



Staff Report

Agenda Item No. D-2

To: City of Imperial Planning Commission

From: Othon Mora, Community Development Director

Date: September 7, 2023

Item: Variance 23-02
Deviation of the ordained Property Development Standards
Requirement for a minimum lot area of 1-acre

Applicant:	Tim Gaddis
Project Location:	280 S N Street
Zoning:	I-2: Rail Served Industrial
Recommendation:	Staff does not recommend Planning Commission approval of Variance 23-02

Background

Applicant, Tim Gaddis, submitted a Variance application for a deviation of the City of Imperial's Industrial Zone's Property Development Standards to allow for the creation of a .38-acre lot. Mr. Gaddis initially applied for a Lot Line Adjustment on APN 064-082-049. Upon Engineering Department's review, the Lot Line Adjustment determined the parcel does not meet the City's Property Development Standards lot area of 1-acre. If Variance 23-02 is approved, the Lot Line Adjustment would adjust the existing 2.6-acre parcel into two parcels. One parcel would measure .038 acre and the second parcel would measure 2.22-acres. Mr. Gaddis has constructed a seed warehouse on the proposed 0.38 parcel and intends to develop an incubator site on the larger 2.22-acre parcel. The Development Review Committee reviewed the project on 280 South N Street and determined the project does not meet the City's Property Development Standards.

Project Location



Required Findings:

In order to approve Variance 23-02, 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. Special circumstances apply to the property. These can be its size, shape, topography, location, or surrounding structures. You must explain how these circumstances deprive your property of the privileges enjoyed by other property in the neighborhood which is zoned the same, and;**

Upon staff review, there are no special circumstances that apply to this property regarding its size, shape, topography, location or surrounding structures that deprive the property of the privileges enjoyed by other properties within the Industrial Zone.

- 2. The Variance will meet the intent of the zoning on the parcel, and will not be detrimental to public health, safety, and welfare, and not be detrimental to other property in the neighborhood; and,**

Variance approval will not meet the intent of Industrial Zone's Property Development Standards as it will create a lot area less than the required one-acre parcel. A smaller parcel will present a possibility to be detrimental to public's health, safety or welfare, by creating a non-conforming parcel that is not congruent with the intended Industrial Zones' purpose of providing quality working

environments that achieve a harmonious mixture of uses which otherwise may be considered incompatible when located in close proximity. Industrial Zones are to provide sufficient open space around industrial structures to protect them from hazard and to minimize the impact of industrial operations on nearby zones.

- 3. 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; and**

The parcel to the East of the project site, owned by Mr. Gaddis, is approximately equal in lot area in its current state. The parcel to the North, also owned by Mr. Gaddis, is much larger in size (5.69-acres) and has not been subdivided into smaller parcels. The parcels to the South, however, have been subdivided into smaller parcels with various sizes and owners approximately equal in size as what Mr. Gaddis is proposing. Granting the Variance will allow the same property right possessed by other properties in the vicinity and zone.

- 4. The granting of the Variance or its modifications will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and**

Although the properties to the South have been inconsistently subdivided into smaller parcels, the Industrial Zone's Development Standards for lot area are specified to be a minimum of 1-acre, therefore the approval will not constitute a special privilege inconsistent with the limitations upon other properties 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.**

The City of Imperial reviewed the project on 280 S N Street and determined the project does not meet the City's Property Development Standards, hence Variance approval will expressly authorize the activity of subdividing the parcel into a 0.38-acre lot to be a non-conforming lot.

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

Granting the Variance will be incompatible with The City of Imperial's General Plan's Conservation Element which addresses the conservation and development within the City.

Environmental:

This item is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15301-Existing Facilities and Section 15303-New Construction or Conversion of Small Structures.

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 **deny** Variance 23-02.

