



Staff Report

Agenda Item No.

D-1

To: City of Imperial Planning Commission

From: Isabel Alvarez, Administrative Analyst

Date: April 26, 2017

**Subject: Conditional Use Permit Request #17C02
Jose and Maria Ramos
423 South Imperial Avenue; Imperial, CA 92251**

Summary:

Applicant:	Jose and Maria Ramos
Project Location:	423 South Imperial Avenue; Imperial, CA 92251
Zoning:	RA Zone
General Plan:	Residential Apartment
Environmental:	Categorically Exempt
Recommendation:	Approve Conditional Use Permit

Background

The applicants, Jose and Maria Ramos, have applied for a Conditional Use Permit allowing them to use an existing single family home as a real estate office and convert an existing detached garage into two rental units at 423 S. Imperial Avenue; Imperial, CA 92251. The subject site is zoned RA Residential Apartments. This zone is intended as an area for the development of residential apartments with provisions for adequate light, air, open space and landscaped area at a maximum density of 30 units per net acre. Additional uses are permitted that are complementary to, and can exist in harmony with, a residential apartment development. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA).



(Aerial photo of project site 423 S. Imperial Avenue)

Discussion/Analysis

423 S. Imperial Avenue is located on the northwest corner of Imperial Avenue and 4th Street. The existing residence is 1,543 square feet and existing detached garage is 812 square feet. The proposed project is to enclose 223 square feet of the front of the residence and convert the remaining 1,320 square feet of the residence into real estate office space. The detached garage will be converted into two 406 square foot rental units. Adequate measures will be taken to provide sufficient off-street parking and loading space in accordance to adopted City Standards and ADA Standards.

Mrs. Ramos currently leases a real estate office space at 116 S. Imperial Avenue, Suite B in Imperial. Mrs. Ramos is well established and has been in the real estate business for 11 years. She currently employs four (4) real estate agents. Mrs. Ramos wants to relocate to a larger property in the City of Imperial where she will be able to employ two additional real estate agents.

It is common for real estate offices to provide management property services. The real estate office will manage the rental units. Having someone on the property makes it easy for tenants to get help with an issue and continue to enjoy where they live. Property managers provide the extra service and security for tenants. In order to give the use regulations the flexibility necessary to achieve the objectives, conditional uses are permitted, subject to the granting of a Conditional Use Permit.

Recommendation

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

The subject property will not harm the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes or impairs property values within the immediate vicinity. The subject property will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area. Adequate measures will be taken to prevent

or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result. There will be a minimal increase in noise due to the slight increase in traffic activity in the area, but all activity will occur indoors.

The proposed use is necessary or desirable and will contribute to the general well-being of the community and it will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity. The proposed use is in harmony with the intent of the Master Plan.

Evaluation

The Zoning Ordinance provides flexibility in the regulation of uses to ensure that unusual characteristics of certain uses are properly addressed in furtherance of the Imperial Zoning Ordinance. Section 24.19.340 of the City of Imperial Zoning Ordinance requires that the Commission make specific findings be made when reviewing a CUP. The required findings are listed below in ***bold italics***, followed by an evaluation.

- 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.***

The subject property is in character with the RA zone in which it is located. With the recommended Conditions of Approval, the project will be compatible with the neighboring residential uses. The General Plan Land Use Element encourages service-oriented commercial uses to be located near or adjacent to residential 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.***

Although the project site is located in an RA-Residential Apartment zone, the project site is ideal for the surrounded by similar land uses and will not adversely affect residents. The project site is across from city hall and within walking distance to downtown Imperial.

- 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 subject property is very limited in nature, and as such, will not be detrimental to the public health, safety, or welfare.

- 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 facility shall comply with all provisions of the Zoning Ordinance.

Environmental Compliance

The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the Guidelines.

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 approval of Conditional Use Permit **#17C02** approving a conditional use permit to use an existing single family home as a real estate office and convert the detached garage into two small rental units located at 423 S. Imperial Avenue subject to the following conditions on Exhibit A Conditions of Approval.

Attachments: Resolution No. PC2017-05 with Conditions of Approval

RESOLUTION PC17-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A CONDITIONAL USE PERMIT (17C02) FOR THE USE OF AN EXISTING HOME TO BE USED AS A REAL ESTATE OFFICE AND EXISTING DETACHED GARAGE CONVERTED INTO TWO SMALL RENTAL UNITS

WHEREAS, Jose and Maria Ramos submitted a Conditional Use Permit application to use an existing single family home into a real estate office and convert an existing detached garage into two small rental units at 423 S. Imperial Avenue; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on April 26, 2017; 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) The rental units are consistent with those uses allowed in the RA-Residential Apartment Zone.
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Conditional Use Permit #17C02 to use an existing single family home into a real estate office and convert an existing detached garage into two small rental units at 423 S. Imperial Avenue, 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 26th day of April 2017.

Planning Commission Chairman

ATTEST:

Planning Secretary

EXHIBIT A

**CONDITIONS OF APPROVAL
FOR
CONDITIONAL USE PERMIT 17C02**

**JOSE & MARIA RAMOS
423 S. IMPERIAL AVENUE
IMPERIAL, CA 92251**

1. 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. This Conditional Use Permit is only valid for 423 S. Imperial Avenue; Imperial, CA.
2. Business hours shall be Monday through Friday, 9:00 a.m. to 6:00 p.m.
3. The proprietor/owner shall be responsible for the removal of all graffiti from the walls, fences, pavement, or buildings within 72 hours of its appearance on the property.
4. The proprietor/owner shall be responsible for maintaining the parking lot and adjacent areas free of litter at all times.
5. Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project site, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
6. The applicant shall be required to obtain a business license from the City's Finance Department.
7. 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. All applicable Conditions of Approval shall be completed prior to opening for business.
11. The 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. The Conditional Use Permit shall not be recorded until such costs have been paid to the City.
12. 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 submittal for approval to record the Conditional Use Permit.
13. Separate utility connections for city services shall be provided for each rental unit.