

Agenda Item No. F-1

DATE SUBMITTED 1/29/2020

SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR

DATE ACTION REQUIRED 2/5/2020

COUNCIL ACTION (X)

PUBLIC HEARING REQUIRED (X)

RESOLUTION (X)

ORDINANCE 1ST READING (X)

ORDINANCE 2ND READING ()

CITY CLERK'S INITIALS (X) 

**IMPERIAL CITY COUNCIL
AGENDA ITEM**

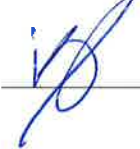
SUBJECT: DISCUSSION/ACTION: ZONE CHANGE AND GENERAL PLAN AMENDMENT FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO C-1 (COMMERCIAL NEIGHBORHOOD) AND APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW THE EXISTING BUSINESS AIRWAVE COMMUNICATION TO PERFORM AUTOMOBILE SERVICES ON THE ADJACENT PARCEL.

1. INTRODUCTION/1ST READING BY TITLE ONLY OF ORD. NO 805 APPROVING THE ZONE CHANGE AND GENERAL PLAN AMENDMENT FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO C-1 (COMMERCIAL NEIGHBORHOOD) AND APPROVAL OF THE CONDITIONAL USE PERMIT TO ALLOW OPERATION OF AUTOMOBILE SERVICES.
2. ADOPTION OF RESOLUTION 2020-03 APPROVING CERTIFICATION OF A CLASS 32 CATEGORICAL EXEMPTION FOR THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT

BACKGROUND/SUMMARY: The applicant, Airwave communications is requesting a zone change and general plan amendment in order to expand their existing business to the adjacent parcel, located on their lot behind K Sushi and adjacent to their existing business location in Imperial. At this time the lot is zoned R-1 (Residential Single-Family) which does not allow for commercial developments. The proposed zone change would allow the applicant to potential operate their business on the adjacent parcel behind K-Sushi. The proposed zone change would be the same zoning as the currently commercial operations that are both adjacent to the parcel, which are also (C-1) Commercial Neighborhood Zones. The Conditional Use Permit is required because the use is not permitted by right but by obtaining a conditional use permit for automobile services.

FISCAL IMPACT: N/A

ADMIN SERVICES SIGN INITIALS 

STAFF RECOMMENDATION: City of Imperial staff requests Councils approval of Ordinance No. _____ and Resolution 2020- _____

DEPT. INITIALS OM

MANAGER'S RECOMMENDATION:

CITY MANAGER'S INITIALS AB

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVE ()

D

REFERRED

TO:

REJECTED ()

DEFERRED ()



Staff Report

Agenda Item No.

To: City of Imperial, City Council
From: Lisa Tylanda, Planner
Date: January 29, 2020
Subject: Zone Change/General Plan Amendment/Conditional Use Permit for Airwave Communication

Background:

Current Zoning: R-1	Current Land Use: Vacant Parcel
Size of Property: 16,167.11 square-feet	Parcel Legal Description: LOTS 11 & 12 & POR LOTS 4 5 6 & 10 BLK 116 TSTE OF IMPERIAL
Site Design: Please see Site Plan provided below.	Environmental Clearance: Class 32 In-fill Exemption

Zone Change/General Plan Amendment (19_03) and Conditional Use Permit (19_08)



1" = 188 ft	City of Imperial	01/03/2020		
<small>This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.</small>				

Project Summary:

The applicant, Airwave communications is requesting the zone change and general plan amendment in order to expand their existing business to the adjacent parcel, to allow a new metal building located on their lot behind K Sushi and adjacent to their existing business location in Imperial. At this time the lot is zoned R-1 (Residential Single-Family) which does not allow for commercial developments. The applicant is applying for the zone change in order to allow for expansion of his currently operating business. The proposed zone change and general plan amendment are to go from a residential single-family zoning to a C-1, commercial neighborhood zoning.

The proposed zone change would allow the applicant to potential operate their business on the adjacent parcel behind K-Sushi. The proposed zone change would be the same zoning as the currently commercial operations that are both adjacent to the parcel, which are also (C-1) Commercial Neighborhood Zones. The Conditional Use Permit is required because the use is not permitted by right but by obtaining a conditional use permit for automobile services.

General Plan Compliance and Policies Related to this Application

Land Use Element:

East Downtown Character Area is located on the east side of Highway 86 north and south of Barioni Boulevard, provides an opportunity to serve as an extension of Downtown. It is envisioned to offer commercial diversity, while still providing an attractive image for drivers.

