



PLANNING COMMISSION
Veronica Harvey – Chairperson
Ruben Rivera – Vice Chairperson
Alice Abatti – Commissioner
Rebecca Terrazas-Baxter – Commissioner
Lisa Winkler-Commissioner

AGENDA

PLANNING COMMISSION
TRAFFIC COMMISSION

220 West 9th Street
IMPERIAL, CA 92251

WEDNESDAY, MARCH 27, 2024
6:30 P.M.

The Imperial Planning Commission Meetings, including public comments, are being Livestreamed on the City's social media pages. If attending in person, by remaining in the room, you are giving your permission to be recorded.

1. You are encouraged to observe the City Council meetings via Livestream at the City of Imperial Facebook page.
2. If you are unable to participate in-person, and wish to address the City Council on matters within their jurisdiction, please email public comments to cityclerk@citofimperial.org
3. All documents containing an executive summary and staff recommendation associated with open session action items are made available for public inspection on the City's website, www.cityofimperial.org seventy-two (72) hours prior to the posted meeting time. Government Code Section 54957.5(b)(2)(B).

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, please contact (760) 355-4373. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to this meeting [28cfr 35.102-35.104 ADA title ii]

A. PLANNING COMMISSION CONVENES TO OPEN SESSION AT 6:30 PM:

ROLL CALL
PLEDGE OF ALLEGIANCE
ADJUSTMENTS TO THE AGENDA

B. PUBLIC APPEARANCES

B-1. Matters not appearing on the agenda. If you wish to address the Planning Commission concerning any item not appearing on the agenda and within the Commission's jurisdiction, please raise your hand and be acknowledged by the Chairperson, and at that time state your name and address for the record. The Chairperson reserves the right to place a time limit on each person's presentation of three (3) minutes. It is requested that longer presentations be submitted to the Commission in writing.

C. SPECIAL PRESENTATION

C-1 Municipal Code Amendment to Chapter 14, Section 14-5, Declaration of Public Nuisance addressing palm tree growth.

D. PUBLIC HEARING: (DISCUSSION/ACTION-RECOMMEND/DENY):

D-1: Subject: Public Hearing, Discussion/Action: Variance 24-01 for Quentin Tucker to allow the deviation of the Commercial Zone’s Property Development Standards for front yard and street-side setback requirements for project site located at 300 E. Barioni Blvd. (APN 064-063-001). The project is categorically exempt from the California Quality Act (CEQA) under Section 15332, In-Fill Developments.

- 1. Public Hearing**
- 2. Staff Report – Public Comment**
- 3. Commission Discussion**
- 4. Close Public Hearing**
- 5. Recommended Action:** Approve/Deny Resolution No. PC2024-03: A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL APPROVING VARIANCE 24-01 FOR QUENTIN TUCKER TO ALLOW THE DEVIATION OF THE COMMERCIAL ZONE’S PROPERTY DEVELOPMENT STANDARDS FOR FRONT YARD AND STREET SIDE SETBACK REQUIREMENTS FOR PROJECT SITE LOCATED AT 300 E. BARIONI BOULEVARD (APN 064-063-001).

D-2: Subject: Public Hearing, Discussion/Action: Variance 23-04 and Conditional Use Permit 23-07 for Mark Gaddis to allow the deviation of the Residential Zone Property Development Standards for maximum height and side yard setback requirements for an accessory structure located at 121 North F Street (APN 064-042-0001). The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301, Existing Facilities.

- 1. Public Hearing**
- 2. Staff Report – Public Comment**
- 3. Commission Discussion**
- 4. Close Public Hearing**
- 5. Recommended Action:** Approve/Deny Resolution No. PC2024-01: A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL, DENYING APPROVAL OF VARIANCE 23-04 AND CONDITIONAL USE PERMIT 23-07 FOR MARK GADDIS TO ALLOW THE DEVIATION OF THE RESIDENTIAL ZONE’S PROPERTY DEVELOPMENT STANDARDS FOR MAXIMUM HEIGHT AND SIDE YARD SETBACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE LOCATED AT 121 NORTH F STREET (APN 064-042-001).

E. REPORTS:

E-1: Commissioners’ Reports

E-2 Staff Reports

F. ADJOURNMENT

F-1. Subject: Adjourn the Planning Commission meeting until the next regularly scheduled meeting April 10, 2024 at 6:30pm.

NOTE: Any documents produced by the City and distributed to a majority of the Planning Commission regarding any item on this agenda will be made available at the front counter at City Hall, located at 420 South Imperial Avenue, during normal business hours.



Staff Report

Agenda Item C-1

Date: March 15, 2024

To: City of Imperial Planning Commission

From: David Ramirez, Code Enforcement Division

Subject: Amendment to Municipal Code, Chapter 14, Section 14-5 – Declaration of Public Nuisance

Background:

The City of Imperial's Code Enforcement Division has received numerous complaints regarding palm trees with dead or decaying palm fronds. Dead and decaying palm fronds present a disorderly and blighted environment and decline the aesthetics in our community. More importantly, dead and decaying palm fronds are a potential fire hazard and present a safety risk to our community. When addressing the concerns, residents express that the Municipal Code is not specific in what defines a palm frond that needs to be removed, or how often they should prune palm trees, therefore causing confusion. Staff consulted with our Parks and Recreation Department and they informed us they provide citywide palm tree maintenance every six months to maintain a clean and aesthetically pleasing appearance within the City. The amendment description will provide a better understanding of when to prune palm trees, but in addition, staff is seeking the Planning Commission's recommendation for a palm tree maintenance schedule to incorporate in the amendment.

The following proposed amendment to Chapter 14, Section 14-5, is necessary for the Code Enforcement Division to more effectively enforce this nuisance within the City:

Current Municipal Code:

Chapter 14, Section 14-5: Abatement of Nuisances

- (o) Growth on palm trees, including but not limited to, dead or decayed palm fronds, noncommercial fruit, or flower/pollen either limp or hanging from palm trees.

Proposed Municipal Code Amendment:

Chapter 14, Section 14-5: Abatement of Nuisances

- (o) Any visible growth on palm trees with dead or decayed palm fronds, that have become yellow, orange, or brown in color, noncommercial fruit, or flower/pollen either limp or hanging from palm trees.



Staff Report

Agenda Item No. D-1

To: City of Imperial Planning Commission
From: Yvonne Cordero, Planner
Date: March 19, 2024
Item: Variance 24-01 – Deviation from the Commercial Property Development Standards

Applicant:	Quentin Tucker
Project Location:	300 E. Barioni Blvd.
Zoning:	C-1 Neighborhood Commercial
Environmental:	Categorically Exempt from CEQA – 15332 In-Fill Development
Recommendation:	Staff recommends Planning Commission approval of Variance 24-01.

Background

Quentin Tucker is requesting a variance to deviate from the front yard and street-side setback requirements outlined in the Commercial Property Development Standards for the property located at 300 E. Barioni Blvd. The variance request is for the Applicant's proposed project to construct a new 2,400 sf, two-story building for a laundromat in the same location as the current building's location. The current building, dating back to 1947, built on the Western and Northern property line with zero setbacks, includes a 10-foot IID

easement, with installed power poles on the Western boundary between the property line and the City's Right of Way. IID Real Estate Records verified the information with a Quitclaim Deed from 1947 provided in Attachment B. The corner properties in the vicinity all have IID power poles (easements) installed abutting the properties. The corner property to the West has a fence installed with zero front yard and zero street-side setbacks. IID Headquarters to the North has an expansive front yard setback, but their monument sign does not have the required front yard setback and the street-side fence was installed on the property line with no street-side setback. The vicinity's longstanding structures do not conform to the current Commercial Property Development Standards and have no recorded negative impacts due to their non-conforming characteristics. Imperial Police Department confirmed no incidents involving any traffic or pedestrian accidents at the subject site's intersection.

Imperial County Assessor's Map details the measurements of the project site 150 sf in length and 50 sf in width with a total square footage of approximately 7,451 sf. Our Commercial Property Development Standards for the Neighborhood Commercial Zone require a street-side setback of 20 feet and a front yard setback of 12 feet. The front yard setback requirement of 12 feet will occupy the space intended for the proposed rear parking lot. A 2,400 sf commercial building requires 8 parking spaces, including one handicapped parking space. The parcel's size will not accommodate all the specified requirements for commercial development and barely has sufficient space without the required setbacks for a 2,400 sf commercial building.