Attachments

- Attachment A - Resolution PC2023-06 with Conditions of Approval
- Attachment B - Site Plan
- Attachment C - BJ Engineering Documents for Lot Line Adjustment
- Attachment D – Applicant’s Findings Response

ATTACHMENT A

RESOLUTION NO. PC2023-06

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING VARIANCE 23-02 FOR TIM GADDIS TO ALLOW THE DEVIATION OF
THE INDUSTRIAL ZONE PROPERTY DEVELOPMENT STANDARDS FOR A
1-ACRE MINIMUM LOT AREA LOCATED AT 280 SOUTH N STREET
(APN 064-082-049)**

WHEREAS, Tim Gaddis submitted a variance request for the deviation of the Industrial Zone's Property Development standards for a minimum lot area of 1-acre to execute a lot line adjustment to create a .38-acre parcel within the City's Industrial Zone; and

WHEREAS, a duly notified public hearing was held by the Planning Commission during a meeting on September 13, 2023; 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 23-02.

NOW, THEREFORE, BE IT RESOLVED by 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 Industrial Zone's Property Development Standards are ministerial and therefore categorically exempt from the California Environmental Quality Act per Section 15301.
- 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 15301 of the California Environmental Quality Act; and
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Variance 23-02** for Tim Gaddis to allow for the deviation of the Industrial Zone's Property Development Standards of 1-acre lot area and create a 0.38 acre lot, subject to the Conditions of Approval outlined in Exhibit A and based on the following findings:

- 1. Special circumstances apply to the property. These can be its size, shape, topography, location, or surrounding structures. You must explain how these circumstances deprive your property of the privileges enjoyed by other property in the neighborhood which is zoned the same, and;**

Upon staff review, there are no special circumstances that apply to this property regarding its size, shape, topography, location or surrounding structures that deprive the property of the privileges enjoyed by other properties within the Industrial Zone.

- 2. The variance will meet the intent of the zoning on the parcel, and will not be detrimental to public health, safety, and welfare, and not be detrimental to other property in the neighborhood; and,**

Variance approval will not meet the intent of Industrial Zone's Property Development Standards as it will create a lot area less than the required one-acre parcel. A smaller parcel will present a possibility to be detrimental to public's health, safety or welfare, by creating a non-conforming parcel that is not congruent with the intended Industrial Zones' purpose of providing quality working environments that achieve a harmonious mixture of uses which otherwise may be considered incompatible when located in close proximity. Industrial Zones are to provide sufficient open space around industrial structures to protect them from hazard and to minimize the impact of industrial operations on nearby zones.

- 3. 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; and**

The parcel to the East of the project site, owned by Mr. Gaddis, is approximately equal in lot area in its current state. The parcel to the North, also owned by Mr. Gaddis, is much larger in size (5.69-acres) and has not been subdivided into smaller parcels. The parcels to the South, however, have been subdivided into smaller parcels with various sizes and owners approximately equal in size as what Mr. Gaddis is proposing. Granting the Variance will allow the same property right possessed by other properties in the vicinity and zone.

- 4. The variance will not be a grant of special privilege in the neighborhood, and will not allow you to build in a way that would not be allowed for someone else.**

The variance will not be granting a special privilege in the neighborhood. The surrounding parcel to the East, owned by Mr. Gaddis is approximately

equal in lot area in its current state. The parcel to the North, also owned by Mr. Gaddis, is much larger in size (5.69-acres) and has not been subdivided into smaller parcels. The parcels to the South, however, have been subdivided into smaller parcels with various sizes and owners. Approving this variance will not be granting a special privilege as the parcels to the South will be approximately equal in size as what Mr. Gaddis is proposing.

5. The granting of the Variance or its modifications will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

Although the properties to the South have been inconsistently subdivided into smaller parcels, the Industrial Zone’s Development Standards for lot area are specified to be a minimum of 1-acre, therefore the approval will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity.

6. 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.

The City of Imperial reviewed the project on 280 S N Street and determined the project does not meet the City’s Property Development Standards, hence Variance approval will expressly authorize the activity of subdividing the parcel into a 0.38-acre lot to be a non-conforming lot.

