

**RESOLUTION PC2020-10**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A SIMILAR LAND USE DETERMINATION TO FIND HARDWARE STORES AND JANITORIAL SERVICES/SUPPLIES SIMILAR TO PEST SERVICES AND FOR A CONDITIONAL USE PERMIT (20-03) TO CONDITIONALLY ALLOW FOR A PEST SERVICES BUSINESS OFFICE WITHIN THE VC (VILLAGE COMMERCIAL) ZONE, LOCATED AT 201 SOUTH IMPERIAL AVENUE; IMPERIAL, CA 92251**

**WHEREAS**, Gabe Cordero submitted an application for a Similar Land Use Determination and Conditional Use Permit; and

**WHEREAS**, a duly notified public hearing was held by the Planning Commission on October 28, 2020; 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 a Similar Land Use Determination and Conditional Use Permit.

**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 and 15332 of the California Environmental Quality Act; and
- E) That the "Pest Services Business Office" is consistent with those uses allowed in the VC (Village Commercial).
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby conditionally **APPROVES** the "Pest Services Business Office" at 201 S. Imperial Avenue, via the granting approval of a Conditional Use Permit and Conditions of Approval outlined in EXHIBIT A.

**PASSED, ADOPTED AND APPROVED** by the Planning Commission of the City of Imperial, this 28<sup>th</sup> day of October 2020.

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Kris Haugh, Planning Commission  
Chairman

ATTEST:

\_\_\_\_\_  
Debra Jackson, City Clerk/Planning Secretary

**EXHIBIT A**

**RESOLUTION #PC2020-03 CONDITIONS  
OF APPROVAL**

**For**

**Conditional Use Permit: CUP (20-03)**

**Gabe Cordero**

**APN: 064-103-001**

**201 S. Imperial Ave; Imperial, CA 92251**

1. These conditions of approval reflect that a Pest Service Business Office has been found similar to a Hardware Store/ Janitorial Service/Supply operation through the process of a Similar Land Use Determination process.
2. The business has six (6) months to complete their beautification plan by May 2021.
3. Every phase of the beautification plan must be reviewed by the Community Development Department prior to integration for approval.
4. This Conditional Use Permit is granted for a Pest Services Business Office, at 201 South Imperial Avenue, Imperial, CA 92251.
5. Onsite storage shall be limited to 20 gallons of chemical products.  
  
**Applicant is requesting the condition be increase to 30 gallons within a weeks period of time.**
6. The provisions of this 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. This Conditional Use Permit is only valid for 201 S Imperial Avenue. APN: 064-103-001.
7. The proprietor/owner shall be responsible for the removal of all graffiti from the walls, fences, pavement, or buildings within 72 hours of its appearance on the property.
8. The proprietor/owner shall be responsible for maintaining the parking lot and adjacent areas free of litter at all times.
9. 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.
10. The conditional approval of 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.
11. Dispose of process solid wastes.
12. The Applicant shall pay all impact and capacity fees as required by the city.

13. The Imperial County Fire Department may introduce new requirements for the business at anytime related to health and safety that will contribute to the public wellbeing.
14. All applicable Conditions of Approval shall be completed within the first six months of the Businesses Opening Date and/or before May 2021.
15. 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.
16. 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.
17. 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 approved project.