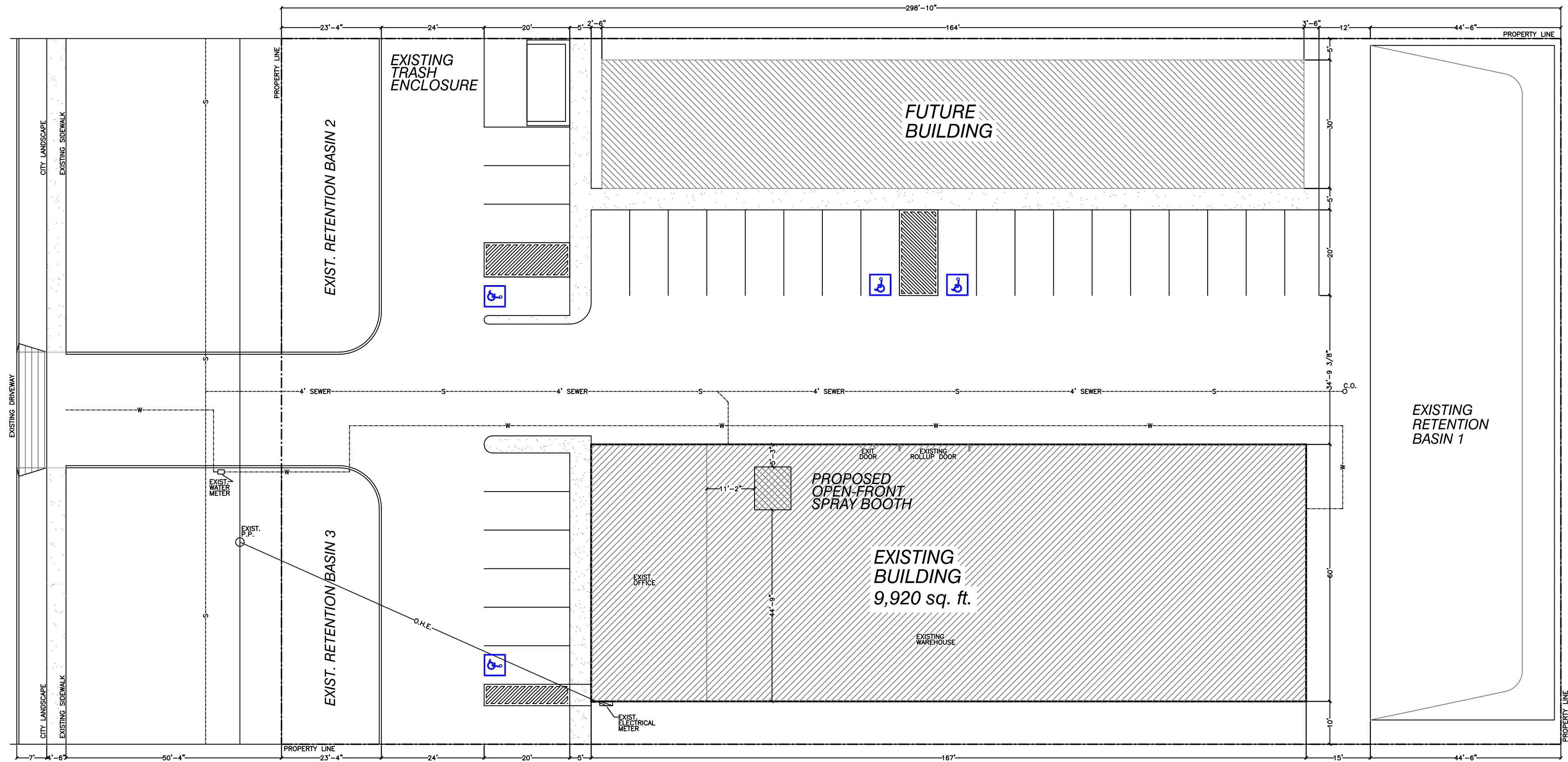
- a) Storage, use, and dispensing of combustibles and flammables shall be in accordance of Chapter 57 of the California Fire Code
 - a) Combustibles and flammables liquids shall not exceed the maximum allowable quantity stated in the California Fire Code without fire suppression installed.
 - b) Spray operations shall be in accordance with Chapter 24 section 2404
 - c) Hazard material management plan and hazardous material inventory statement shall be created and reported to California Certified Unified Program Agency (CUPA) and shall follow CUPA regulations
 - d) Shall comply with all Imperial County Fire Department requirements and the California Fire Code
 - e) Spray booth(s) will be installed in accordance with 2019 California Fire Code Chapter 24, and the California Building, electrical, and mechanical code.
11. 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.
 12. 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.

