

RESOLUTION PC2025-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL
APPROVING CONDITIONAL USE PERMIT 25-01 FOR JOSHUA QUINTERO TO
ALLOW THE OPERATION OF A STORAGE FACILITY LOCATED AT
611 E. 12th STREET (APN 063-123-001 AND APN 063-121-006)**

WHEREAS, Joshua Quintero submitted a Conditional Use Permit Application for a storage facility located at APN 611 E. 12th STREET (APN 063-123-001 and APN 063-121-006); and

WHEREAS, the subject site is located within an I-2 Rail Served Industrial, and storage facilities are conditionally allowed uses within that zone pursuant to Section 24-07 of the City Code; and

WHEREAS, a duly notified public hearing was published on March 13, 2025, in a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning Conditional Use Permit 25-01, and said notice was mailed to each property owner within a 300-foot radius of the project site in accordance with state law; and

WHEREAS, a public hearing was held by the Planning Commission on March 26, 2025, 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 comment received, the Planning Commission considered all facts relating to the request for a 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 15332, In-fill Development Projects, of the California Environmental Quality Act and is exempt from further environmental review requirements; and

- E) That the storage facility is consistent with those uses allowed in the I-2 Rail Served Industrial Zone.
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Conditional Use Permit 25-01 for a storage facility on APN 063-123-001 and APN 063-121-006, subject to the conditions of approval outlined in Exhibit A and based on the following findings:

1. That the proposed location, size, design, and operating characteristics of the proposed use are 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 Rail Served (I-2) Industrial Zone, which is intended as an area for uses which can avail themselves of the railroad line in the area. The Zone also permits many General Industrial (I-1) Zone uses, such as storage facilities, which are also conditionally approved. The site's location and size is suitable for a storage facility and aptly sized for the Applicant's intended use. The proposed design of the facility will be an aesthetic improvement to the vacant site

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 proposed project is compatible with and will not adversely affect or be materially detrimental to the land uses located to the North, South, East and West. The applicant is installing asphalt throughout the storage facility to mitigate particle pollution emitted from the increased traffic that the project will generate.

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 established and agreed upon Conditions of Approval, the proposed project will not be detrimental to public health, safety or welfare, or materially injurious to the properties or those within the vicinity of the project site. Mr. Quintero's proposed improvements of a fence installation, lighting and security cameras will assist in decreasing transient activity and staff will be accessible for any emergencies twenty-four hours a day.

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 land use complies with all provisions of the City of Imperial's Zoning Ordinance and is compatible with the City of Imperial's General Plan.

- G) The City Attorney is authorized to make minor typographical changes to this Resolution that do not alter its substance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 26^h day of March, 2025.

Ruben Rivera
Planning Commission Chairman

ATTEST:

Kristina Shields
City Clerk

EXHIBIT A
CONDITIONS OF APPROVAL

1. The Developer/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 Developer/Applicant shall pay all applicable impact and capacity fees.
3. The Conditional Use Permit (CUP) 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 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. There shall be no outdoor storage of materials. Any outdoor storage areas shall be screened from public view.
7. Hours of operation shall be limited between the hours of 6:00 a.m. to 10:00 p.m. seven days a week.
8. Department Comments
 - Public Services:
 - a) The developer shall install a new sidewalk around the project's perimeter adjacent to the City right-of-way along North P Street and East 12th Street.
 - b) The proposed Total Industries Master Plan, which includes the storage facility requires City Council approval for the abandonment of portions of 13th Street.
 - Police Department:
 - c) Security precautions such as sufficient lighting, security cameras, or other crime prevention measures shall be required around the property's perimeter.
 - Engineering Division:
 - d) A lot line adjustment shall be executed to combine the three parcels into one contiguous parcel.

- e) An approved site plan that includes an retention basin detailing retention basin measurements, volume of water, and retention capacity.

Fire Department:

- f) An approved water supply capable of supplying the required fire flow determined by Appendix B in the California Fire Code shall be installed and maintained. Private fire service mains and appurtenance shall be installed in accordance with NFPA 24.
- g) Fire hydrant type and installation shall be in accordance with the City of Imperial details and shall be approved by the Fire Code Official. Fire hydrant will be required every 300 feet along approved fire access roads and within 150 feet of all Fire Department Connections (FDC).
- h) Fire Department connections shall be located on the street side of the building fully visible and recognizable from the street or nearest point of fire department vehicle access.
- i) Fire Department access roads shall be in accordance with the California Fire Code Chapter 5, Section 503 Fire Apparatus Access Roads and Appendix D.
- j) The fire apparatus access road shall extend within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility.
- k) Fire apparatus access roads shall have an unobstructed width of not less than 26 feet and an unobstructed vertical clearance of not less than 13 feet, 6 inches.
- l) Additional access shall be required by providing two (2) points of entry into the complex. Egress and egress components shall be in accordance with Chapter 10 of the California Fire Code.
- m) Dead ends in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Turning radius shall be determined by the Fire Code Official and shall be in accordance with Appendix D of the California Fire Code.
- n) Gate or barricades shall be approved by the Fire Code Official and be in accordance with Sections 503.5 through 503.6 of the California Fire Code and Appendix D.
- o) Building(s) square footage and occupancy classification will determine if an approved automatic fire sprinkler system shall be installed in accordance with Chapter 9 of the California Fire Code and NFPA 13, 13R and 13D. Plans shall be submitted to Imperial County Fire Department for review for all fire sprinkler and fire suppression systems.
- p) Building(s) square footage and occupancy classification will determine if an approved automatic fire and smoke detection system shall be installed in accordance with Chapter 9 of the California Fire Code and NFPA 72 by submitting plans to the Imperial County Fire Department for review.
- q) An approved Knox Box, locks and or switches shall be required. Location(s) shall be approved by the Fire code Official.

9. 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.
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 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) the Permittee fails to comply, and/or (2) the Permittee cannot comply with the conditions outlined 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.
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.