



## Staff Report

### Agenda Item No. D-2

**To:** City of Imperial Planning Commission

**From:** Yvonne Cordero, Planner

**Date:** May 19, 2025

<b>Applicant:</b>	Imperial Hotel Acquisitions, LLC
<b>Project Location:</b>	1400 N. Imperial Avenue-Northeast corner of Hwy 86 and Neckel Road
<b>Project Description:</b>	Conditional Use Permit 25-02 to allow the sale of alcohol and gasoline dispensing station at a convenience store
<b>Zoning:</b>	Neighborhood Commercial (C-1)
<b>Environmental:</b>	Categorically Exempt
<b>Recommendation:</b>	Approve, subject to Conditions of Approval

### **Background**

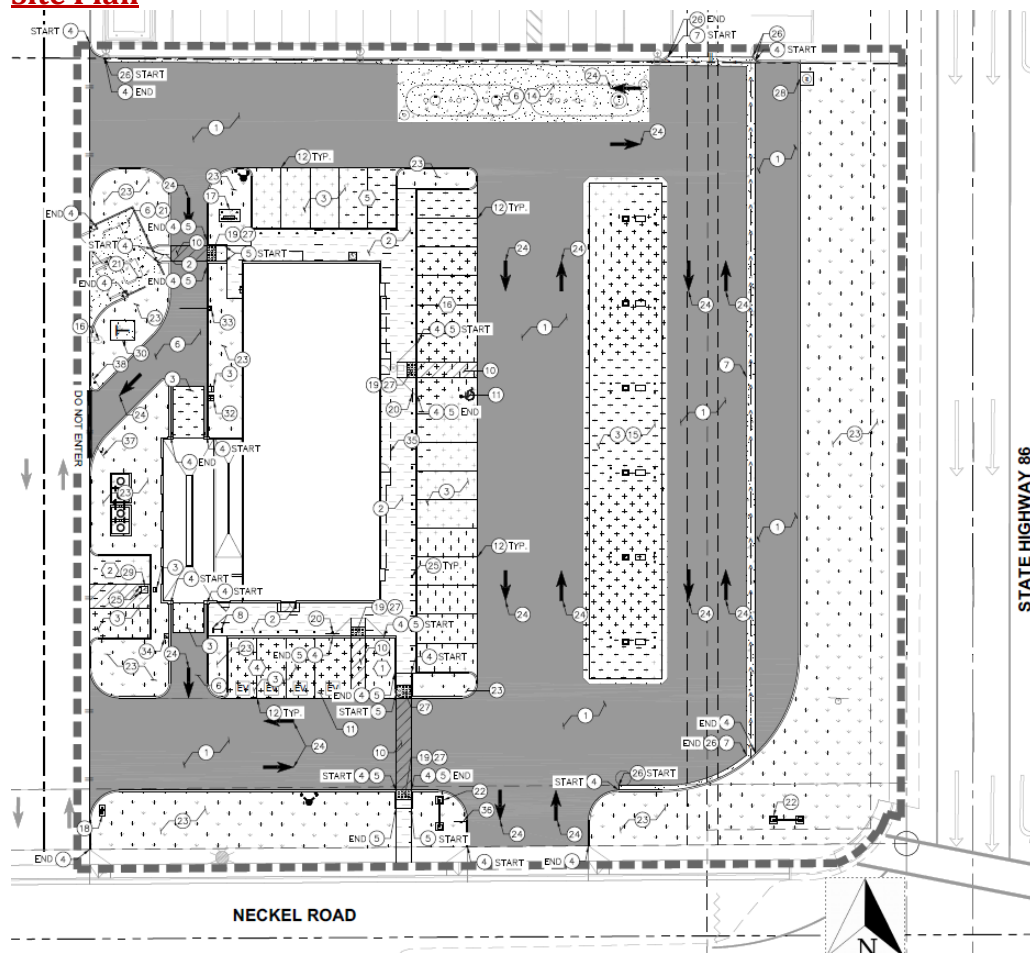
Imperial Hotel Acquisitions, LLC is requesting a Conditional Use Permit to allow the sale of alcohol and a fuel station at a proposed Circle K convenience store at the corner of Highway 86 and Neckel Road. The project site is further identified as 1400 N. Imperial Avenue with an Assessor Parcel Number of 063-314-004. The project consists of the development of a 5,200 square foot convenience store, a 1,428 square foot car wash, and a fuel canopy housing six fuel pumps for gasoline dispensing. Additional improvements consist of a twenty-eight-space parking lot, underground fuel storage tanks, landscaping fronting the property, and improvements along SR 86 and Neckel Road. Mr. Najar will apply for a Type 21 license with the Department of Alcoholic Beverage Control, which authorizes the general off-sale of liquor in California after the Conditional Use Permit approval. The approved license allows businesses to sell a broader selection of alcoholic beverages, including beer, wine, and