13. 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.

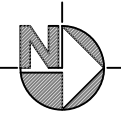
14. Permittee shall not be permitted to maintain a "nuisance", which is anything which:
 - (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or
 - (2) affects 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.

PROPOSED OPEN-FRONT SPRAY BOOTH
WAKE AVE., EL CENTRO CA 92243

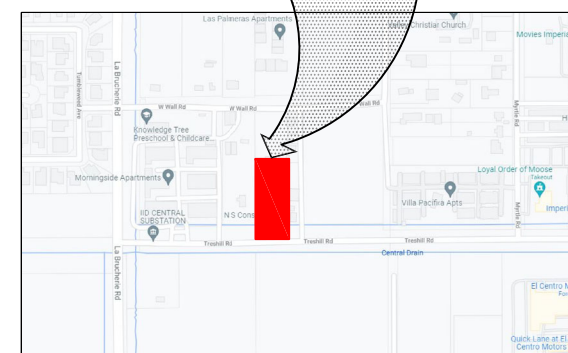
TRESHILL ROAD



SITE PLAN
SCALE: 1" = 20'



SITE ADDRESS:
474 TRESHILL RD.
IMPERIAL CA 92251



VICINITY MAP
N. T. S.



- GENERAL NOTES**
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO STARTING WORK. THE DESIGNER SHALL BE NOTIFIED OF ANY DISCREPANCIES.
 - ALL WORKMANSHIP AND MATERIALS SHALL EQUAL OR EXCEED THE MINIMUM STANDARDS OF THE LATEST ADOPTED ISSUE OF THE CBC (2019 CA CODE AND AMENDMENTS.)
 - ELECTRICAL WORK TO COMPLY WITH THE CALIFORNIA ELECTRIC CODE, (2019).
 - ALL CONSTRUCTION SHALL CONFORM TO LOCAL CODES AND REQUIREMENTS AS REQUIRED BY THE CITY OF IMPERIAL BUILDING DEPARTMENT.
 - BRACING AND TEMPORARY SUPPORTS SHALL BE PROVIDED AS REQUIRED TO HOLD THE WORK SECURELY IN PLACE AND TO SUSTAIN ALL LOADS THAT MAY OCCUR DURING CONSTRUCTION.
 - PLANS SHALL NOT VIOLATE ANY SECTION OF APPLICABLE BUILDING CODE OR CITY OR STATE ORDINANCE.
 - NOTIFY DIG-ALERT 811 PRIOR TO EXCAVATION.
 - ALL PROPERTY LINES, EASEMENTS AND PROPOSED NEW BUILDING ARE SHOWN ON THIS SITE PLAN.
 - SURFACE WATER WILL DRAIN AWAY FROM BUILDING.

| | | |
|------------------|---|-----------------------------------|
| SITE DATA | PROPERTY OWNER: NICK SANCHEZ NS CONSTRUCTION, INC. | |
| | PROPERTY ADDRESS: 474 TRESHILL RD. IMPERIAL CA 92251 | |
| DATA | ZONING: C-1 | |
| | BUILDING USE: OFFICE / WAREHOUSE | |
| A.P.N. | TYPE OF CONSTRUCTION: V-B | |
| | AREA: PROPOSED OPEN-FRONT SPRAY BOOTH 85 SQ. FT. | |
| INDEX | STORIES: ONE | |
| | 064-434-015 | |
| SHT-1 | S1 | SITE PLAN |
| SHT-2 | A1 | FLOOR PLAN & ELEVATIONS |
| SHT-3 | A2 | WATER FLOW PLAN & ELECTRICAL PLAN |
| SHT-4 | GN1 | GENERAL NOTES |

| No. | REVISIONS: |
|-----|------------|
| 1 | |
| 2 | |
| 3 | |

Cads
CALLES SERVICES
RODOLFO CALLES JR. BUS. LIC. CA90001
1101 RAINBOW AVE. Phone No. (760) 357-0946
J. Calles No. (760) 590-7943
calles@hotm.com Cell No. (760) 590-7943

