



Staff Report

Agenda Item No. D-2

To: City of Imperial Planning Commission
From: Othon Mora, Community Development Director
Date: October 18, 2022
Subject: **Conditional Use Permit 22-05**
VelRom Collision – Auto Repair Shop with a Paint Booth Facility

Summary:

Applicant:	Jose Luis Garcia Velasco
Project Location:	408 E. 2nd Street
Project Description:	Conditional Use Permit (CUP) to allow for the operation of an auto repair shop with a paint booth facility within an Industrial Zone
Zoning:	General Industrial (I-1)
General Plan:	Industrial
Environmental:	Categorically Exempt
Recommendation:	Approve, subject to conditions

Background

Applicant, Jose Luis Garcia Velasco, along with his partner Fernando Romero are proposing to operate VelRom Collision, an automotive repair shop with a paint booth facility within an existing facility located at 408 E. 2nd Street. VelRom Collision is an experienced, small family owned business devoted to supplying quality vehicle repairs and vehicle painting services. VelRom intends to employ up to five employees, open 8:00am to 5:00pm from Monday through Friday, but requested the flexibility to be able to extend the days and time as operating times are determined by their workflow demands.

The existing building will be shared with an existing RV storage business and VelRom Collision will occupy seven workbays. The building is well suited for auto repair shop as it contains auto bays with plenty of workspace and an office.

Aerial View



Paint Booth Facility/Eastern View



Garage Bays/Western View



Discussion/Analysis

The subject site is zoned I-1 General Industrial. The surrounding land uses and zoning of the project site are I-2 Rail-Served Industrial and I-1 General Industrial as well. The I-1 General Industrial zoning designation is intended as an area for modern industrial, research, and administrative facilities. Section 24.07.120 of the Imperial Zoning Ordinance lists automobile body repair facilities as a use subject to a Conditional Use Permit.

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 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 standards of the City.***

The subject site is located within the I-1 General Industrial Zone. The auto body repair shop with paint booth facility will not interfere or conflict with the purposes of the zone, which is intended to provide general industrial uses.

- 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 suitable for the auto repair and paint booth facility as it is surrounded by industrial land uses. The Dune Company, a crop protection and crop fertilizer business is located directly to the East, the California Mid-Winter Fairground's parking lot is located to the South and to the West of the site. The Imperial County Public Works Road Distribution Facility and Premier Towing are situated to the North of the project location. The project is compatible with the adjacent industrial land uses and it is more than 600 feet from any Residential Zone, therefore not adversely affecting any 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 October 26, 2022 was duly noticed in the Calexico Chronicle and Holtville Tribune, newspapers of general circulation on October 13, 2022 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 Conditional Use Permit (CUP) 22-05 to allow for the use and operation of an auto repair shop with a paint booth facility.

Attachments

- RESO PC2022-09
- Site Plan

Respectfully submitted,

Othon Mora, MCM, CBO
Community Development Director

RESOLUTION NO. PC2022-09
A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING CONDITIONAL USE PERMIT 22-05 FOR VELROM COLLISION WITH A
PAINT BOOTH FACILITY LOCATED AT 408 E. 2ND STREET (APN 064-180-003)

WHEREAS, Jose Luis Garcia Velasco submitted an application for the operation of an auto repair shop with a paint booth facility; and

WHEREAS, the subject site is located within the General Industrial Zone and auto repair shops are conditionally allowed uses within that zone; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on October 26, 2022, 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) 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 Categorically Exempt under Section 15301 of the California Environmental Quality Act; and
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Conditional Use Permit 22-05** to allow the operation of an automobile repair shop with a painting booth facility at 408 E. 2nd Street, subject to the conditions of approval outlined in Exhibit A and based on the following findings:
 - 1. 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 standards of the City.

The subject site is located within the I-1 General Industrial Zone. The auto body repair shop with paint booth facility will not interfere or conflict with the purposes of the zone, which is intended to provide general industrial uses.

- 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 suitable for the auto repair and paint booth facility as it is surrounded by industrial land uses. The Dune Company, a crop protection and crop fertilizer business is located directly to the East, the expanse parking lot for the California Mid-Winter Fairgrounds is located to the South and to the West of the site. The Imperial County yard and Premier Towing are situated to the North of the project location. The project is compatible with the adjacent industrial land uses and it is more than 600 feet from any Residential Zone, therefore not adversely affecting any 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 26th day of October, 2022.