- **Land Use Element Goal #1 Growth & Development:** Implement the successful transformation of the City from a small town into a medium, full service City while maintaining its rural character via planned and orderly development.
- **Land Use Element Goal #2 Land Use Compatibility:** Achieve land use compatibility throughout the City and promote character areas, where appropriate.
- **Land Use Element Goal #4 Economic Prosperity:** Achieve a balanced and varied economic base which provides a broad range of goods, services, and employment to the City's residents and the region in a manner that is aesthetically pleasing and consistent with the character areas.

Circulation Element:

The proposed Zone Change is consistent with and meets various goals of the Circulation Element by bringing commercial development closer to the City and existing Neighborhoods:

- **Circulation Element Goal #1 Circulation & Land Use :** Plan land uses in conjunction with the circulation system to encourage future growth in areas of higher density on transportation nodes, which will better allocate City resources and limit vehicle miles traveled.
- **Circulation Element Goal #2 Safe & Complete Streets:** Develop a multi-modal network and balanced transportation system that safely accommodates all modes of travel.

This Zone Change will not cause any traffic generation or affect the circulation of the existing traffic in the area. As the vacant parcels are developed, there may be an increase in the traffic volume in the immediate area surrounding these sites.

Public Improvements/City Services:

No public improvements are required with the approval of this Zone Change. However, when the vacant parcels are developed, all missing public improvements shall be constructed

Neighborhood Impact/Interface:

There is no neighborhood impact/interface anticipated as a result of this Zone Change. At the time of development, consideration will be given to the impacts any future project might have on the surrounding area.

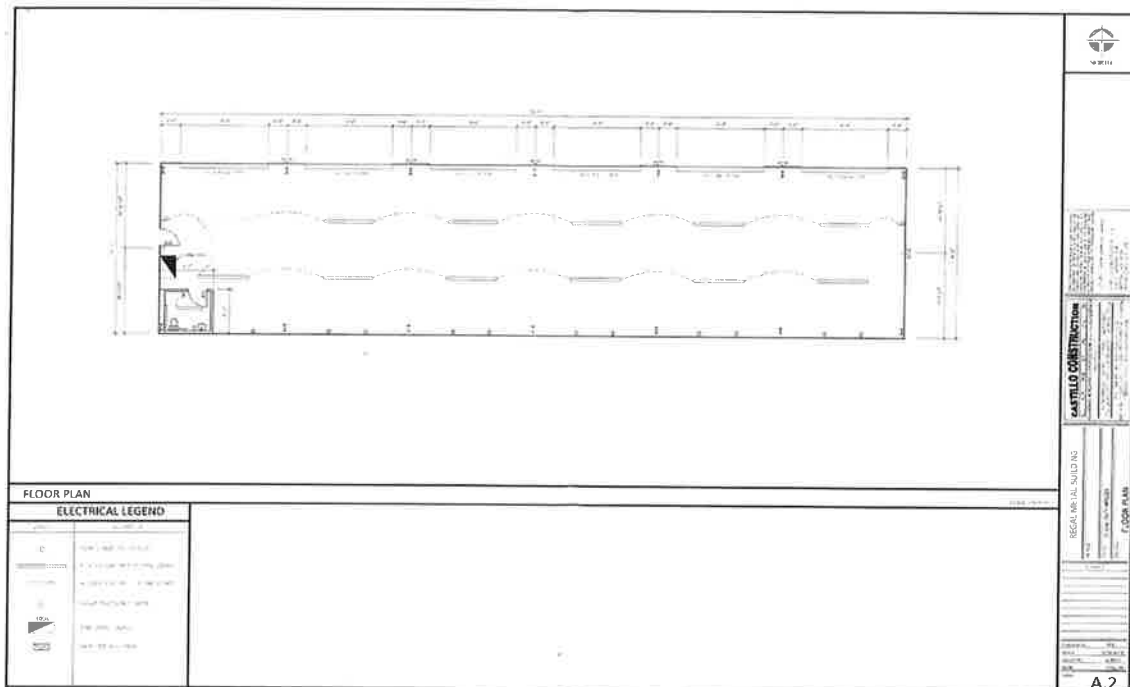
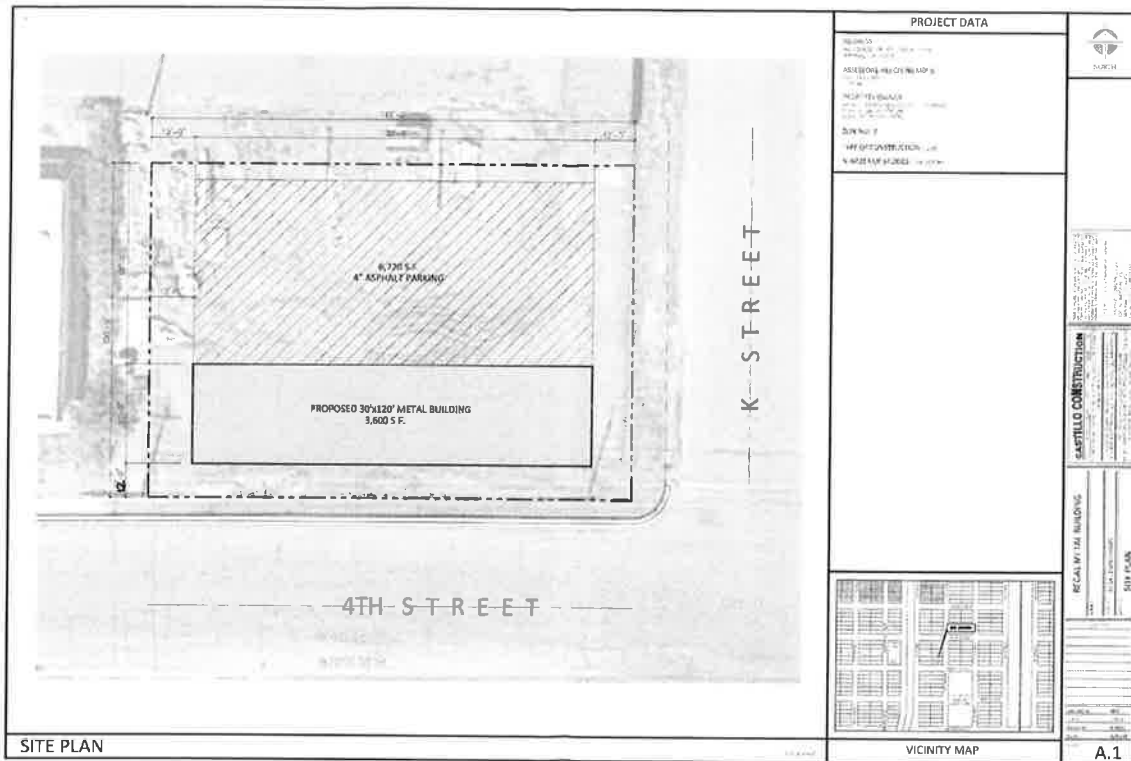
Staff Recommendation:

Staff recommends this item to the City Council for review and approval.

Attachments:

- Conceptual Site Plan/Floor Plan
- Project Summary from Applicant
- Resolution
- Conditions of Approval

Conceptual Site & Floor Plans:



CASTILLO CONSTRUCTION

C O M P A N Y

P. O. Box 233 • Imperial, CA 92251
Phone: (760) 355-1051 • Fax: (760) 355-4158
www.castilloconstruction.com • CA#257339

November 4, 2019

City of Imperial
420 South Imperial Ave.
Imperial, CA 92251

Attn: Lisa Tylenda

Re: Regal Enterprises

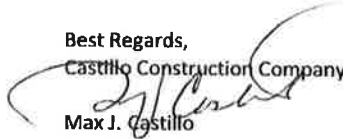
Dear Miss Tylenda,

The following is a narrative for the Regal Enterprises project. They took over the business in 2003 from Hendricks Communications, which ran the Communications business for 30 to 40 years prior to that. They need to expand their facility to be able to service the growing number of customers.

They hope to add a 6 bay service and installation shop totaling 3,600SF. We have included a site plan showing the proposed location at the northwest corner of 4th and K Street. It will be housed in a metal building with the required landscaping and curbs, sidewalks and gutters.

At the present time the entire area is vacant with the office and existing shop fronting "J" Street. We appreciate the opportunity to present this project for your approval.