distilled spirits for off-site consumption, which is essential for retail establishments looking to expand their offerings beyond just beer and wine.

The sale of alcoholic beverages is allowed in the Neighborhood Commercial (C-1) Zone with a Conditional Use Permit and a valid ABC license. ABC is the regulating agency responsible for the final issuance of the license after the City provides the approved Conditional Use Permit and monitors the Applicant's compliance. The proposed hours of operation are 24 hours daily.

The Development Review Committee reviewed the application, and the Imperial Police Department recommended that the Applicant provide regular training on responsible alcohol sales, which includes recognizing the signs of intoxication and understanding the legal ramifications of selling alcohol to minors. The Imperial County Fire Department required the Applicant to submit a Hazardous Waste Material Plan to the State Department of Toxic Substances' Certified Unified Program Agency for approval and regulation of their underground hazardous materials storage tanks for compliance. The recommendations were incorporated into the Conditions of Approval provided in Resolution PC2025-06 (Attachment A).

### Site Plan



### **Project Location**



### **Discussion/CEQA Analysis**

**Land Use** - The subject site is zoned within the Neighborhood Commercial (C-1) Zone, which is intended for professional, administrative offices, restaurants, and neighborhood shopping centers that provide limited retail business services and office facilities for the convenience of residents of the neighborhood. The shopping centers are intended to be compatible with residential environments at locations indicated on the General Plan. Circle K aligns with the Commercial Zone's intention by providing essential services like fuel, food, and refreshments for motorists and residents. Its design and operations support the goals of the Imperial General Plan, ensuring safe vehicle access, reducing congestion, and maintaining an orderly appearance in Commercial Zones. Circle K complies with local regulations and city ordinances by contributing to the economic vitality of the City. Its continued operation, including alcohol sales, remains consistent with the objectives of the Neighborhood Commercial Zone and the City's development goals. The surrounding designated land uses are as follows:

Direction	Land Use	Zoning
North	Cambria Hotel	Neighborhood Commercial (C-1)
South	Undeveloped Land	Neighborhood Commercial (C-1)
East	Mixed Residential Land Uses	Residential Single-Family (R-1)/Residential Apartment (RA)/Planned Unit Development (PUD)
West	Undeveloped Land	Neighborhood Commercial (C-1)

The relationship between land use and zoning compatibility within the Imperial General Plan is important for orderly development. Land uses must be arranged for compatibility with

abutting land uses and properties should be consistent with the land use policy map. Using the General Plan's Land Use Compatibility Matrix, the adjacent land uses of Neighborhood Commercial (C-1) and Residential Single Family (R-1), Planned Unit Development (PUD) and Residential Apartment (RA) land uses are potentially compatible. Potentially compatible land uses may be found compatible based upon provisions established through a Conditional Use Permit's Conditions of Approval.

**Traffic and Circulation** - The project site is fronting and accessed directly from SR 86. SR 86 is designated as one of the City's major arterials that move traffic through the City from one point to another. To ensure safe and efficient traffic circulation, a 'Right Turn Only' sign will be installed at the project site's exit onto Neckel Road, and a southbound deceleration lane on SR 86 will be installed, along with an access driveway from SR-86 to the site. The deceleration lane will be no less than the length required to extend continuously from the existing deceleration lane to the northern property line of the adjacent hotel project. Additionally, deliveries and fuel tank refilling are limited between 7:00 a.m. and 8:00 p.m. to minimize disturbances impacting nearby residences.

**Parking** – Parking requirements were reviewed during the Site Plan Review process and the project was determined to have met the City's parking requirements via the Applicant's Reciprocal Parking Agreement with the Cambria Hotel.