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

Granting the Variance will be incompatible with The City of Imperial’s General Plan’s Conservation Element which addresses the conservation and development within the City.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 13th day of September, 2023.

Planning Commission Chairman

ATTEST:

City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

VARIANCE 23-02
Tim Gaddis
280 S N. Street
APN 064-082-049-00

1. Applicant shall not hold the City of Imperial or any of its employees responsible for any incidents regarding Variance 23-02.
2. The provisions of Variance 23-02 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 Applicant 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 Applicant shall be responsible for maintaining the property free of litter at all times.
5. 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.
6. The approval of Variance 23-02 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 Applicant shall pay all applicable fees as required by the city.
8. If the Community Development Department finds and determines that the Applicant or successor-in-interest has not complied or cannot comply with the terms and conditions of Variance 23-02, or the Planning/Building Division determines that the permitted activities constitute a nuisance, the City shall provide the Applicant with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Applicant fails to comply, and/or (2) Applicant 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 Applicant, any violation of Variance 23-02 approval may be a "nuisance per se". The City may enforce the terms and conditions of Variance 23-02 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. Applicant 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.

ATTACHMENT B Submitted Site Plan

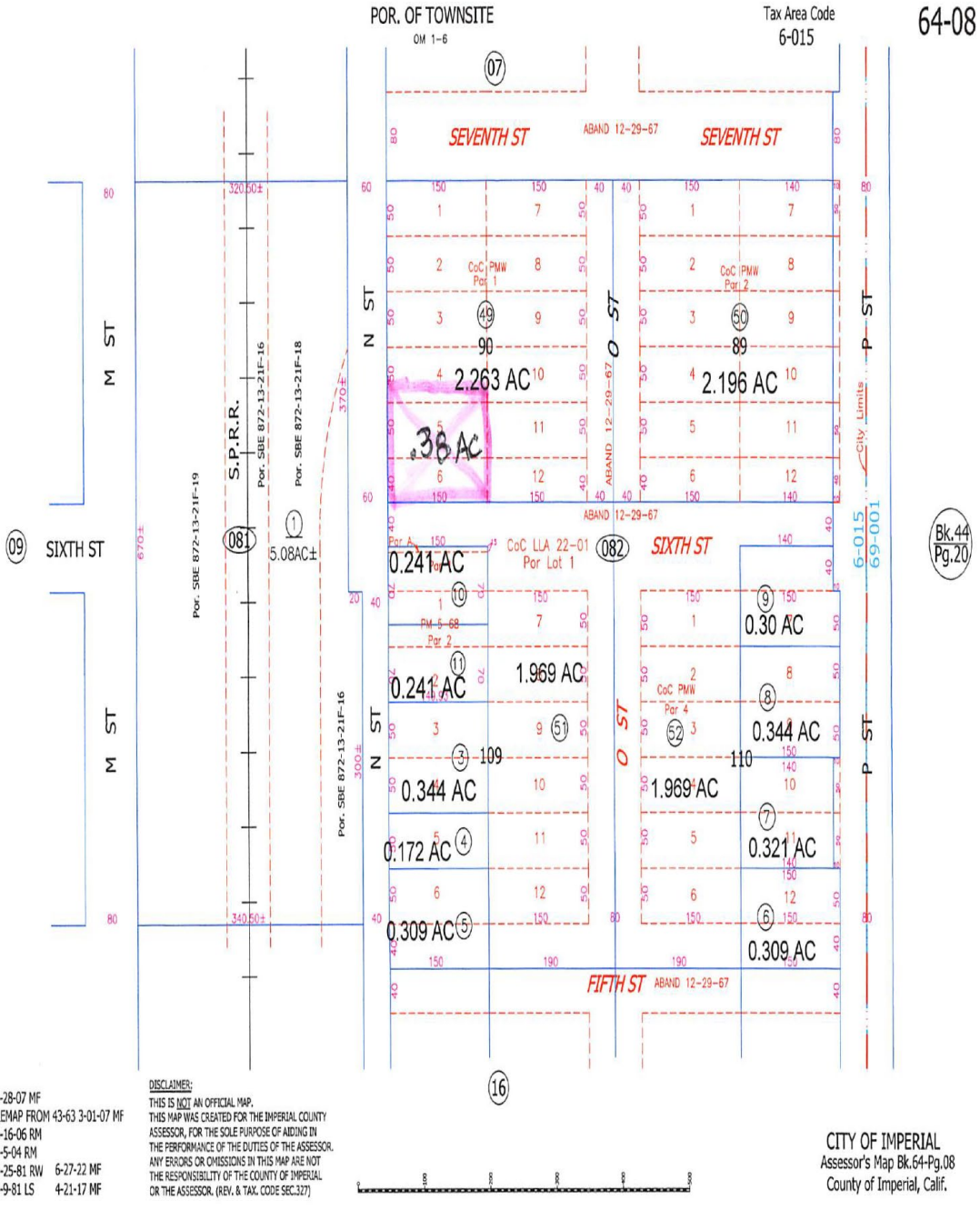


EXHIBIT "A"

LOT LINE ADJUSTMENT No 23-02
LEGAL DESCRIPTION

PARCEL 1

BEING LOTS 1 TO 12, INCLUSIVE, BLOCK 87, AND LOTS 1 TO 12, INCLUSIVE, BLOCK 88, RESUBDIVISION OF BLOCKS 67 TO 88, INCLUSIVE, OF THE TOWNSITE OF IMPERIAL, IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP No.885 ON FILE IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY;

TOGETHER WITH LOTS 1,2,3 A PORTION OF LOT 4, LOTS 7 TO 12 INCLUSIVE OF BLOCK 90, ACCORDING TO MAP No. 883 IN BOOK 1, PAGE 6 OF OFFICIAL MAPS IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA.

TOGETHER WITH THAT PORTION OF "O" STREET LAYING BETWEEN BLOCKS 87 AND 88, AND THAT PORTION OF SEVENTH STREET, LAYING ADJACENT TO SAID BLOCKS 87 AND 90, AND ALSO TOGETHER WITH THAT PORTION OF SEVENTH STREET, LAYING BETWEEN THE EAST LINE OF BLOCKS 87 AND 90 TO THE WEST LINE OF THE EASTERLY 10 FEET OF BLOCKS 88 AND 89 NOW VACATED.

EXCEPTING THEREFROM THE EAST 10 FEET OF SAID BLOCK 88 AS CONVEYED TO THE CITY OF IMPERIAL BY DEED RECORDED MAY 18, 1965 IN BOOK 1208, PAGE 22 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 87;

THENCE EAST ALONG THE NORTH LINE OF SAID BLOCK 87 AND IT'S EASTERLY EXTENSION, AND THE NORTH LINE OF BLOCK 88 A DISTANCE OF 670 FEET TO THE NORTHWEST CORNER OF RIGHT OF WAY DEED BOOK 1208, PAGE 22 OF OFFICIAL RECORDS;

THENCE SOUTH ALONG THE WEST LINE OF SAID RIGHT OF WAY DEED ON BLOCK 88 A DISTANCE OF 370 FEET TO A POINT 10 FEET WESTERLY OF THE NORTHEAST CORNER OF SAID BLOCK 89;

THENCE WEST A DISTANCE OF 330 FEET TO THE CENTER LINE OF THE ABANDONED RIGHT OF WAY OF "O" STREET PER DEED ON BOOK 1255, PAGE 1037, 1040 AND 1041 DATED DECEMBER 29 OF 1967 OF OFFICIAL RECORDS;

THENCE SOUTH ALONG THE CENTER LINE OF SAID ABANDONED "O" STREET A DISTANCE OF 290 FEET TO THE NORTH LINE OF ABANDONED SIXTH STREET;