Best Regards,
Castillo Construction Company


Max J. Castillo
President

Cc: Regal Enterprises
Attn: Mr. Kelly Baker
414 South "J" Street
Imperial, CA 92251

Enclosed: A. Condition of title report
B. Site Plan
C. Elevation and Floor Plan

RESOLUTION NO. CC 2020- 03

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA,
RECOMMENDING APPROVAL OF THE ZONE CHANGE AND GENERAL PLAN
AMENDMENT ~~AND CONDITIONAL USE PERMIT FOR THE FOLLOWING ASSESSOR
PARCEL NUMBERS 064-151-002 TO ALLOW FOR THE NEIGHBORHOOD COMMERCIAL
DEVELOPMENT OF AN AUTOMOBILE SERVICE STATION.~~**

WHEREAS, Castillo Construction company applied on behalf of Regal Enterprises has submitted an application for a General Plan Amendment and Zone Change for certain real property described as follows:

ASSESSOR PARCEL NUMBERS: 064-151-002

WHEREAS, a duly notified public hearing was held by the City Council on February 5, 2020; and

WHEREAS, upon hearing and considering all testimony and arguments, examining the Initial 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 Conditional Use Permit, General Plan Amendment, and Zone Change.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial as follows:

- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the City Council hereby finds as follows:
 - 1. The proposed conditional use permit, zone change, and general plan amendment are consistent with the goals, objectives and policies of the General Plan;
 - 2. The proposed conditional use permit, zone change, general plan amendment, and proposed automobile service station is compatible with the surrounding environment;
 - 3. Public facilities and services can be provided to the proposed commercial development without placing undue additional burden on existing residents and businesses; and
- C) That on the findings made above, the Planning Commission recommends **APPROVAL** of the conditional use permit, zone change and general plan amendment; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby recommends **APPROVAL** of the zone change and general plan amendment from R-1 (Residential Single-Family) to C-1 (Commercial Neighborhood) and;

- E) That based on the evidence presented at the public hearing, the Planning Commission hereby recommends APPROVAL of a Class 32 In-Fill Categorical Exemption; and
- F) All recommendations made by the Planning Commission are based on the following findings:
1. 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.
 2. The project is in compliance with the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code.
 3. The initial environmental assessment shows that there is no substantial evidence that the zone change and general plan amendment may have a significant impact on the environment.
 4. 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.
 5. The proposed Conditional Use Permit, Zone Change, and General Plan Amendment are consistent with the intent of the Imperial General Plan to maintain land use designation consistency within the incorporated area of a City's and its sphere of influence.
 6. The proposed Conditional Use Permit, Zone Change, and General Plan Amendment are consistent with the policies and the land uses of the existing City of Imperial General Plan.
 7. The proposed General Plan Amendment and Zone Change are consistent with the objective of the City of Imperial Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 5th day of February 2020.

Mayor

ATTEST:

City Clerk

EXHIBIT A
CONDITIONS OF APPROVAL

for
Airwave Communications/ Regal Enterprises
Conditional Use Permit, Zone Change and General Plan Amendment
(APN 064-151-002)

1. 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 offer for dedication all rights of way, easements, or parcels of land required for both on-site and off-site construction of streets, pipelines, utilities and the storm water retention basin.
3. The Developer/Applicant shall pay all impact and capacity fees.
4. The Developer/Applicant shall pay any and all amounts as determined by the City of Imperial to defray all costs for the review of maps, drawings, reports, field investigations, or other activities related to compliance of this project with City ordinances and/or any other laws, regulations, or requirements that apply. These costs shall be paid to the City prior to the issuance of a Certificate of Occupancy.
5. All maps, plans, studies, cost estimates, designs and calculations required for this project shall be subject to the review and approval of the City Engineer, Department of Public Works and Department of Community Development prior to the issuance of a Certificate of Occupancy.
6. All infrastructure improvements shall be constructed prior to the issuance of a Certificate of Occupancy. Security shall be provided prior to the second reading/adoption of the Zone Change to ensure construction of said improvements and to comply with the Conditions of Approval.
7. The Developer shall provide adequate financial assistance to offset the impacts to local law enforcement, fire and school services to ensure the level of service of these departments are not adversely affected by the development of this project.
8. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. The Developer shall construct new water mains and storage facilities in the project area if necessary and built according to City development standards. In the event that the collection system is improved by the City or another developer, this project shall pay its fair share of the cost of improvements.
9. The Developer shall comply with the City's Sewer Master Plan to ensure sufficient handling of wastewater. The Developer shall improve the collection system through the construction of new sanitary sewer mains where required and in accordance with City development standards.
10. The Developer/Applicant shall submit a lighting plan prior to any construction activity. All lighting installed shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties. The lighting plan shall be reviewed and approved by the City of Imperial Community Development Department.