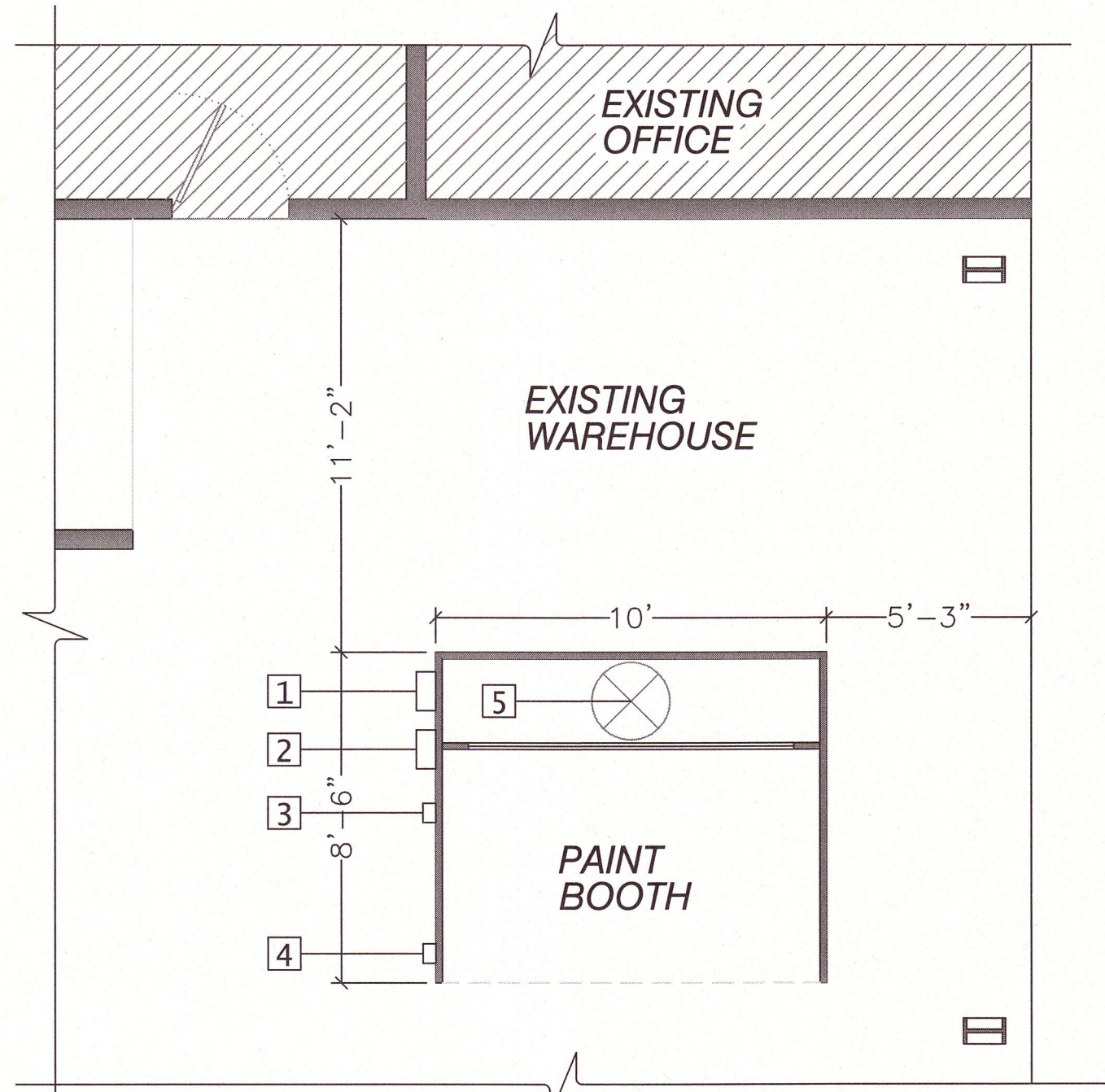
SITE PLAN

PROPOSED OPEN-FRONT SPRAY BOOTH

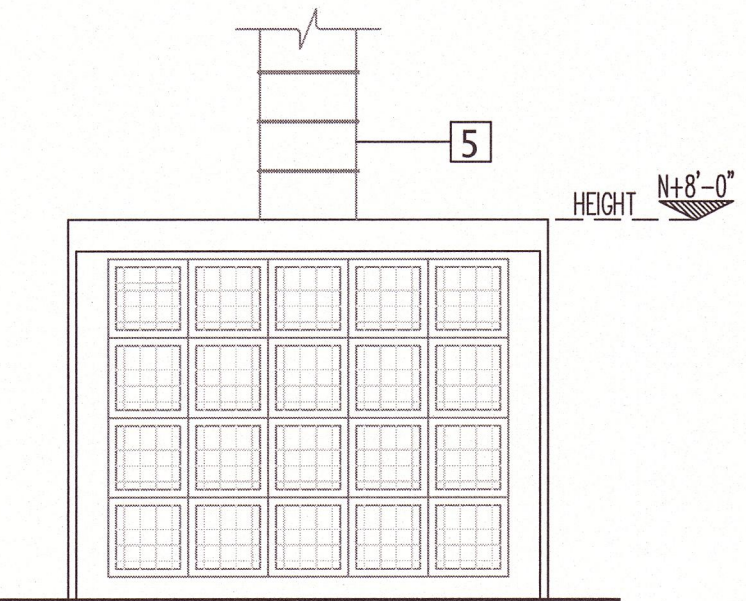
DATE: 3.18.2021
BY: FICJ
JOB#:

CLIENT: NICK SANCHEZ - NS CONSTRUCTIONS, INC.