The site's topography has been deteriorated by years of rain, wind and general use and will require grading and a retention basin/swale for proper stormwater management. The street-side setback requirement would occupy sixty percent of the width of the parcel, resulting in limited square footage and an inability to accommodate the required retention basin proposed to be installed on the Eastern side of the parcel.

The existing conditions of the subject property do not allow for the construction of a building, parking lot, and retention basin. New commercial development in a very visible corner to replace the dilapidated building will improve the aesthetic of East Barioni, considered to be an extension of Downtown Imperial, according to the General Plan. An approved variance is required to address the specific challenges and move forward with the proposed laundromat project that will provide modern commercial development intended to be compatible with the surrounding commercial and residential environment and ensure the project complies with the parking and retention basin development standards.

Project Location



Street View



Required Findings:

In order to approve Variance 23-03, 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. There are special circumstances, such as size topography, location, or surroundings applicable to the property or the intended use of the property, and because of this, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.**

The project site is located within the Neighborhood Commercial Zone (C-1) on the Southeast corner of Barioni Boulevard and K Street. The corner location is subject to front yard setbacks of twelve feet and street-side setback of twenty feet. The existing building currently on the parcel and the Southwest corner building similarly deviate from setback requirements. Additionally, an approximate 10-foot Imperial Irrigation District Easement is located between the property line and the City's Right of Way. A setback of an additional twenty feet would occupy sixty percent of the parcel's width of fifty feet. The intended land use is for a new laundromat two-story building with parking at the South end of the parcel and a swale on the Eastern side of the property for stormwater management. The project site houses an existing building dating back to 1947. The years of rain, winds and general use have deteriorated the site's topography, therefore the required installation of a swale will benefit the site's new use and surrounding properties. The current Commercial Zone's development requirements deprive the property of the privileges enjoyed by this and other corner properties in the vicinity. There are no special circumstances that apply to this property regarding its size or shape.

- 2. 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.**

The granting of Variance 24-01 will preserve the substantial property right possessed by the same property owners of the project site for the past seventy-seven years. Other corner buildings and/or structures on properties within the same zone and vicinity also deviate from the current street-side setback requirements, thus denying the current property owner of the project site of the same right.

3. That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.

Granting the variance, or any modifications will not be materially detrimental to public health, safety or welfare or injurious to the property in the vicinity and zone. Applicant is proposing to construct a building in the exact location as the existing building that has stood on that parcel for seventy-seven years causing no recorded negative impacts.

4. The variance will not constitute a privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

The variance will align with neighboring corner properties in the vicinity, ensuring that no special privileges are granted that would conflict with the development standards applied to the other Commercial Zone buildings 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.

Approving Variance 24-01 will not expressly allow activities or uses on the parcel not authorized by the zoning regulations governing the parcel. The proposed project consists of the construction of a new laundromat facility with the required retention basin and parking spaces occupying approximately fifty percent of the parcel that measures approximately 7,451 square feet. The Variance is being sought to allow more square footage for the building.

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

Granting Variance 24-01 will be compatible with The City of Imperial's General Plan's Community Development Element by allowing the Applicant to Move forward with his proposed project by improving the physical development of the City and the City's environment in a functional, aesthetic pattern and the Land Use Element by offering a pedestrian-friendly Downtown area offering a mix of locally-owned businesses to provide unique cultural experiences and support higher density developments. The Land Use Element describes East Downtown area on Barioni as an extension of Downtown Imperial, envisioned to offer commercial diversity, while still providing an attractive image intended to provide commercial businesses, maintain street frontage with parking in the rear and provide a link to the core of Downtown Imperial.

Environmental:

This item is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15332 for projects characterized as in-fill development. This exemption is intended to promote in-fill development within urbanized areas where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Staff Recommendation:

Staff recommends the Planning Commission conduct a public hearing and allow input from all proponents and opponents of the proposed variance. Because the variance meets the required findings, staff has no objections to the proposed variance. Therefore, it is staff recommendation that Variance 24-01 be granted approval.

Attachments

- Attachment A – DRAFT Resolution PC2024-03 with Conditions of Approval
- Attachment B – IID Quitclaim Deed
- Attachment C – Site Plan
- Attachment D – Conceptual Landscaped Site Plan

ATTACHMENT A
DRAFT RESOLUTION NO. PC2024-03

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING VARIANCE 24-01 FOR QUENTIN TUCKER TO ALLOW THE DEVIATION OF
THE COMMERCIAL ZONE'S PROPERTY DEVELOPMENT STANDARDS FOR
FRONT YARD AND STREET-SIDE SETBACK REQUIREMENTS FOR PROJECT SITE
LOCATED AT 300 EAST BARIONI BOULEVARD (APN 064-063-001)**

WHEREAS, Quentin Tucker submitted a variance request for the deviation of the Commercial Zone's Property Development Standards setback requirements; and

WHEREAS, a duly notified public hearing was held by the Planning Commission during a meeting on March 27, 2024; 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 24-01.

NOW, THEREFORE, BE IT RESOLVED that 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 Commercial Zone's Property Development Standards are ministerial and therefore categorically exempt from the California Environmental Quality Act per Section 15332-In-Fill Development Projects.
- 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 15332 of the California Environmental Quality Act; and
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Variance 24-01** for Quentin Tucker to allow for the deviation of the Commercial Zone's Property Development Standards for front yard and street-side setback requirements, subject to the Conditions of Approval outlined in **Exhibit A** and based on the following findings:

2. **There are special circumstances, such as size topography, location, or surroundings applicable to the property or the intended use of the property, and because of this, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.**

The project site is located within the Neighborhood Commercial Zone (C-1) on the Southeast corner of Barioni Boulevard and K Street. The corner location is subject to front yard setbacks of twelve feet and street-side setback of twenty feet. The existing building currently on the parcel and the Southwest corner building similarly deviate from setback requirements. Additionally, an approximate 10-foot Imperial Irrigation District Easement is located between the property line and the City's Right of Way. A setback of an additional twenty feet would occupy sixty percent of the parcel's width of fifty feet. The intended land use is for a new laundromat two-story building with parking at the South end of the parcel and a swale on the Eastern side of the property for stormwater management. The project site houses an existing building dating back to 1947. The years of rain, winds and general use have deteriorated the site's topography, therefore the required installation of a swale will benefit the site's new use and surrounding properties. The current Commercial Zone's development requirements deprive the property of the privileges enjoyed by this and other corner properties in the vicinity. There are no special circumstances that apply to this property regarding its size or shape.

2. **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.**

The granting of Variance 24-01 will preserve the substantial property right possessed by the same property owners of the project site for the past seventy-seven years. Other corner buildings and/or structures on properties within the same zone and vicinity also deviate from the current street-side setback requirements, thus denying the current property owner of the project site of the same right.

3. **That granting the Variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.**

Granting the Variance, or any modifications will not be materially detrimental to public health, safety or welfare or injurious to the property in the vicinity and zone. Applicant is proposing to construct a building in the exact location as the existing building that has stood on that parcel for seventy-seven years causing no recorded negative impacts. The Imperial Police Department researched, but did not locate any recorded traffic or pedestrian incidents at the location.

4. The Variance will not constitute a privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

The Variance will align with neighboring corner properties in the vicinity, ensuring that no special privileges are granted that would conflict with the development standards applied to the other Commercial Zone buildings 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.

Approving Variance 24-01 will not expressly allow activities or uses on the parcel not authorized by the zoning regulations governing the parcel. The proposed project consists of the construction of a new laundromat facility with the required retention basin and parking spaces occupying approximately fifty percent of the parcel that measures approximately 7,451 square feet. The variance is being sought to allow more square footage for the building.

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

Granting Variance 24-01 will be compatible with The City of Imperial's General Plan's Community Development Element by allowing the Applicant to move forward with his proposed project by improving the physical development of the City and the City's environment in a functional, aesthetic pattern and the Land Use Element by offering a pedestrian-friendly Downtown area offering a mix of locally-owned businesses to provide unique cultural experiences and support higher density developments. The Land Use Element describes East Downtown area on Barioni as an extension of Downtown Imperial, envisioned to offer commercial diversity, while still providing an attractive image intended to provide commercial businesses, maintain street frontage with parking in the rear and provide a link to the core of Downtown Imperial.