THENCE WEST, ALONG SAID NORTH LINE OF SIXTH STREET A DISTANCE OF 190 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6 OF BLOCK 90;

THENCE NORTH, ALONG THE EAST LINE OF SAID LOTS 6, 5 AND 4 OF BLOCK 90 A DISTANCE OF 110 FEET TO A POINT;

THENCE LEAVING SAID EAST LINE OF LOT 4, WEST A DISTANCE OF 150 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 90;

THENCE NORTH ALONG THE WEST LINE OF SAID BLOCK 90 AND IT'S NORTHEASTLY EXTENSION, AND THE WEST LINE OF BLOCK 87 A DISTANCE OF 550 FEET TO THE **POINT OF BEGINNING**.

PAGE 1 OF 3

THE ABOVE DESCRIBED PROPERTY CONTAINS 7.58 ACRES MORE, OR LESS.

SUBJECT TO ALL COVENANTS, EASEMENTS AND AGREEMENTS OF RECORD.

SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE PART HEREOF.

06/13/2023

VICTOR RODRIGUEZ-FERNANDEZ
PLS 533

DATE



PRELIMINARY

PARCEL 2

BEING PORTION OF LOT 4, LOTS 5 AND 6 OF BLOCK 90, TOWNSITE OF IMPERIAL, IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP No. 883 IN BOOK 1, PAGE 6, OF OFFICIAL MAPS, ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6;

THENCE NORTH ALONG THE EAST LINE OF SAID LOTS 6, 5 AND 4 A DISTANCE OF 110 FEET TO A POINT;

THENCE WEST A DISTANCE OF 150 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 90, ALSO BEING THE EAST LINE OF "N STREET" RIGHT OF WAY;

THENCE ALONG SAID EAST RIGHT OF WAY LINE, SOUTH A DISTANCE OF 110 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 90;

THENCE EAST ALONG THE SOUTH LINE OF SAID BLOCK 90, ALSO BEING THE NORTH LINE OF ABANDONED "SIXTH STREET", A DISTANCE OF 150 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PROPERTY CONTAINS 0.38 ACRES MORE, OR LESS.

SUBJECT TO ALL COVENANTS, EASEMENTS AND AGREEMENTS OF RECORD.

SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

06/13/2023
VICTOR RODRIGUEZ-FERNANDEZ DATE
PLS 533



PRELIMINARY

ATTACHMENT D
APPLICANT'S FINDINGS SUBMITTAL

FINDINGS

DATE

July 11, 2023

**RAMITA PROPERTIES LLC/
TIM GADDIS**

722 E. Barioni Blvd.
Imperial, CA 92251

PROJECT: 280 N Street,
Imperial, CA 92251
APN: 064-082-049

The property size will be 0.38 acres, (16,500 s.f.) after the Lot Line Adjustment as we submitted.

The Properties Surrounding our Property are as follows:

Lot 10 is 0.241 acre (10,500 s.f.)

Lot 11 is 0.241 acre (10,500 s.f.)

Lot 3 is 0.344 acre (15,000 s.f.)

Lot 4 is 0.172 acre (7,500 s.f.)

Lot 5 is 0.309 acre (13,500 s.f.) to Fifth Street

Properties to the East (backing our property) are as follows:

Lot 50 is 2.19 acre (95,700 s.f.)

Lot 52 is 1.969 acre (85,800 s.f.)

Lot 9 is 0.30 acre (5,600 s.f.)

Lot 8 is 0.344 acre (15,000 s.f.)

Lot 7 is 0.321 acre (14,000 s.f.)

Lot 6 is 0.309 acre (13,500 s.f.)

Between Seventh St. & Fifth St. / N Street & P Street there are only 3 Acre + Lots. Attached is a Map 64-08. This Property will be Consistant with the Surrounding properties in Size and Use.

On Plat Map 64-07 between Ninth St & Seventh St / N Street & P Street there are 2 of the 8 lots that are over an Acre and 6 that are all under an Acre.

