

RESOLUTION NO. PC2022-07

A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL, APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF AN AUTO DISMANTLING AND TOWING FACILITY LOCATED AT 601 EAST BARIONI BOULEVARD, APN 064-072-001, SUBJECT TO THE ATTACHED CONDITIONS

WHEREAS, Navid Sam submitted an application for an auto dismantling and towing facility; and

WHEREAS, the subject site is located within an I-2 Rail Served Industrial Zone and automobile and truck services are conditionally allowed uses within that zone; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on August 24, 2022, to hear testimony for and against the proposed Conditional Use Permit; and

WHEREAS, upon hearing and considering all testimony and arguments, examining the environmental study, 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 22-01** to allow the operation of an automobile dismantling and towing facility at 601 E. Barioni Boulevard, 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 standard of the City.

The subject site is located within an I-2 Industrial Zone, which is intended to provide for a quality working environment and to achieve a harmonious mixture of uses which might otherwise be incompatible when located in close proximity.

- 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 ideal for the facility as it is surrounded by a variety of industrial uses located along Barioni Boulevard and N Street. The project will be compatible with the adjacent land uses and will not adversely affect the other businesses in the vicinity.

- 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 27th day of September, 2022.

Planning Commission Chairman

ATTEST:

City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #22-01 Quality Dismantling 601 Barioni Blvd.

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 shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
4. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the Conditional Use Permit. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the Conditional Use Permit, including any claim for private attorney general fees claimed by, or awarded to any party from the City.
5. All Conditions of Approval for this Conditional Use Permit shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
6. Dismantled parts shall be stored within the main building. There shall be no outdoor storage of impounded vehicles within the project site for no more than ninety days. If any outdoor storage of parts is necessary, it shall be for not more than thirty days. Any outdoor storage shall be obscured from the public right of way.
7. All signage shall be in accordance with Section 24.16 of the City of Imperial's Zoning Code Pertaining to Sign Regulations for Industrial Zones and approved by the Community Development Department by submitting a building permit application.

8. Applicant's business hours will be 7am to 7pm.
9. Applicant shall obtain environmental compliance permits required by Imperial County Air Pollution Control District.

10. Department Comments

Public Services:

- a) Applicant shall install an oil/grease and sand separator to any drain within the auto dismantling area prior to City sewer connection.
- b) Applicant shall install a backflow device and provide proof of certified backflow test prior to City water connection.

Police Department:

- c) Applicant shall install sufficient lighting and security cameras that cover the entire property for crime prevention.

Fire Department

- d) Tires shall be stored on racks in approved manner or shall be stored in accordance with Chapter 34 of the California Fire Code. Storage of tires shall be accordance with local, state, and federal regulations and requirements.
- e) Batteries shall be removed from vehicles and stored, handled, and disposed of by local, state, and federal regulations and requirements.
- f) Motor vehicle fluids shall be drained from salvage vehicles. Storage and handling of motor vehicles fluids shall be done in an approved manner. Flammable and combustible liquids shall be stored and handled in accordance with Chapters 23, 50, and 57 of the California Fire Code. Storage and handling of hazardous material shall be in accordance with local, state and federal regulations and requirements.
- g) Adequate supplies or equipment capable of mitigating leaks of motor vehicle fluids shall be kept and available onsite. Single use plugging, diking, and absorbent materials shall be disposed of as hazardous waste and removed from the site in a manner approved by local, state, and federal regulations and requirements.
- h) A Hazardous Waste Material Plan (HWMP) shall be submitted to Certified Unified Program Agency (CUPA) for their review and approval. All spills shall be documented and reported to Imperial County Fire Department and CUPA as required by the Hazardous Waste Material Plan.
- i) Hazardous Material Management Plan (HMMP) shall be required for all hazardous materials on site.
- j) Compliance with all sections of the California Fire Code that may apply.
- k) Fire apparatus access roads shall be a minimum 20 feet wide and maintained throughout the site in accordance with Chapter 5 of the California Fire Code. Aisles and/or passageways shall be provided so as to allow fire department hose streams to reach all stored items and materials as determined by the fire code official.

- l) Storage of vehicles shall not be stacked and provide separation to allow fire department hose streams to reach all stored items and materials as determined by the fire code official.
- m) Combustible rubbish accumulated onsite shall be collected and disposed of in approved containers.
- n) The use of gas welding and cutting operations of vehicles and/or parts by non-employed staff shall be prohibited. The use of gas welding and cutting operations by employees shall be in accordance Chapter 35 and 53 of the California Fire Code.
- o) Offices, storage building and vehicles used for site operation shall each be provided with a portable fire extinguisher with a minimum rating of 2-A: 20-BC. Additional portable fire extinguishers shall be provided in specific use areas in accordance with Chapter 9 of the California Fire Code.

Community Development

- p) The project site shall be maintained in a clean, orderly manner, free of debris or junk materials.
- q) Automotive storage areas shall be covered with a Class II base, or other material acceptable by the City of Imperial to minimize dust and track-off dirt onto roads.
- r) 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 of unpaved automotive storage areas.
- s) Light sources shall be shielded in such a manner that no light is visible from streets or adjoining properties. Illuminator shall be integrated within the architecture of the building. Freestanding lamp posts shall be no taller than 18 feet. The intensity of light at the boundary of any Industrial Zone shall not exceed seventy-five foot lamberts from a source of reflected light. All exterior light shall be low pressure sodium.
- t) All activities involving flammable and explosive materials shall be provided with adequate safety and fire-fighting devices to the specification of the Uniform Fire Code. All incineration is prohibited.
- u) No use shall be permitted which creates noise level which exceeds five decibels (as defined in the Occupational Safety and Health Act of 1970) above the ambient level of the area measured at the property line.
- v) No use shall be permitted which creates odor in such quantities as to be readily detectable beyond the boundaries of the site.
- w) 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.
- x) 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.

11. A site inspection shall be conducted to verify compliance with the conditions of approval. All conditions shall be satisfactory met prior to the issuance of a City of Imperial business license.
12. 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.
13. 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.
14. 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.
15. 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.