G) 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 27th day of March, 2023.

Planning Commission Chairperson

ATTEST:

City Clerk

EXHIBIT A
CONDITIONS OF APPROVAL

Variance 24-01
Quentin Tucker
300 E. Barioni Boulevard
APN 064-063-001

1. Owner shall not hold the City of Imperial or any of its employees responsible for any incidents regarding Variance 24-01.
2. The provisions of Variance 24-01 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 owner 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 owner shall be responsible for maintaining the property free of litter at all times.
5. The owner 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 24-01 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 owner shall pay all applicable fees as required by the city.
8. If the Community Development Department finds and determines that the owner or successor-in-interest has not complied or cannot comply with the terms and conditions of Variance 24-01, or the Planning/Building Division determines that the permitted activities constitute a nuisance, the City shall provide the owner with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) the owner fails to comply, and/or (2) the owner 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 owner, any violation of Variance 24-01 approval may be a "nuisance per se". The City may enforce the terms and conditions of Variance 24-01 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. The owner 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.
11. The owner must maintain all signs clean and in working order.
12. The owner must comply with all applicable fire codes, CFPA standards and any other pertinent regulations.
13. The owner must have access to the retention basin pump should there be any mechanical malfunction with the pump.
14. Any new construction or remodel within the designated downtown Commercial Zones shall follow the guidelines set forth in the Downtown Imperial Redevelopment Master Plan.

ATTACHMENT B

QUITCLAIM DEED

IMPERIAL IRRIGATION DISTRICT, Pursuant to and by authority of a resolution of its board of directors under date of _____ and entered upon the minutes of said board, to which reference is hereby made, and in consideration of _____ Dollars to it in hand paid, the receipt of which is hereby acknowledged, does hereby Remise, Release and forever Quitclaim to **CITY OF IMPERIAL**

that certain property situated in the County of Imperial, State of California, described as follows;

Lot 1, Block 81, Townsite of Imperial.

Reserving, however, all easements and right of ways of record in the name of or heretofore used by IMPERIAL IRRIGATION DISTRICT for irrigation, waste or drainage canals, or power or telephone lines, and reserving the right to construct, operate and maintain power and telephone lines upon or over said right of way, together with a convenient means of ingress and egress thereto.

To have and to hold to the said grantee _____

Witness our hands this _____ day of _____, 19__ It?

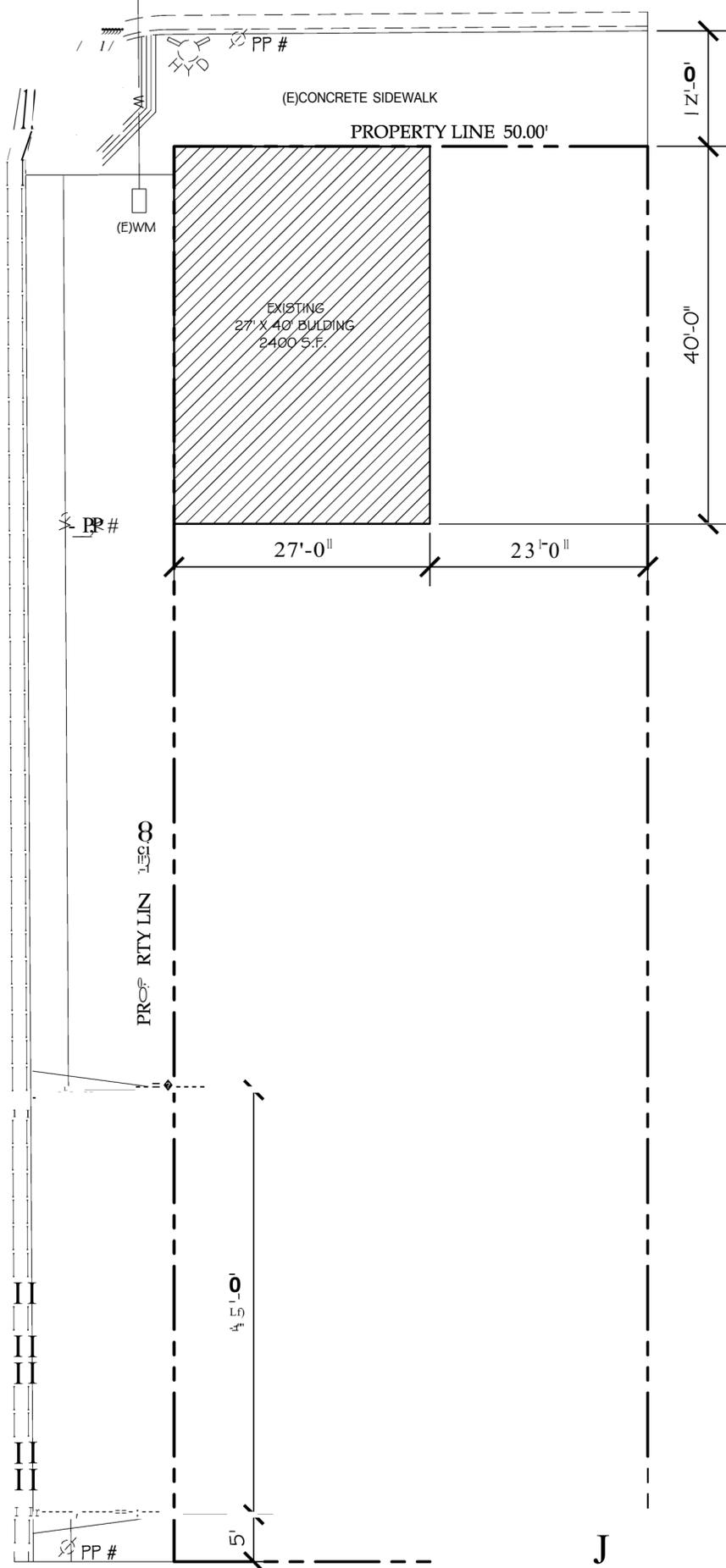
Signed, Sealed and delivered in the presence of _____

IMPERIAL IRRIGATION DISTRICT

President (SEAL)

Secretary (SEAL)