11. Construction sites shall control dust (PM-10) generation through implementation of the construction mitigation measures detailed in Regulation VIII of the Air Pollution Control District's CEQA handbook and as outlined in the Mitigation Monitoring Program.
12. The conditional approval of the project 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.
13. The Developer/Applicant shall obtain, pay for and comply with all permits from the Imperial Irrigation District, and other applicable agencies for all improvements within, across, or affecting the respective rights of way.
14. The Developer/Applicant shall agree to defend, indemnify and hold harmless the City of Imperial, the Imperial County Airport, and their agents, including consultants, officers and employees from any claim, action or proceeding against the City or the County Airport, or their agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the Zone Change, General Plan Amendment and Class 32 Categorical In-fill exemption. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys fees, or expert witness costs that may be asserted by any person or entity, including the Developer/Applicant arising out of or in connection with the approval of the Zone Change, General Plan Amendment and the Conditional Use Permit.

ORDINANCE NO. 805

AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING THE IMPERIAL CITY CODE TO CHANGE THE ZONING DESIGNATION AND GENERAL PLAN AMENDMENT FROM R-1 (RESIDENTIAL SINGLE FAMILY) TO C-1 (COMMERCIAL NEIGHBORHOOD) FOR THE FOLLOWING APN: 064-151-002

Pursuant to Section 24.19.600 et al, the City Council of the City of Imperial, State of California, does hereby ordain as follows:

SECTION 1: The "Official Zoning Map" of the City of Imperial, Imperial County, adopted at Section 24.01.140 of Chapter 24 of the Imperial City Code is hereby conditionally amended pursuant to Section 24.19.600, et seq. as set forth in this ordinance.

SECTION 2: The property affected by this ordinance is shown in Exhibit A, specifically known as APN: 064-151-002

SECTION 3: The new zone for said property is hereby changed from R-1 (Residential Single Family) to C-1 (Commercial Neighborhood).

SECTION 4: Effective Date. This Ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, together with the names of the members of the City Council voting for and against the same.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this ____ day of ____ 2020.

Darrel Pechtal, Mayor

ATTEST:

Debra Jackson, City Clerk

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
CITY OF IMPERIAL)

I, Debra Jackson, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. _____ had its 1st reading on February 5th, 2020 and was passed by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MOTION CARRIED

I, Debra Jackson, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. _____ had its 2nd reading on M DD, 2020 and was passed by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MOTION CARRIED

DEBRA JACKSON, CITY CLERK
CITY OF IMPERIAL, CALIFORNIA

**AFFIDAVIT OF PUBLICATION
(2015.5 C.C.P.)**

STATE OF CALIFORNIA

County of Imperial

I am a resident of the County aforesaid; I am interested in the above entitled matter. I am principal clerk* of the printer of the

Imperial Valley Press

newspaper of general circulation, printed and published daily in the City of El Centro, County Imperial and which newspaper has been judged a newspaper of general circulation by Superior Court of the County of Imperial, State of California, under the date of October 9, 1911, Case Number 26775; that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on following dates, to-wit:

in the year 2020

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

SIGNATURE

This space is for the County Clerk's Filing Stamp:



**Notice of Public Hearing
City of Imperial-City Council**

Notice is hereby given that a public hearing will be held by the City of Imperial City Council on **Wednesday, February 5, 2020** at 6:30 P.M. The public hearing will be held at the City of Imperial Council Chambers located at **200 W. 9th Street, Imperial, CA 92251**. The Planning Commission will be conducting a Public Hearing for a proposed General Plan Amendment, Zone Change, Conditional Use Permit and a Class 32 Categorical Exemption from the California Environmental Quality Act, initiated by the applicant: **Castillo Construction Company**. The proposal is to change the land use and zoning designations for one (1) parcel known as **Assessor Parcel Number: 064-151-002** and legally described as: **LOTS 11 & 12 & POR LOTS 4 5 6 & 10 BLK 116 TSTE OF IMPERIAL**. There proposed Zone Change and General Plan Amendment are proposed to be from R-1 (Residential Single-Family) to C-1 (Commercial Neighborhood). The Conditional Use Permit would be to allow the use of Automobile and/or truck services at the location.

Copies of the application and other pertinent information are available for review at the Community Development Department at Imperial City Hall during regular business hours. If you would like to know more about the proposed project prior to the public hearing, please contact **Lisa Tylanda, Planner** at (760) 355-3326 or via email at lylenda@cityofimperial.org.

Any person desiring to comment on the above project may do so in writing or may appear in person at the public hearing. Written comments should be directed to **Ms. Debra Jackson, City Clerk, City of Imperial, 420 South Imperial Avenue, Imperial, CA 92251**. Please reference the project name in all written correspondence.

Debra Jackson
City Clerk
L422

126