**Vehicle Miles Traveled (VMT) Analysis** - Due to the retail nature of the project being a locally serving retail and gasoline station project of less than 50,000 square feet serving the local community, the project is excluded from VMT Analysis.

### **Environmental Compliance**

This item is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15303, Class 3(c), New Construction or Conversion of Small Structures.

### **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 Conditional Use Permit. 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 site is within the Neighborhood Commercial (C-1) Zone, intended for neighborhood shopping centers that provide limited retail business services and office facilities for the convenience of residents of the neighborhood. The shopping centers are intended to be compatible with residential environments as at locations indicated on the General

Plan. Circle K aligns with the Commercial Zone's intention by providing essential services like fuel, food, and refreshments for motorists and residents. Its design and operations support the goals of the Imperial General Plan, ensuring safe vehicle access, reducing congestion, and maintaining an orderly appearance. Circle K complies with local regulations and city ordinances by contributing to the economic vitality of the City. Its continued operation, including alcohol sales, remains consistent with the objectives of the Neighborhood Commercial Zone and the City's development goals.

- 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 location is ideal for a convenience store, offering patrons a quick and convenient stop for gas and refreshments as they travel along the City's main corridor. The site's strategic placement along a well-trafficked route makes it a suitable location for retail services, including the sale of alcohol. The proposed Circle K does not present to adversely affect or be materially detrimental to adjacent land uses, residents, buildings, structures, or natural resources. The established operating characteristics of the national retail chain, including responsible alcohol sales practices and ongoing staff training, further ensure that the proposed use remains compatible with the surrounding areas. Given these factors, alcohol sales at this location will not negatively impact the community or environment and is consistent with the objectives outlined 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.***

With the established Conditions of Approval, the proposed project will not negatively impact public health, safety, or welfare or be bacterially injurious to properties in the vicinity.

With the inclusion of security measures, such as surveillance cameras and proper lighting, the project ensures a safe environment. By adhering to these conditions and maintaining responsible practices, Circle K will operate safely and harmoniously within the community, without causing harm to neighboring properties or the public.

***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 project, which includes the sale of alcohol, complies with all applicable provisions of the City of Imperial's Zoning Ordinance. Circle K will be located in a Neighborhood Commercial (C-1) Zone, where alcohol sales are permitted as a conditional use. There are no variances requested or required for this project, and all zoning regulations and requirements, including those related to signage, parking, and hours of operation, will be fully adhered to. By meeting the conditions and the Conditions of Approval in Exhibit A, the project ensures alignment with the City's zoning standards and regulations.

**Public Notification**

The public hearing scheduled for May 28, 2025, was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation, on May 15, 2025. A Notice of Public Hearing was mailed to all property owners within 300 feet of the property. The City of Imperial has not received any public comments for or against this project as of the date of this report's publication.

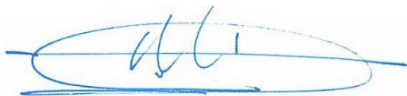
**Recommendation**

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 that the Planning Commission approve Conditional Use Permit 25-02 to allow the sale of off-sale alcohol sales and a gasoline dispensing station at the proposed Circle K convenience store.

**Attachments**

- Attachment A – DRAFT Resolution PC2025-06 with Conditions of Approval

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Othon Mora', enclosed within a blue oval shape.

Othon Mora, MCM, CBO  
Community Development Director



***ATTACHMENT A***

***DRAFT* RESOLUTION NO. PC2025-06**

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,  
APPROVING CONDITIONAL USE PERMIT 25-02 TO ALLOW OFF-SALE  
ALCOHOLIC BEVERAGE SALES AND GASOLINE DISPENSING AT CIRCLE K  
LOCATED AT 1400 N. IMPERIAL AVENUE (APN 063-314-004)**

**WHEREAS**, Imperial Hotel Acquisitions, LLC submitted an application to allow off-sale alcoholic beverage sales and gasoline dispensing at Circle K located at 1400 N. Imperial Avenue; and

**WHEREAS**, the subject site is located within the Neighborhood Commercial (C-1) Zone where a store offering alcoholic beverages and gasoline dispensing are conditionally allowed uses within that zone; and

**WHEREAS**, a duly notified public hearing was published on May 15, 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 25-02, and said notice was mailed to each property owner within a 300-foot radius of the project site; and

**WHEREAS**, a duly notified public hearing was held by the Planning Commission on May 28, 2025, to hear testimony for and against the proposed Conditional Use Permit;

**WHEREAS**, upon hearing and considering all testimony and arguments, 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 15303, Class 3(c), New Construction or Conversion of Small Structures of the California Environmental Quality Act and is exempt from further environmental review requirements; and

- E) That allowing the sales of off-sale alcoholic beverages and gasoline dispensing at the project site is consistent with the land uses allowed within the Neighborhood Commercial (C-1) Zone; and
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Conditional Use Permit 25-02**, subject to the requirements per section 24.19.340 of the Imperial Zoning Ordinance, 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.