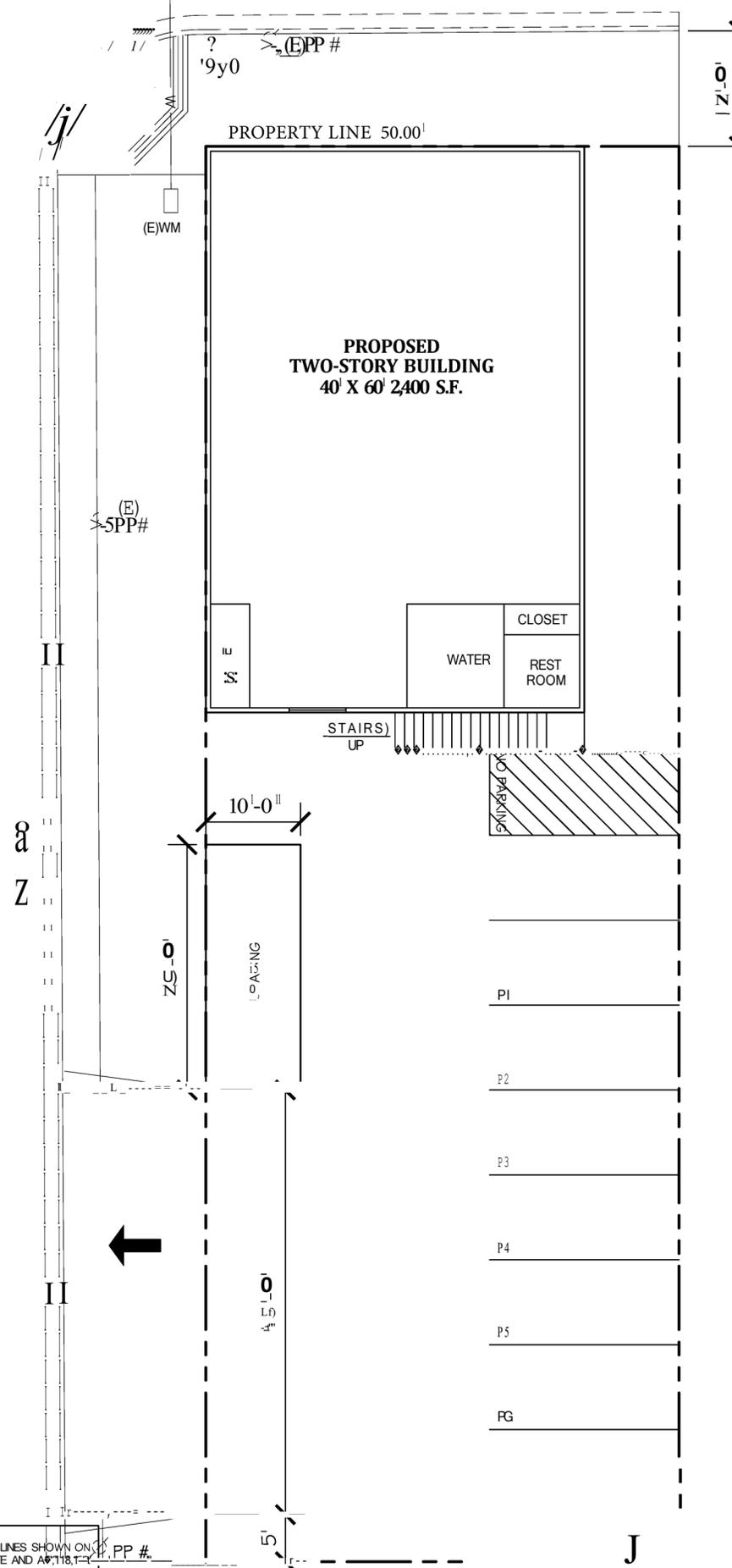
ATTACHMENT C



(E)SITE PLAN

SCALE 1/16" = 1'-0"

NORTH



PROPOSED SITE PLAN

SCALE 1/16" = 1'-0"

NORTH

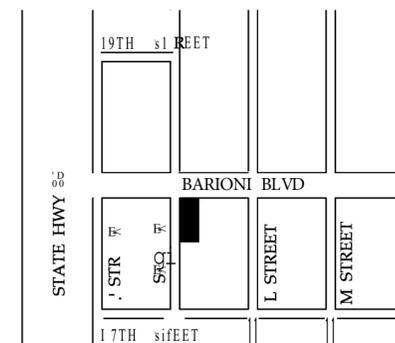
PROPERTY BOUNDARY NOTE:
THE PROPERTY OR BOUNDARY LINES SHOWN ON THIS PLAN ARE AN APPROXIMATE AND APPROXIMATE LOCATION. THIS PLAN SHALL NOT BE USED AS A LEGAL DOCUMENT FOR LOCATING, ESTABLISHING OR DEPICTING PROPERTY LINES. IF PROPERTY LINES NEED TO BE ESTABLISHED OR IDENTIFIED, A REGISTERED LAND SURVEYOR WILL PREPARE THE NECESSARY SURVEY.

BUILDING CODE

THIS PROJECT SHALL COMPLY WITH:

- 2022 CALIFORNIA RESIDENTIAL CODE
- 2022 CALIFORNIA BUILDING CODE
- 2022 CALIFORNIA ELECTRICAL CODE
- 2022 CALIFORNIA PLUMBING CODE
- 2022 CALIFORNIA MECHANICAL CODE
- 2022 CALIFORNIA FIRE CODE
- 2022 CALIFORNIA GREEN BUILDING CODE

VICINITY MAP



PROJECT SITE
300E. BARIONIBLVD.
IMPERIAL, CA 92251

NORTH

REVISION	ISSUE	DATE

DATE:	02-22-24
DRAWN:	C.G.V.
SCALE:	AS NOTED
FILE:	QTKSTREET.dwg

THESE DOCUMENT DRAWN FOR OWNER-BUILDER or SELECTED GENERAL CONTRACTOR - OWNER ASSUMES RESPONSIBILITY FOR DIRECTION or COORDINATION OF ALL WORK - INSPECTION - and CRAFTSMANSHIP FOR PROJECT. Plans prepared by Cecilia Griffiths Vogel, 760.455.7600
Cecilia Vogel

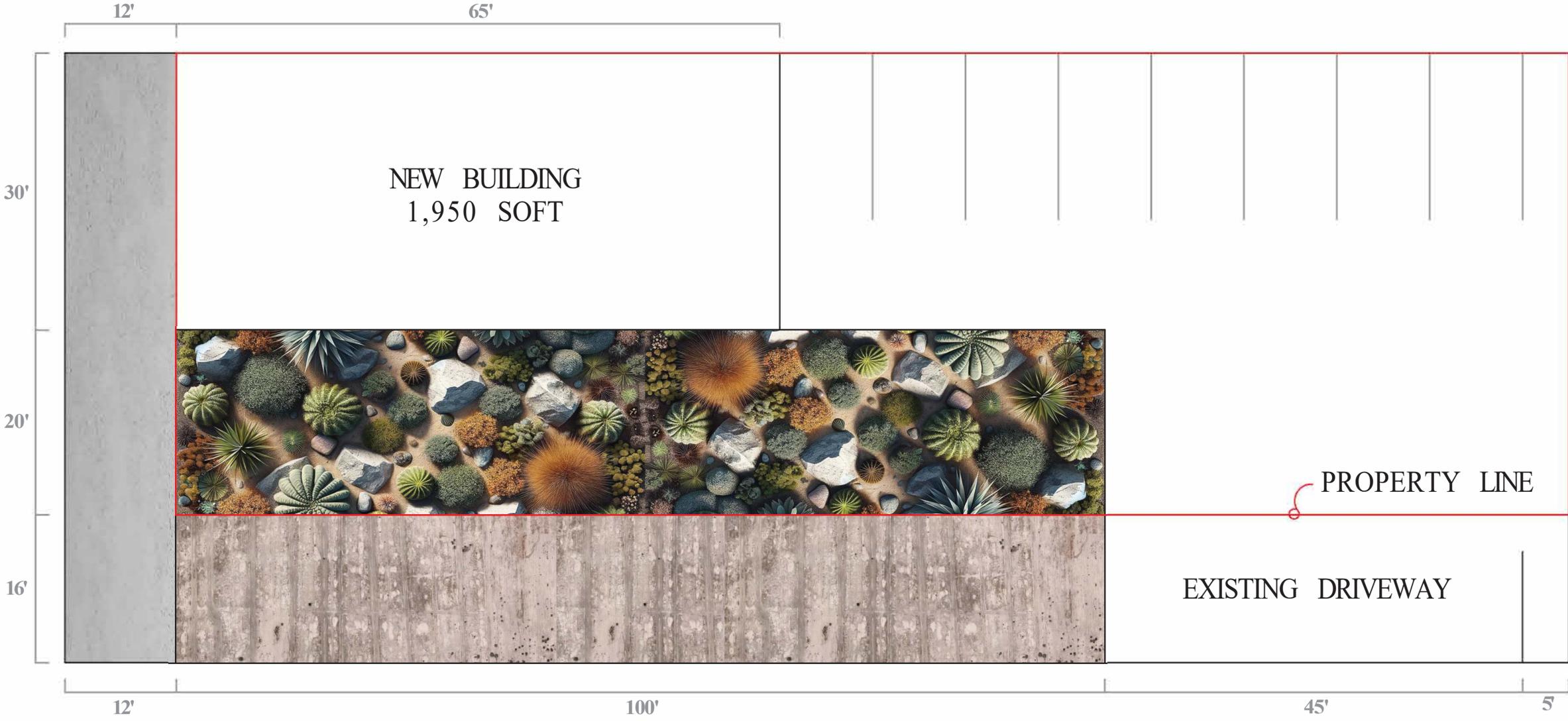
EIA
300 E. BARIONI BOULEVARD
Imperial, CA 92251