LOCATION: 474 TRESHILL RD., IMPERIAL CA 92251

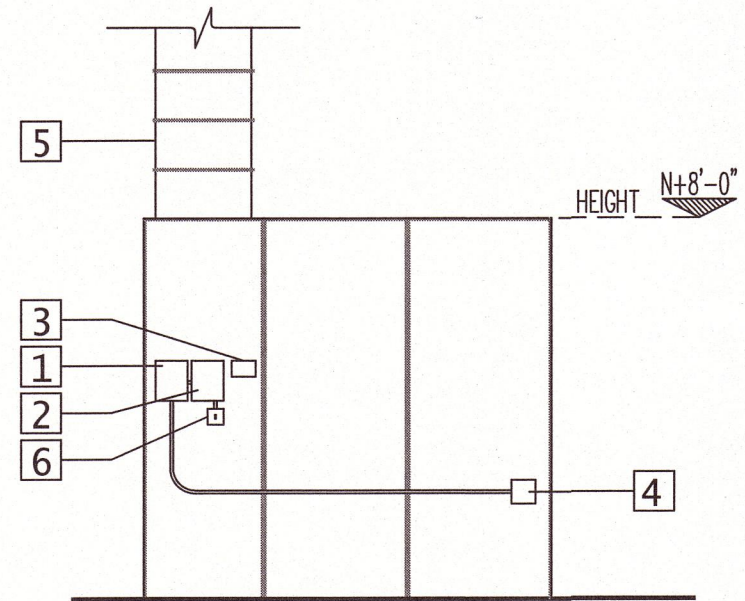
SHEET
S1
OF



FLOOR PLAN
SCALE: 1/4" = 1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"



