



Staff Report

Agenda Item No. E-1

To: City of Imperial Planning Commission

From: Othon Mora, Community Development Director

Date: October 2, 2023

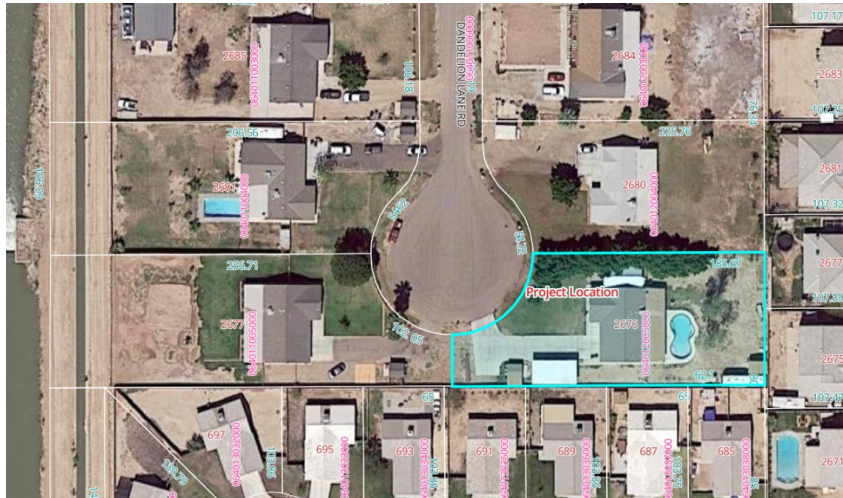
Subject: Conditional Use Permit 23-06

Applicant:	Quentin Tucker
Project Location:	2676 Dandelion Road
Project Description:	Conditional Use Permit 23-06 to allow a 16'6" garage structure
Zoning:	Residential Single Family (R-1)
General Plan:	Residential Low Medium Density
Environmental:	Categorically Exempt
Recommendation:	Approve, Subject to Conditions

Background

Applicant and property owner, Quentin Tucker, submitted a Building Permit Application proposing to construct a sixteen-foot, six-inch garage structure within his property located at 2676 Dandelion Road. The submitted plans detail a sixteen-foot, six-inch attached garage structure that is intended to be used for automobile storage. Mr. Tucker's project is mainly for aesthetics and to match existing roofline eve and pitch of his home. The sixteen-foot, six-inch garage structure's height deviates from the twelve foot maximum allowable height within a Residential Zone. A Conditional Use Permit may be issued for structures higher than twelve feet within Residential Zones. Other than the accessory structure's height, the proposed accessory structure's site plan meets all of the property development standards outlined in Imperial's Zoning Ordinance. The Development Review Committee discussed the project, submitted comments and determined there were no issues with the construction of the proposed garage structure.

Proposed Project Site



Discussion/Analysis

The subject site is zoned within a Residential Single-Family Zone (R-1). The surrounding land uses and zoning of the project site are Residential Single-Family as well.

Environmental Compliance

The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15303-Construction of an Accessory Structure.

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 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 Residential Single Family Zone, which is intended as an area for single family residential development on minimum lot sizes of 6,500 square feet and maximum densities of 5.0 units per net acre. Additional uses are permitted that complementary to, and can exist in harmony with, a single family residential neighborhood.

- 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 property is located on a parcel approximately 22,651 sf and with sufficient space for the construction of the 1,346.6 sf garage structure. The structure, a garage for general uses and storage, will not be a detriment nor adversely affects his residence, nor adjacent uses. The applicant has agreed to make the structure compatible with the neighborhood's architecture by painting the structure in the same color scheme as his and the neighboring homes

- 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. The applicant has submitted his structural plans to the City of Imperial's Building Division to ensure his project is structurally safe and abides by the California Building Codes adopted by the City

- 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 garage structure complies with the General Requirements, Property Development Standards, and Performance Standards of the Residential Zoning Ordinance.

Public Notification

The public hearing scheduled for October 11, 2023 was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation, on September 28, 2023. A Notice of Public Hearing was mailed to all property owners within 300-feet of the property. No concerns or objections were received.

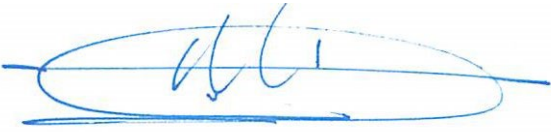
Recommendation

Staff recommends the Planning Commission conduct a public hearing 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 Conditional Use Permit 23-06 to allow for the construction of a sixteen-foot, six-inch garage structure at 2676 Dandelion Road.

Attachments

- Attachment A - Resolution No. 2023-08 with Conditions of Approval
- Attachment B - Site Plans

Respectfully submitted,

A handwritten signature in blue ink, appearing to be "Othon Mora", is written over a horizontal line. The signature is stylized and cursive.