TITLE SHEET
SITE PLAN

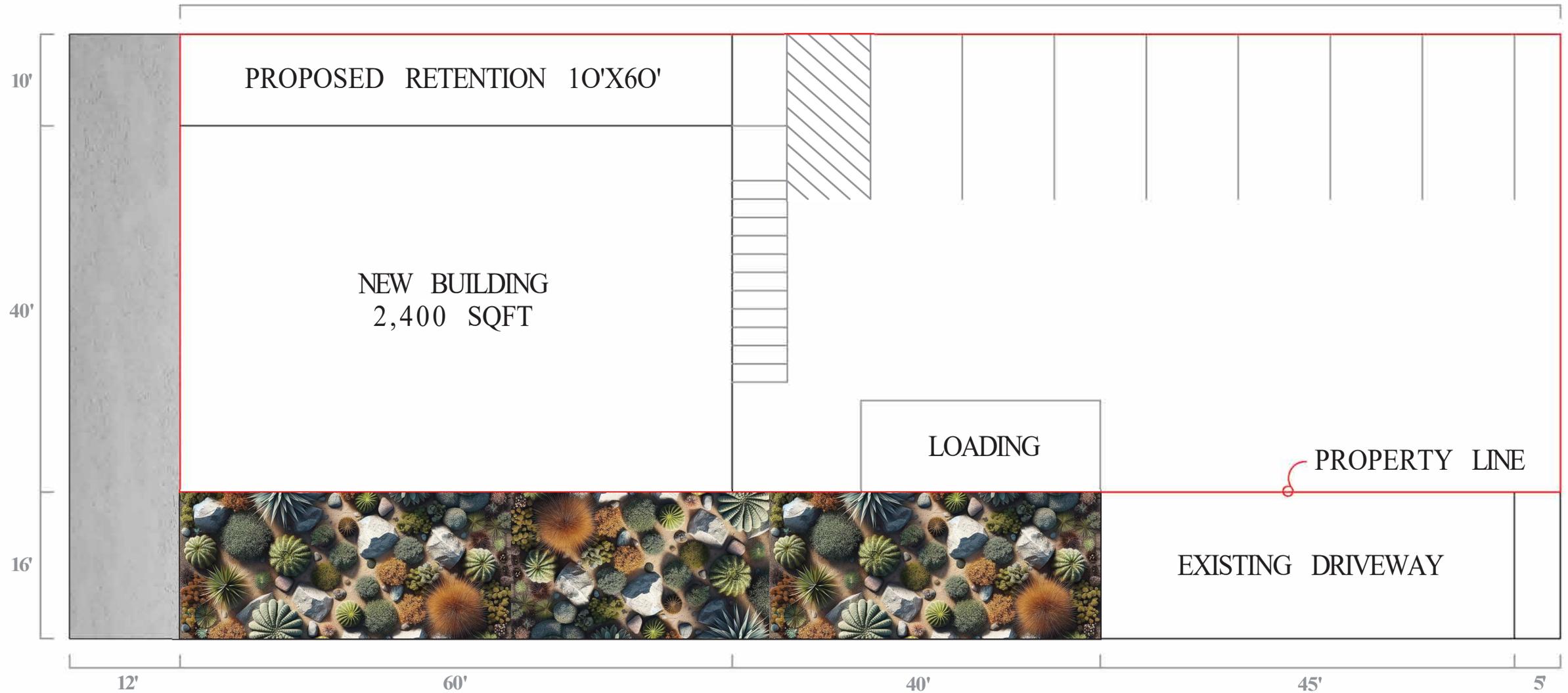
SHEET:

1

ATTACHMENT D
CONCEPTUAL SITE PLAN WITH REQUIRED 20 FT. LANDSCAPED SETBACKS



ATTACHMENT D
CONCEPTUAL SITE PLAN WITH APPROVED VARIANCE





Staff Report

Agenda Item No. D-2

To: City of Imperial Planning Commission
From: Yvonne Cordero, Planner
Date: March 8, 2024
Item: Variance 23-04 and Conditional Use Permit 23-07 – Deviation from the Residential Property Development Standards

Applicant:	Mark Gaddis
Project Location:	121 N. F Street
Zoning:	R-1 Single-Family Residential
Environmental:	Categorically Exempt from CEQA – 15301 Existing Facilities
Recommendation:	Staff does not recommend Planning Commission approval of Variance 23-04 and Conditional Use Permit 23-07.

Background

Mark Gaddis submitted a Planning Application for the legalization of an existing metal and fabric accessory structure constructed at his residence located at 121 N. F Street. The accessory structure has an overall height of thirteen feet and six inches and was constructed with ten-inch setbacks from the property line. The City of Imperial's

Residential Property Development Standards for Accessory Structures require a setback measurement of three feet and a maximum height of twelve feet for accessory structures.

Mr. Gaddis was given a courtesy notice by our Code Enforcement Division to obtain a building permit for the legalization of his accessory structure. During the building permit review process, staff advised Mr. Gaddis of the structure's height and setback violations and he opted to apply for a variance to deviate from the required setback and height requirements.

The City of Imperial's Development Review Committee reviewed Variance 23-04 and Conditional Use Permit 23-07 and recommend the accessory structure be either removed or modified to comply with the City's Residential Property Development Standards. Upon review of the project, the Development Review Committee requested the Imperial Irrigation District's review of the structure, due to the proximity of IID's power poles and power lines located at the Northwest corner of Mr. Gaddis' property shown in the picture below. IID conducted a site inspection and verified the structure was constructed within IID's Right of Way/Easement and provided their Distribution Line Clearance Specifications detailing the area distances that are to be clear of buildings/structures for 15KV power poles/lines (Attachment B) and Regulation No. 23-Clearance Requirements for Power Line Corridors (Attachment C).

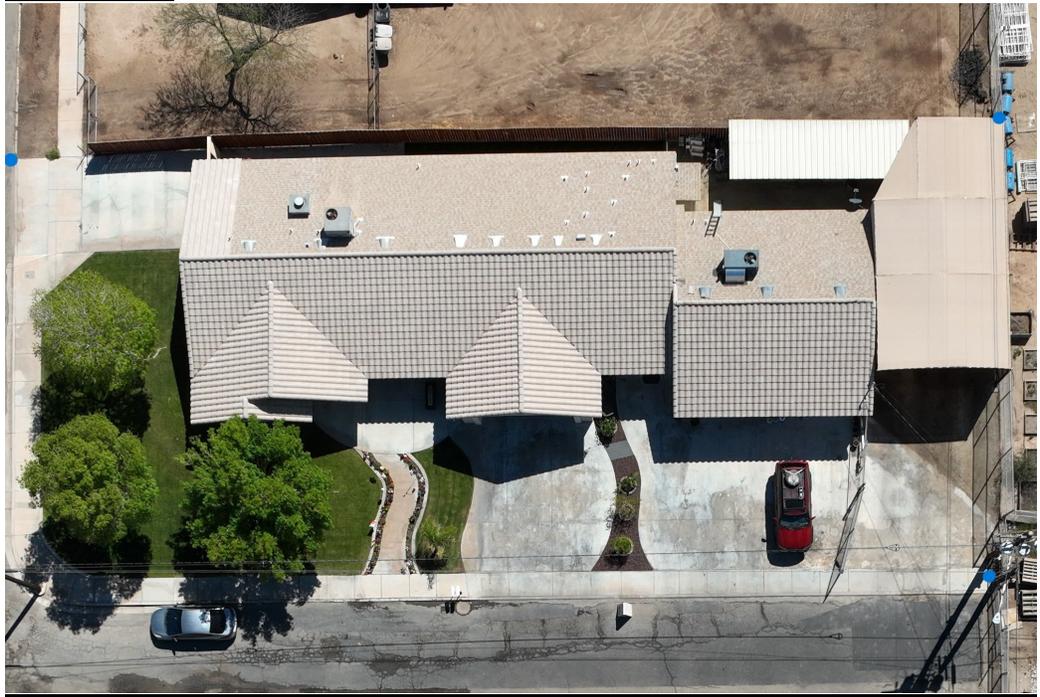


Community Development staff met Mr. Gaddis at his property on February 9, 2024 to verify the structure's measurements. Staff's measurements confirmed that the accessory structure is in violation of IID's Distribution Line Clearances and the City's Property Development Standards. Mr. Gaddis informed staff he submitted an IID Encroachment Permit (Attachment D) for permission to encroach within the IID's Right of Way/Easement, but the IID Encroachment Permit was later denied.

Project Location



Aerial View



Required Findings:

In order to approve Variance 23-03, 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. **There are special circumstances, such as size topography, location or surroundings applicable to the property or the intended use of the property, and because of this, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.**

There are no special circumstances that apply to this property regarding its size, shape or topography that deprive the property of the privileges enjoyed by other properties within the Residential Zone. The subject parcel's size is approximately 9,074 square feet, larger than the minimum lot size of 6,500 square feet in a Residential Zone. The project site's location is adjacent to the Imperial Unified School District's parcel to the West. An Imperial Irrigation District easement with installed power poles is located between the Applicant's and the Imperial Unified School District's property.