Planning Commission Chairman

ATTEST:

City Clerk

EXHIBIT A
CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT 22-05

VELROM COLLISION

408 EAST 2nd STREET

1. Conditional Use Permit 22-05 is valid for the operation of an auto body shop for damaged vehicle restoration and a paint booth facility.
2. 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.
3. The 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 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. Department Comments

A) Fire Department

1. Fire Department Access

- a. Minimum 20-foot unobstructed fire access lane shall be provided to the rear of the property of firefighting equipment.
- b. All gates shall meet minimum width of 20 feet (6096mm).
- c. Gates shall be of the swinging or sliding type.
- d. Construction of gates shall be of materials that allow manual operation by one person.
- e. Gates shall have approved locks box or locks from KNOX (information can be obtained from Imperial County Fire Department Prevention Bureau).

2. 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.

3. Operations

- a. Storage, use, and dispensing of combustibles and flammables shall be in accordance of Chapter 57 of the California Fire Code.
- b. Combustible and flammable liquids shall not exceed the maximum allowable quantity state in the California Fire Code without fire suppression installed.
- c. Spray operations shall be in accordance with Chapter 24 section 2404 of the California Fire Code.
- d. Storage of vehicles and inventory shall not produce conditions that will create a nuisance or hazard to the public health, safety or welfare.
- e. A hazard materials management plan and hazardous materials inventory statement shall be created and reported to California Certified Unified Program Agency (CUPA) and shall follow CUPA regulations.
- f. Applicant shall comply with all Imperial County Fire Department requirements and the California Fire Code.
- g. Spray booth shall be installed in accordance with 2019 California Fire Code Chapter 24, and the California Building, electrical and mechanical code.

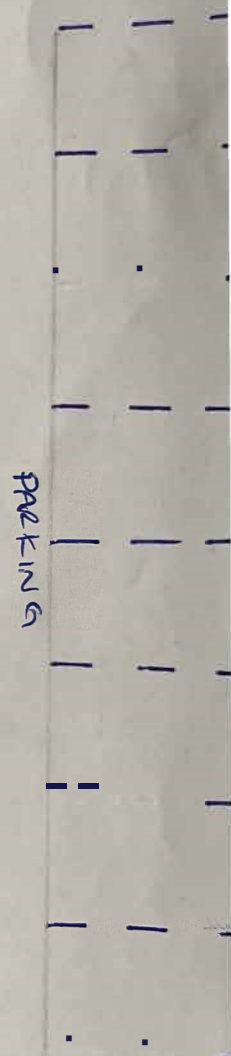
B) Public Services

1. All surplus or used parts shall be shielded from public view.
2. Automobiles and equipment that may leak fluids must have drip pans placed underneath or stored on a non-porous ground covering.
3. Storage of tires and wheels, unless for sale, shall not be visible from public view.
4. Incorporation of a noise pollution plan to restrict or regulate noise when operating noise generating equipment such as generator, blowers or air compressors.
5. All floor drains must be equipped with an oil and grit trap chamber.

C) Community Development

1. The project site shall be maintained in a clean, orderly manner, free of weeds, debris or junk materials.
 2. The Applicant shall monitor the tracking of dirt from the project site onto adjacent public roadways. Excessive accumulation of dirt onto nearby and adjacent roadways fronting the project site driveways shall be mitigated by the applicant or business owner through street sweeping, installation of stabilized entrances and periodic maintenance.
 3. Light sources shall be shielded in such a manner that no light is visible from streets or adjoining properties. Freestanding lamp posts shall be no taller than eighteen (18) feet. The intensity of light at the boundary of any Industrial Zone shall not exceed seventy-five (75) foot lamberts from a source of reflected light. All exterior light shall be LED .
 4. All activities involving flammable and explosive materials shall be provided with adequate safety and fire-fighting devices to the specification of the California Fire Code. All incineration is prohibited.
 5. The applicant shall ensure noise levels meet all the requirements outlined in the City of Imperial's Noise Element. Noise levels are not to exceed 75 decibels within Industrial Zones. If complaints arise, the City of Imperial may impose noise pollution mitigation measures on the business.
 6. No use shall be permitted which creates odor in such quantities as to be readily detectable beyond the boundaries of the site.
 7. There shall be no emission 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.
 8. Outdoor storage areas shall be entirely screened not less than six feet in height to adequately screen the view from the external boundaries of the property.
 9. The installation of the paint booth shall be subject to the requirements of the Imperial County Air Pollution Control District, Imperial County Health Department and other applicable State and Federal requirements.
10. 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.
11. 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 Condition 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.
12. 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.

13. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) may include odors and fumes (2) 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 (3) 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 (4) occurs during or as a result of the re-located business.



PAKING

128'0"



EXIT DOOR

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE / EXIT

ENTRANCE / EXIT

ENTRANCE / EXIT

work bay #7

work bay #6

work bay #5

work bay #4

work bay #3

work bay #2

work bay #1

OFFICE

PRINT BOOTH

Dunes to Dezeret

Bathroom

49'2"

44'0"

78'0"

28'10"

RV parking LINE