Granting this Variance will not be imcompatible with the City of Imperial General Plan.

64-07

Tax Area Code
6-015

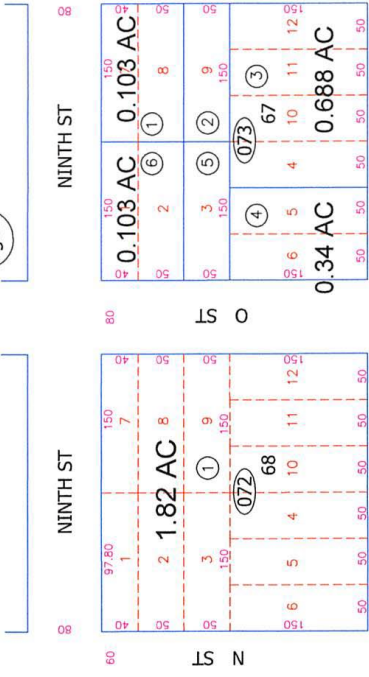
RESUB. BLOCKS 67,68,87,88 & POR. OF TOWNSITE
OM 1-7

OM 1-6

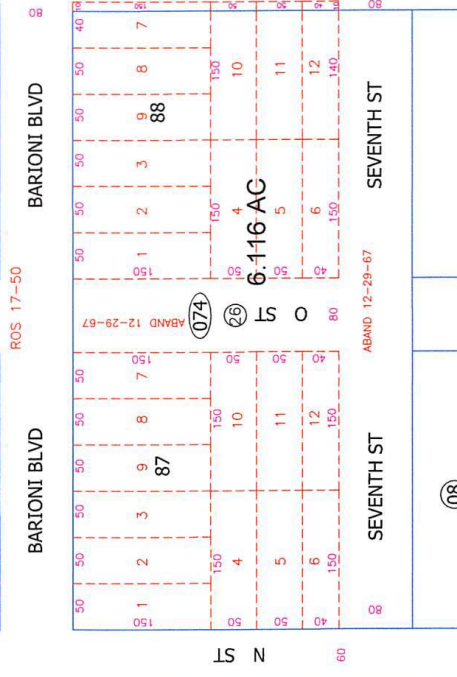
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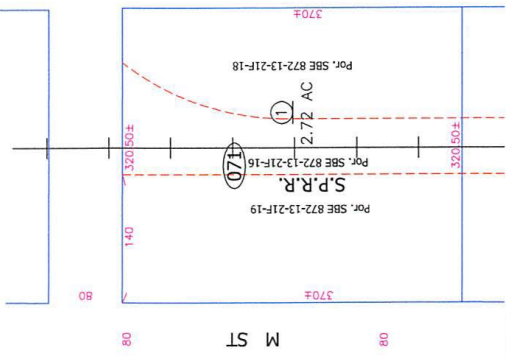
Bk.63
Pg.14