2. **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.**

Although Mr. Gaddis' property right to construct an accessory structure is recognized, the granting of the variance, in its original or modified form, is not necessary to preserve the property owner's right possessed by other residential properties in the vicinity. Permitted accessory structures in Residential Zones comply with the Residential Zone's Property Development Standards by going through the City of Imperial's Community Development's building permit review process or by the approval of a variance.

3. **That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.**

The constructed accessory structure does not meet the Residential Zone's Property Development Standards due to the structure exceeding height limitations and deviating from the side yard setback requirements. The fabric and metal accessory structure was constructed on an IID easement that obstructs IID's access, if IID should need to access it. The accessory structure was also constructed within the IID's five-foot clearance required for power poles and distribution lines. The accessory structure presents to be a detriment by impeding the IID's easement access and a fire hazard threatening the safety and welfare of the residential homes and Imperial Unified School District in the vicinity.

- 4. The variance will not constitute a privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.**

The variance will be granting a special privilege within the neighborhood and zone as other residential accessory structures that are reviewed by the City of Imperial's Community Development Department prior to being constructed are only approved when the building plans and inspections comply with the Property Development Standards set forth in Section 24.03.120 of the Residential Zone Ordinance.

- 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.**

Granting the approval of Variance 23-04 will allow a use unauthorized by the Residential Zone governing the parcel located at 121 N. F Street by deviating from the Residential Property Development Standards set forth in Section 24.03.120.

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

Granting Variance 23-04 will be incompatible with The City of Imperial's General Plan's Safety Element, Objective 8 that states the City is responsible for minimizing exposure of urban fires and to protect the public to the maximum extent possible. Additionally, the Hazard Management Element's goals and objectives are to contain mitigation measures to protect the public health, safety and welfare.

Environmental:

This project qualifies for a Categorical Exemption according to the California Environmental Quality Act (CEQA), Section 15301, "Existing Facilities", and is determined to be exempt from further environmental review requirements contained in CEQA.

Staff 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 **denies approval of** Variance 23-04 to allow the deviation of the required side yard setbacks defined in the City of Imperial's Property Development Standards and obstruction to an IID easement and Conditional Use Permit 23-07 to allow the existing accessory structure with a height that exceeds the City of Imperial's Property Development Standards and violates IID's Distribution Lines Clearance.

Attachments

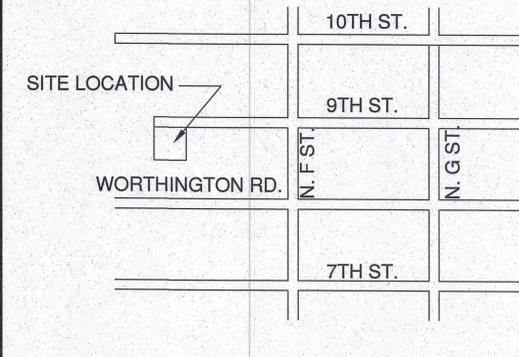
- Attachment A – Applicant’s Accessory Structure’s Building Plans
- Attachment B – IID Distribution Line Clearance Guidelines
- Attachment C – IID Regulation No. 23
- Attachment D – IID Encroachment Permit Application
- Attachment E - DRAFT Resolution PC2024-01 to Deny Approval

MARK GADDIS

121 N. F ST.

FABRIC SHADE LEGALIZATION

APN: 064-042-001



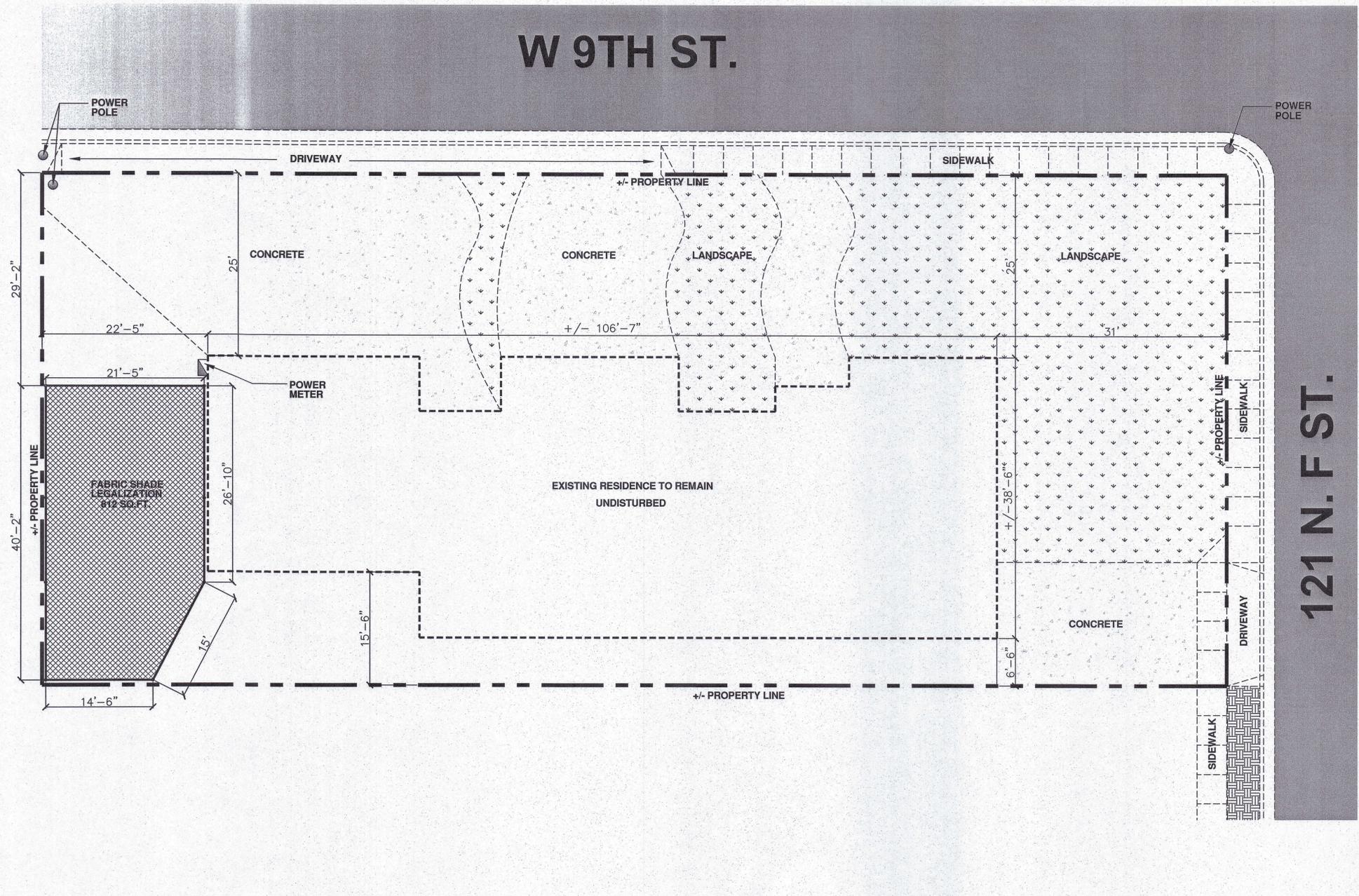
VICINITY MAP

SITE DATA	DRAWING INDEX
PROPERTY OWNER: MARK GADDIS	CS _____ SITE PLAN
ADDRESS: 121 N. F ST. IMPERIAL, CA 92251	S.1 _____ FABRIC SHADE
APN:064-042-001	
LEGAL DESCRIPTION: LOT 7 & N 20 FT OF LOT 8 BLOCK 77	

BUILDING DATA
OCCUPANCY CLASSIFICATION: R DESCRIPTION OF USE: RESIDENTIAL TYPE OF CONSTRUCTION: TYPE V-B SPRINKLERS: NO STORIES: 1 HEIGHT: 9'-0" FT LIVING SPACE: +/-2,750 SQ. FT GARAGE AREA: +/-840 SQ. FT FABRIC SHADE AREA: +/-812 SQ. FT HEIGHT: 13'-6" FT

GOVERNING CODES	SCOPE OF WORK
2022 CALIFORNIA BUILDINGS CODE	812 SQ.FT x 13'-6" HIGH FABRIC SHADE TO BE LEGALIZE. FABRIC SHADE CONSTRUCTION WILL ADHERE TO ALL RELEVANT CODES AND REGULATIONS TO ENSURE ITS COMPLIANCE WITH LEGAL REQUIREMENTS. DISCLAIMER NOTE: ALL PROPERTY LINES ARE APPROXIMATE. IT IS THE OWNER OR CONTRACTOR RESPONSIBILITY TO HIRE A PROFESSIONAL LAND SURVEYOR TO ESTABLISH PROPERTY LINES PRIOR TO ANY CONSTRUCTION.

