



staff report

Agenda Item No. **D-1**

To: City of Imperial Planning Commission

From: Jorge Galvan, AICP, Director of Planning and Development

Date: March 23rd, 2016

Subject: **Alex Estrada Tow Yard Conditional Use Permit #16C01**
South "N" Street/ 5th Street

Background

The Applicant is requesting a Conditional Use Permit to operate a vehicle towing facility at the corner of South "N" Street and 5th Street in Imperial, CA 92251. The project will incorporate the entire property which is approximately 150' X 50' and 7600 square feet in size. A house is located in the southwest portion of the property which will be used as an office building for the two truck business. All towed vehicles will be placed within the space surrounding the future office building with tow truck parking specifically being near the northern edge of the property.

The property is located within an I-2 Rail Served Industrial Zone, intended for modern industrial, research and administrative facilities that can meet high performance and development standards and to take advantage of the railroad line in that area. In addition I-2 permits many General Industrial uses.

The I-2 Rail Served Industrial Zone is intended for modern industrial, research and administrative facilities that can meet high performance and development standards and to take advantage of the railroad line in that area. Automobile/ truck services including tow yards are conditionally allowed within I-2 zones. The City's Zoning Ordinance allows the Planning Commission to determine that other uses are similar to those already permitted or conditionally permitted. In order to permit an unlisted use, Section 24.19.300 et seq. of the Zoning Code requires the Planning Commission to make the following findings:

1. The use furthers the objective of the zone;
2. The subject use and its operations are compatible with the uses permitted in the zone; and
3. The subject use is similar to one or more uses permitted in the zone; and
4. The subject use will not cause substantial injury to the property in the zone within which it is proposed to be located or in any abutting zone.



Discussion/Analysis

Vehicular access to the site is via paved roadway on South "N" Street. Vehicular activity to and from the project site on South "N" Street is expected to be minimal. Most of the applicant's business is out in the field/roadside. Approximately 75% do not require a tow; the majority of the calls are for jumpstarts, lockouts, and tire changes. Most of the vehicles that do require a tow are taken to repair shops or customers residences.

The project site is 1,300 ft. south of Barioni Boulevard, 1,600 ft. east of SR86, and 730 ft. west of "P" Street; therefore, the project site is not visible from these three locations. The Zoning Ordinance requires all setbacks to be no less than ten feet and that all required setbacks be landscaped with environmental friendly drought tolerant, low maintenance plant materials and shall be irrigated by automatic sprinklers. All light sources shall be shielded in such a manner that no light is visible from streets or adjoining properties and all lights shall be integrated into the architecture of any buildings. Freestanding lamp posts shall be no taller than eighteen feet in height.

Recommendation

Upon receiving testimonies for and against the project during the public hearing, Staff recommends that the Planning Commission **APPROVE** the Conditional Use Permit #16C01 based on the following findings.

1. 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 standards of the City.

The proposed project site is in character with the I-2 Rail-Served Industrial Zone in which it is located. With the recommended Conditions of Approval, the project will be compatible with the surrounding industrial uses.

- 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 subject site is located in the middle of an industrially zoned area. The surrounding area consists of existing industrial uses. To the east of the project site is I-2 Rail-Served Industrial Zone (1-2). The proposed towing yard is compatible with the surrounding uses. In addition, the project will also enhance the aesthetics of the area by incorporating landscaping.

- 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.**

The project will be required to adhere to the Uniform Building Code for seismic zone four and all applicable Federal, State and local laws. It will not be detrimental to the public health, safety or welfare of materially injurious to properties or improvements within the vicinity.

- 4. That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for an approved Variance.**

The proposed project will be in compliance with all aspects of the Zoning Ordinance for the I-2 General Industrial Zone with respect to setbacks, lot coverage, and parking.

Respectfully Submitted

John Gentry,
Administrative Analyst

RESOLUTION NO. PC 2016-03

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A
CONDITIONAL USE PERMIT (16C01) FOR A TOWING YARD
AT South "N" Street/ 5th Street**

WHEREAS, Alex Estrada submitted a Conditional Use Permit application for a towing yard at the corner of South "N" Street and 5th Street; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on March 23rd, 2016; 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 15303 of the California Environmental Quality Act; and
- E) That the towing yard 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 # 16C01 for a towing yard at the corner of South "N" Street and 5th Street, 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 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.
 - 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.

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.
4. That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for an approved Variance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 23rd day of March 2016.

Planning Commission Chairman

ATTEST:

Planning Secretary

**EXHIBIT A
RESOLUTION**

CONDITIONS OF APPROVAL

for

**Alex Estrada Towing Yard
South "N" Street and 5th Street**

1. The approved project shall consist of a towing yard and 1 office building located on a 7,600 square foot lot. The office will be located in the southwestern corner of the lot with tow truck parking being along the northern edge. Any changes to the project, including those permitted by right, shall require an amendment to this conditional use permit.
2. The Developer shall place a solid waste receptacle and a recycling receptacle within the project site and shall be located within a screened enclosure.
3. Landscaping shall be provided in all setback areas and shall be irrigated with an automatic system. Landscaping shall consist of environmental friendly trees, shrubs and groundcover (dimensions are noted in the project design). The applicant has one (1) year to meet the City of Imperial's requirement.
4. All mechanical equipment such as HVAC equipment shall be screened for visual and noise attenuation.
5. The construction or operation of the towing yard shall not add to the contamination of the soil, alter ground water flow, create additional drainage runoff or alter topography in such a way that creates hazards to the proposed site, adjoining properties, or the City.
6. The towing, storage, and impound yard shall provide the City with a fluid drainage and disposal plan that complies with all federal, state, and local standards.
7. 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.
8. The conditional approval of the Conditional Use Permit shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
9. The Applicant shall pay all impact and capacity fees as required by the city.
10. If lighting is to be installed on the project site, the 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 Planning Department and Building Department.

11. The site shall control dust (PM-10) generation through daily watering in accordance with a dust control plan submitted to and approved by the Air Pollution Control District as required by Imperial APCD Rule 800.
12. The development shall utilize building construction techniques such as equipment muffles, and noise insulation to reduce the noise impacts to Normally Acceptable Levels as outlined in Figure N-1 of the City of Imperial General Plan Noise Element
13. All applicable Conditions of Approval shall be completed prior to opening for business.
14. 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.
15. If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the CUP, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the CUP, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.
16. As between the City and the Permittee, any violation of this permit may be a "nuisance per se". The City may enforce the terms and conditions of this permit in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
17. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project.