Othon Mora, MCM, CBO
Community Development Director

ATTACHMENT A

RESOLUTION NO. PC2023-08

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING CONDITIONAL USE PERMIT 23-06 FOR A SIXTEEN-FOOT,
SIX-INCH (16' 6") GARAGE STRUCTURE WITHIN A RESIDENTIAL ZONE
LOCATED AT 2676 DANDELION ROAD (APN 064-012-005),
SUBJECT TO THE ATTACHED CONDITIONS**

WHEREAS, Quentin Tucker submitted an application for a 1,346.6 square foot garage structure within a Residential Zone, located at 2676 Dandelion Road; and

WHEREAS, the subject site is located within a Residential Single Family Zone and accessory structures over twelve feet in height are conditionally allowed uses within that zone; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on October 11, 2023, 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 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 23-06** 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 the Residential Single Family Zone, which is intended as an area for single family residential development on minimum lot sizes of 6,500 s.f. and maximum densities of 5.0 units per net acre. Additional uses are permitted that complementary to, and can exist in harmony with, a single family residential neighborhood.

- 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 applicant's property is located on a parcel approximately 22,651 s.f. and with sufficient space for the construction of the 1,346.6 s.f. garage structure. The structure, a garage for general uses and storage, will not be a detriment nor adversely affects his residence, nor adjacent uses. The applicant has agreed to make the structure compatible with the neighborhood's architecture by painting the structure in the same color scheme as his and the neighboring homes

- 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. The applicant has submitted the project's structural plans to the City of Imperial's Building Division to ensure his project is structurally safe and abides by the California Building Codes adopted by the City.

- 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 garage structure complies with the General Requirements, Property Development Standards, and Performance Standards of the Residential Zoning Ordinance.

- C) The City Attorney is authorized to make minor typographical changes to this Resolution that does not change the substance of this Resolution.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 11th day of October, 2023.

Planning Commission Chairperson

ATTEST:

City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT 23-06 QUENTIN TUCKER FOR THE ALLOWANCE OF A SIXTEEN FOOT, 6 INCH ACCESSORY STRUCTURE LOCATED AT 2676 DANDELION ROAD, IMPERIAL, CA 92251 (APN 064-012-005)

1. The 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 Applicant shall pay all applicable permit fees.
3. 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.
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'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.
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. All storage of materials waiting or to be worked on shall be stored within the building during. There shall be no outdoor storage of materials.
7. Accessory structure shall comply with all Residential Zone setback requirements and shall be located no closer than three (3) feet to an interior side or rear lot line and is at least ten (10) feet from the main structure.

8. Accessory structure's paint colors shall be consistent with the residential structure's paint colors.
9. The provisions of the conditional use 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 conditional use permit, 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 conditional use permit, 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

Tucker Residence Addition

Garage Addition
2676 Dandelion Road, Imperial, CA 92251
APN: 064-012-005-000

SITE PLAN

SCALE: 1/8" = 1'-0"

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
6. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
7. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.
8. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE APPLICABLE AGENCIES.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
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13. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
14. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.
15. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE APPLICABLE AGENCIES.

PROJECT INFORMATION

PROJECT NAME	CUP 23-06 TUCKER RESIDENCE ADDITION
PROJECT ADDRESS	2676 DANDELION ROAD IMPERIAL, CA 92251
CLIENT	QUENTIN TUCKER
OWNER	QUENTIN TUCKER
DESIGNER	ARCHITECTURAL DESIGN GROUP, INC.
DATE	08/20/2023
SCALE	AS SHOWN
PROJECT NO.	2023-08-001
DATE	08/20/2023

ATTIC VENTILATION CALC.

AREA OF ATTIC VENTILATION: 1,200 SQ. FT.

AREA OF FLOOR SPACE: 2,400 SQ. FT.

AREA OF GARAGE: 400 SQ. FT.

AREA OF PORCH: 100 SQ. FT.

AREA OF DRIVEWAY: 200 SQ. FT.

AREA OF LANDSCAPE: 500 SQ. FT.

AREA OF DRIVEWAY: 200 SQ. FT.

AREA OF LANDSCAPE: 500 SQ. FT.

BUILDING CODE

2022 CALIFORNIA BUILDING CODE

2022 CALIFORNIA ELECTRICAL CODE

2022 CALIFORNIA MECHANICAL CODE

2022 CALIFORNIA PLUMBING CODE

2022 CALIFORNIA FIRE CODE

2022 CALIFORNIA SOFTWOOD TREATMENT CODE

SHEET INDEX

1 - TITLE SHEET

2 - FLOOR PLAN

3 - ROOF PLAN

4 - SECTION

5 - ELEVATION

6 - DETAIL

VICINITY MAP

BMP'S

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

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6. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.

7. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE APPLICABLE AGENCIES.

TITLE SHEET

SITE PLAN

Tucker Residence

2676 Dandelion Ln. Road
Imperial, CA 92251

THESE DOCUMENTS DRAWN FOR OWNER SUBJECT TO SPECIFIED GENERAL CONTRACTOR. OWNER AND ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

DATE: 08/20/2023

BY: [Signature]

PROJECT NO. 2023-08-001

DATE: 08/20/2023

SCALE: AS SHOWN