REQUIRED SPECIAL INSPECTIONS	DEFERRED SUBMITTAL
N/A	N/A



SITE PLAN

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

DRAWING STATUS:

- PRELIMINARY DRAWINGS
- PROGRESS DRAWINGS
- PLAN CHECK/PERMIT DRAWINGS
- CONSTRUCTION DOCUMENTS

CALL BEFORE
 YOU DIG
TWO WORKING DAYS BEFORE YOU DIG

UNDERGROUND
SERVICE ALERT
CALL: TOLL FREE
1-800
422-4133



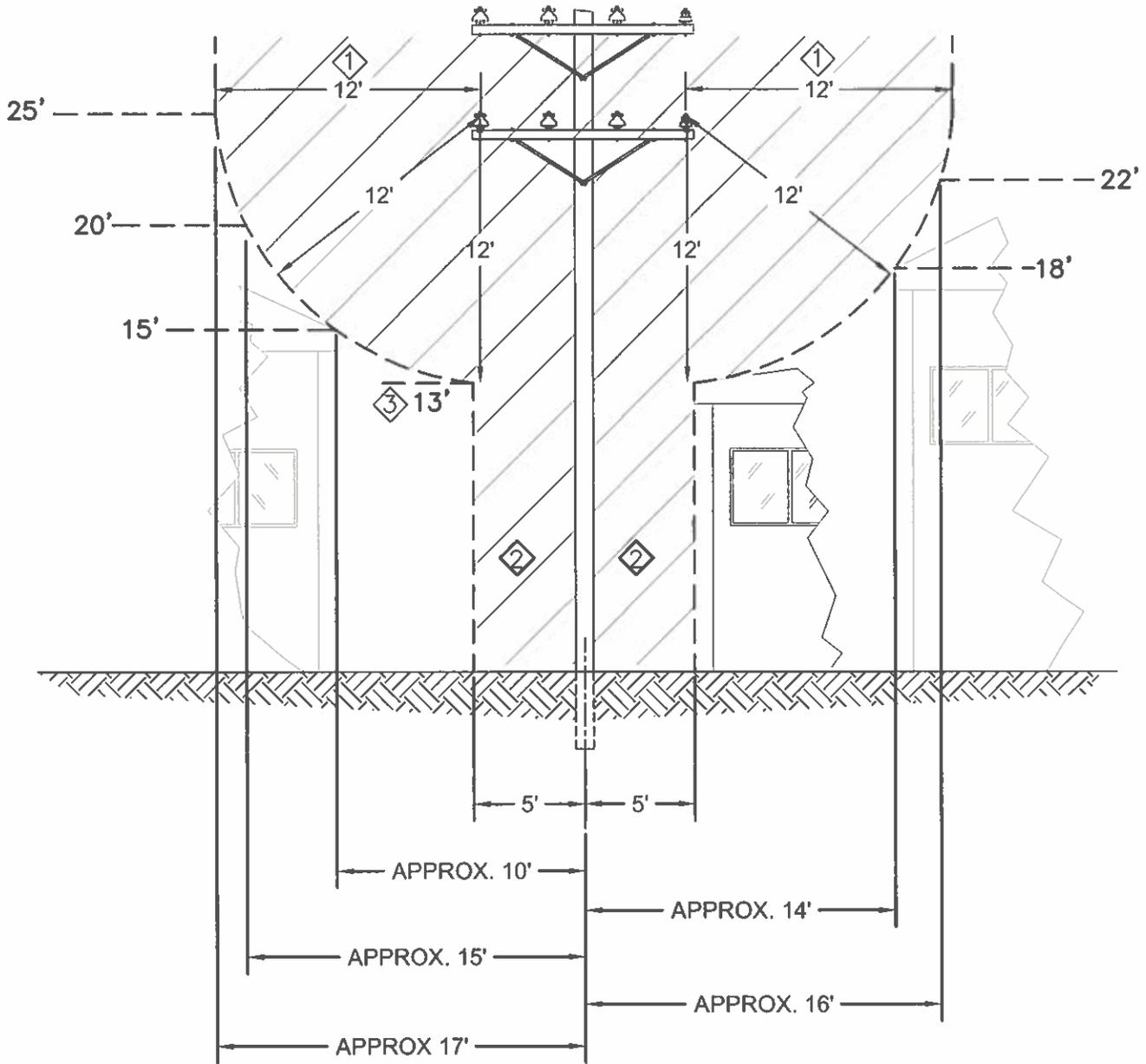
REVISIONS	No.	DESCRIPTION

SITE PLAN		SHEET
BY: JFT	DATE: 10/03/2023	CS
JOB NUMBER: 2023-101	CLIENT: MARK GADDIS	
PROJECT ADDRESS: 121 N. F ST. IMPERIAL, CA 92251		

ATTACHMENT B

6.20

AREA TO BE CLEAR OF BUILDINGS



NOTES:

- ① BUILDING STRUCTURES TO CONDUCTOR, CLEARANCE TO BE 12 FT. MIN RADIAL FOR 15KV CIRCUITS.
- ② CLEARANCE TO BE 5 FT. RADIAL FROM CENTERLINE OF POWER POLE, IID RIGHT OF WAY.
NO STRUCTURES ALLOWED IN IID RIGHT OF WAY.
- ③ BUILDING STRUCTURE TO BE A MAXIMUM HEIGHT OF 13 FT. IF DIRECTLY OUTSIDE OF IID RIGHT OF WAY.
- 4. CLEARANCES SHOWN ARE FOR DOUBLE CIRCUITS ONLY, FOR SINGLE CIRCUIT CLEARANCES NOTE ① APPLIES.

IMPERIAL IRRIGATION DISTRICT

DRAWN BY	<i>JR</i>
REVIEWED	<i>[Signature]</i>
APPROVED	<i>MB</i>
REVISION	REV 01
DATE	2-11-2013



EXISTING AND NEW LINE CONDITIONS
15KV DISTRIBUTION
BUILDING CLEARANCES

ATTACHMENT C

REGULATION NO. 23

CLEARANCE REQUIREMENTS FOR POWER LINE CORRIDORS

A. GENERAL PROHIBITION

No person shall cause interference with or pose a threat to the reliability of the District's transmission or distribution lines or create a safety hazard to the public by encroaching upon the District's rights-of-way in violation of the standards set forth herein.

B. PROHIBITED ACTIONS IN DISTRICT RIGHTS-OF-WAY

Within District power line rights-of-way, persons may not:

- (1) Build or expand a structure.
- (2) Modify power line ground clearance by adding material, storing material, equipment, crops, haystacks or other means, resulting in ground clearance non-conformance to California Public Utilities Commission General Order 95 requirements as set forth in Exhibit A.
(Reference CPUC, General Order No. 95, Rule 37, Minimum Clearances of Wires above Railroads, Thoroughfares, Buildings, Case No. 4).
- (3) Dig, or otherwise undermine power line structures.
- (4) Modify drainage or protection berms.
- (5) Store or stack wood, earth, waste, debris, materials, crops, machinery, equipment, supplies, haystacks, or similar personalty.
- (6) Plant trees, palms or other vegetation with the ability to grow closer than the minimum clearances set forth in Exhibit B.
- (7) Ignite fires, burn debris, materials, crops, haystacks.
(Reference California Public Resources Code Section 4293, Mountainous, Forest-Brush- and Grass-Covered Lands).