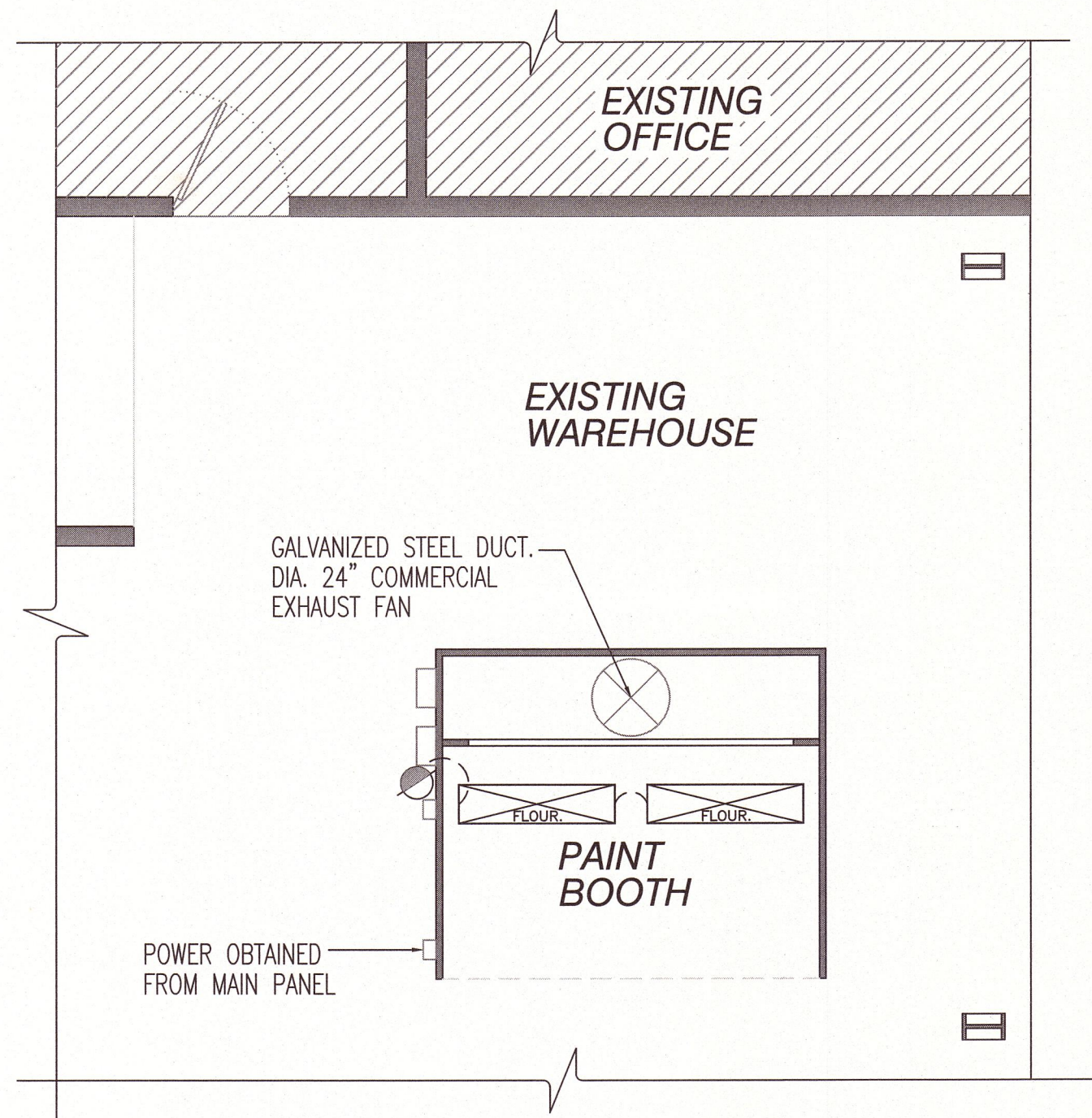
EAST ELEVATION
SCALE: 1/4" = 1'-0"

WALL LEGEND

EXISTING NO BEARING WALLS

NOTE:

- 1 SAFETY SWITCH
30 AMP 240 V. AC MAX. HP 7.5
- 2 BREAKER BOX
220 V BREAKER
- 3 MANOMETER
DWAYER MARKII MODEL 25 MANOMETER
- 4 JUNCTION BOX
JUNCTION AND PULL BOX
- 5 EXHAUST FAN
GALVANIZED STEEL DUCT, DIA. 24"
COMMERCIAL EXHAUST FAN



ELECTRICAL PLAN
SCALE: 1/4" = 1'-0"

NOTES:

- FLOOR. LED LIGHT
- SINGLE SWITCH W/FHOTO CONTROL
MOTION DETECTORS, OCCUPANCY SENSOR

| No. | REVISIONS: |
|-----|------------|
| 1 | |
| 2 | |
| 3 | |

Cads
CAD SERVICES
FOR THE ARCHITECTURAL
INDUSTRY
RODOLFO CALLES JR. X
1101 RAINBOW AVE
CALIFORNIA, CA 92231
Call No. (760) 222 7916
colledad@hotmail.com

FLOOR PLAN, ELEVATIONS,
AND ELECTRICAL PLAN

NS CONSTRUCTION, INC. - PAINT BOOTH
DATE: 6/21/2021
BY: RCJ
JOB#:
CLIENT: NS CONSTRUCTION, INC.
LOCATION: 474 TRESHILL RD., IMPERIAL CA 92251

SHEET
A1
OF