Bk.44
Pg.20



Bk.63
Pg.13



- 5-26-10 MF
- 06-25-07 MF
- 03-08-07 MF
- 06-28-07 DM
- 5-5-04 RM
- 4-4-96 RM
- 3-29-96 RM
- 7-25-94 DP
- 5-12-77 DM

DISCLAIMER:
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THIS MAP WAS CREATED FOR THE IMPERIAL COUNTY
ASSESSOR, FOR THE SOLE PURPOSE OF AIDING IN
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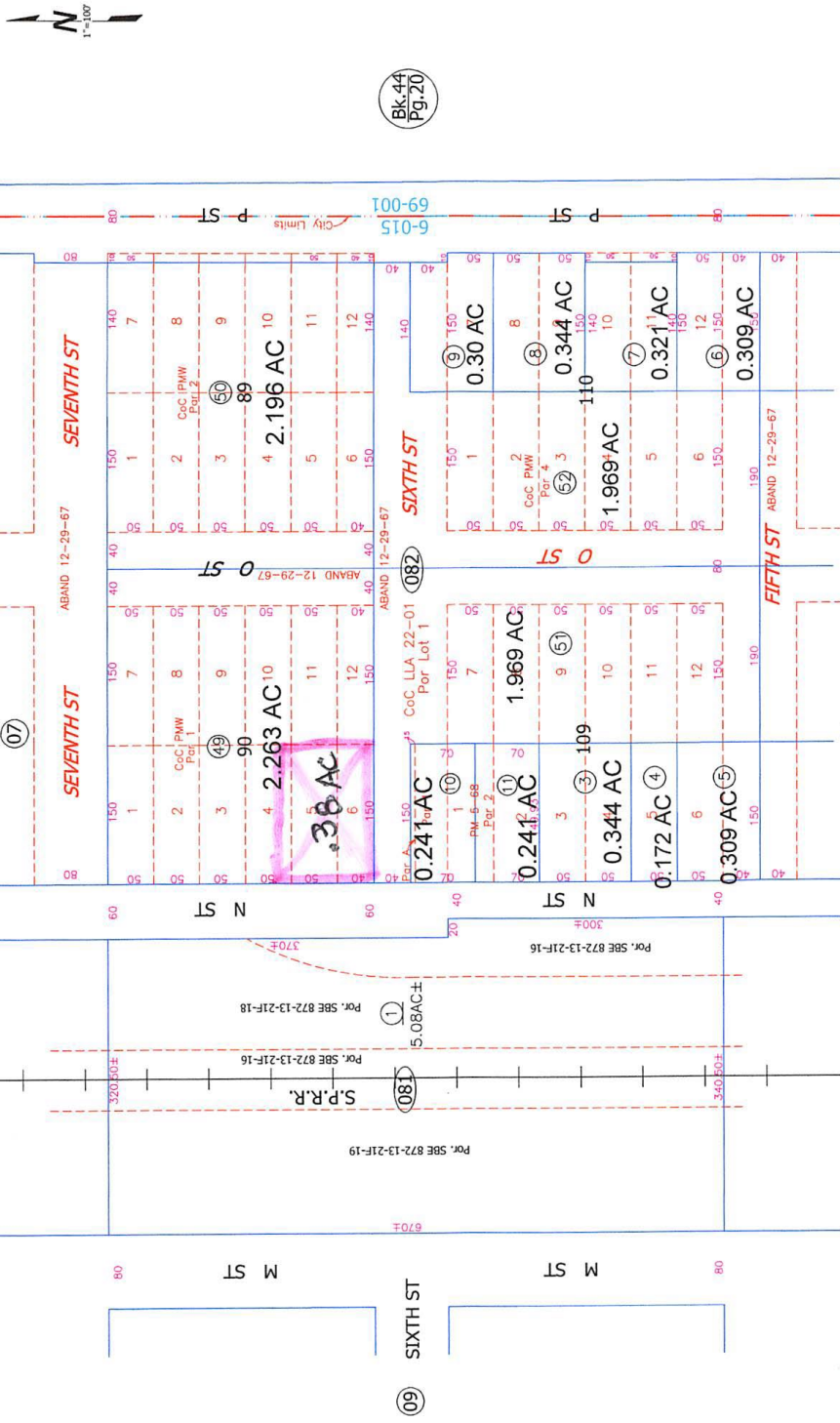
CITY OF IMPERIAL
Assessor's Map Bk.64-Pg.07
County of Imperial, Calif.



64-08

Tax Area Code
6-015

POR. OF TOWNSITE
OM 1-6



Bk. 44
Pg. 20

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6-28-07 MF
REMAP FROM 43-63 3-01-07 MF
2-16-06 RW
2-5-04 RW
2-9-81 LS
6-27-22 MF
4-21-17 MF

CITY OF IMPERIAL
Assessor's Map Bk. 64-Pg. 08
County of Imperial, Calif.