C. PERSONNEL SAFETY CLEARANCES

- (1) No person, firm, corporation, or agent of same, shall require or permit an employee to perform any function in proximity to energized high-voltage lines, to enter upon any land, building, or other premises, and there engage in any excavation, repair, or other operation; or to erect, install, operate, or store, in or upon premises, any tools, machinery, equipment, materials, or structures unless or until danger from accidental contact with said high-voltage lines has been effectively guarded against.
- (2) Persons other than qualified line-clearance tree trimmers and trainees shall not approach energized high-voltage power lines closer than as set forth in Exhibit C.
(Reference California Code of Regulations, Title 8, Section 2950, Table 1 Operations).

ATTACHMENT C

(3) The execution, operation or dismantling of any boom-type lifting or hoisting equipment, or any part thereof, closer than the minimum clearances set forth in Exhibit D, below, shall be prohibited.

(Reference California Title 8, Section 2946, Provisions for Preventing Accidents Due to Proximity to Overhead Lines).

(4) The storage of tools, machinery, equipment, supplies, materials, or apparatus, under, over, or adjacent to energized overhead high-voltage lines, is hereby expressly prohibited, if at any time during the handling or other manipulation it is possible to bring such tools, machinery, equipment, supplies, materials, or apparatus, or any part thereof, closer than the minimum clearances from such lines as set forth in Exhibit D, below.

(Reference California Title 8, Section 2946, Provisions for Preventing Accidents Due to Proximity to Overhead Lines).

D. HAZARDS

Hazards that may fall onto overhead high-voltage lines shall be removed.

(Reference CPUC, General Order No. 95, Section III Requirements for All Lines, Rule 35, Vegetation Management).

E. ENFORCEMENT

The District is hereby authorized to enforce the provisions hereof by all legal and equitable remedies including the discontinuance or refusal of electrical service to the subject property and when deemed necessary and appropriate in order to protect the health and safety of the community or reliability of the energy system, remove the encroachment or obstruction; the cost of such removal to be charged to the property owner. The District shall provide notice to the property owner of intended enforcement actions except where there is an imminent threat to the health or safety of the community or to the reliability of the District's energy systems.

ATTACHMENT C

Exhibit A

California Public Utilities Commission, Rules for Overhead Electric Line Construction, General Order No. 95, Section III, Requirements for All Lines, Rule 37 Minimum Clearances of Wires above Railroads, Thoroughfares, Buildings, Etc., Case No. 4 (*excerpt, see Order for additional details*)

Case No.	Nature of Clearance	Span Wires (Other than Trolley Span Wires) Overhead Guys and Messengers	Communication Conductors (Including Open Wire, Cables and Service Drops), Supply Service Drops of 0 - 750 Volts	Supply Conductors of 0 - 750 Volts and Supply Cables Treated as in Rule 57.8	Supply Conductors and Supply Cables, 750 - 22,500 Volts	Supply Conductors and Supply Cables, 22,500 - 300,000 Volts
4	Above Ground along thoroughfares in rural districts or across other areas capable of being traversed by vehicles or agricultural equipment	15 Feet	15 Feet	19 Feet	25 Feet	30 Feet

Exhibit B

California Public Resources Code, Division 4, Part 2, Chapter 3 Mountainous, Forest-, Brush- and Grass-Covered Lands, Section 4293 (*excerpt, see Code for additional details*)

Clearance in All Directions Between All Vegetation and All Energized Conductors Which Are Carrying Electric Current	
Operating Voltage	Clearance Distance
2,400 or more Volts, but less than 72,000 Volts	4 FT
72,000 or more Volts, but less than 110,000 Volts	6 FT
110,000 or more Volts	10 FT

ATTACHMENT C

Exhibit C

California Title 8, Group 2, Article 38, Section 2950, Table 1 (*excerpt, see Code for additional details*)

Minimum Approach Distances to Energized Conductors for Persons Other Than Qualified Line Clearance Tree Trimmers and Trainees.	
Nominal Voltage (phase to phase)	Clearance Distance
0 to 1,000	10 FT 0 in.
1,100 to 15,000	10 FT 0 in.
15,100 to 36,000	10 FT 0 in.
72,600 to 121,000	12 FT 4 in.
161,000 to 169,000	14 FT 0 in.
230,000 to 242,000	16 FT 5 in.

Exhibit D

California Title 8, Subchapter 5, Group 2, Article 37, Section 2946, Provisions for Preventing Accidents Due to Proximity to Overhead Lines (*excerpt, see Code for additional details*)

Material Storage and Boom-Type Lifting or Hoisting Equipment Required Clearances Required From Energized Overhead High-Voltage Lines	
Nominal Voltage (phase to phase)	Clearance Distance
600 to 50,000	10 FT
Over 75,000 to 125,000	13 FT
Over 125,000 to 175,000	15 FT
Over 175,000 to 250,000	17 FT

ATTACHMENT E
DRAFT RESOLUTION NO. PC2024-01

A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL, DENYING APPROVAL OF VARIANCE 23-04 AND CONDITIONAL USE PERMIT 23-07 FOR MARK GADDIS TO ALLOW THE DEVIATION OF THE RESIDENTIAL ZONE'S PROPERTY DEVELOPMENT STANDARDS FOR MAXIMUM HEIGHT AND SIDE YARD SETBACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE LOCATED AT 121 NORTH F STREET (APN 064-042-001)

WHEREAS, Mark Gaddis submitted a variance request for the deviation of the Residential Zone's Property Development standards for an accessory structure exceeding the maximum height limitations and side yard setback requirements; and

WHEREAS, a duly notified public hearing was held by the Planning Commission during a meeting on March 27, 2024; 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 23-04 Conditional Use Permit 23-07.

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 Residential Zone's Property Development Standards are ministerial and therefore categorically exempt from the California Environmental Quality Act per Section 15301.
- D) 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
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **DENIES APPROVAL of Variance 23-04 and Conditional Use Permit** for Mark Gaddis to allow for the deviation of the Residential Zone's Property Development Standards for maximum height and side yard setback requirements, based on the following findings:

- 1. There are special circumstances, such as size topography, location or surroundings applicable to the property or the intended use of the property, and because of this, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.**

There are no special circumstances that apply to this property regarding its size, shape or topography that deprive the property of the privileges enjoyed by other properties within the Residential Zone. The subject parcel's size is approximately 9,074 square feet, larger than the minimum lot size of 6,500 square feet in a Residential Zone. The project site's location is adjacent to the Imperial Unified School District's parcel to the West. An Imperial Irrigation District easement with installed power poles is located between the Applicant's and the Imperial Unified School District's property.

- 2. 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.**

Although Mr. Gaddis' property right to construct an accessory structure is recognized, the granting of the variance, in its original or modified form, is not necessary to preserve the property owner's right possessed by other residential properties in the vicinity. Permitted accessory structures in Residential Zones comply with the Residential Zone's Property Development Standards by going through the City of Imperial's Community Development's building permit review process or by the approval of a variance.

- 3. That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.**

The constructed accessory structure does not meet the Residential Zone's Property Development Standards due to the structure exceeding height limitations and deviating from the side yard setback requirements. The fabric and metal accessory structure was constructed on an IID easement that obstructs IID's access, if IID should need to access it. The accessory structure was also constructed within the IID's five-foot clearance required for power poles and distribution lines. The accessory structure presents to be a detriment by impeding the IID's easement access and a fire hazard threatening the safety and welfare of the residential homes and Imperial Unified School District in the vicinity.

4. The variance will not constitute a privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

The variance will be granting a special privilege within the neighborhood and zone as other residential accessory structures that are reviewed by the City of Imperial’s Community Development Department prior to being constructed are only approved when the building plans and inspections comply with the Property Development Standards set forth in Section 24.03.120 of the Residential Zone Ordinance.

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.

Granting the approval of Variance 23-04 will allow a use unauthorized by the Residential Zone governing the parcel located at 121 N. F Street by deviating from the Residential Property Development Standards set forth in Section 24.03.120.

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

Granting Variance 23-04 will be incompatible with The City of Imperial’s General Plan’s Safety Element, Objective 8 that states the City is responsible for minimizing exposure of urban fires and to protect the public to the maximum extent possible. Additionally, the Hazard Management Element’s goals and objectives are to contain mitigation measures to protect the public health, safety and welfare.

F) 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 27th day of March, 2023.

Planning Commission Chairperson

ATTEST:

City Clerk