*The subject site is within the Neighborhood Commercial (C-1) Zone, intended for neighborhood shopping centers that provide limited retail business services and office facilities for the convenience of residents of the neighborhood. The shopping centers are intended to be compatible with residential environments as at locations indicated on the General Plan. Circle K aligns with the Commercial Zone's intention by providing essential services like fuel, food, and refreshments for motorists and residents. Its design and operations support the goals of the Imperial General Plan, ensuring safe vehicle access, reducing congestion, and maintaining an orderly appearance. Circle K complies with local regulations and city ordinances by contributing to the economic vitality of the City. Its continued operation, including alcohol sales, remains consistent with the objectives of the Neighborhood Commercial Zone and the City's development goals.*

- 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 location is ideal for a convenience store, offering patrons a quick and convenient stop for gas and refreshments as they travel along the City's main corridor. The site's strategic placement along a well-trafficked route makes it a suitable location for retail services, including the sale of alcohol. The proposed Circle K does not present to adversely affect or be materially detrimental to adjacent land uses, residents, buildings, structures, or natural resources. The established operating characteristics of the national retail chain, including responsible alcohol sales practices and ongoing staff training, further ensure that the proposed use remains compatible with the surrounding areas. Given these factors, alcohol sales at this location will not negatively impact the community or environment and is consistent with the objectives outlined 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.

*With the established Conditions of Approval, the proposed project will not negatively impact public health, safety, or welfare or be bacterially injurious to properties in the vicinity.*

*With the inclusion of security measures, such as surveillance cameras and proper lighting, the project ensures a safe environment. By adhering to these conditions and maintaining responsible practices, Circle K will operate safely and harmoniously within the community, without causing harm to neighboring properties or the public.*

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 project, which includes the sale of alcohol, complies with all applicable provisions of the City of Imperial's Zoning Ordinance. Circle K will be located in a Neighborhood Commercial (C-1) Zone, where alcohol sales are permitted as a conditional use. There are no variances requested or required for this project, and all zoning regulations and requirements, including those related to signage, parking, and hours of operation, will be fully adhered to. By meeting the conditions and the Conditions of Approval in Exhibit A, the project ensures alignment with the City's zoning standards and regulations.*

- G) The City Attorney is authorized to make minor typographical changes to this Resolution that does not change the substance of this Resolution;

**PASSED, ADOPTED AND APPROVED** by the Planning Commission of the City of Imperial, this 28th day of May, 2025.

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Planning Commission Chairman

ATTEST:

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City Clerk

**CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT 25-02  
GAS STATION AND CONVENIENCE STORE WITH SALE OF ALCOHOL  
1400 N IMPERIAL AVE  
APN 063-314-004**

1. Applicant must obtain an approved building permit from the City of Imperial's Community Development Department along with any required development and/or construction plans, including payment of any related project fees for the project located at 1400 N. Imperial Avenue ("Property").
2. This Conditional Use Permit shall only be valid so long as the Type 21 ABC License authorizing the sale of beer, wine and distilled spirits for consumption off the premises where sold, is valid to the proprietor/owner.
3. A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control (ABC) license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
4. The provisions of Conditional Use Permit 25-02 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.
5. The Applicant shall pay its proportionate share reimbursement fee for the installation of the Heritage wastewater lift station located in Heritage, as specified in the applicable agreement. The fee shall be calculated at a rate of \$3,656.77 per acre for commercial properties.
6. A deceleration lane on the southbound side of Old SR-86 shall be provided, along with an access driveway from SR-86 to the Property. The deceleration lane shall be no less than the length required to extend continuously from the existing deceleration lane to the northern property line of the adjacent hotel project. The design and construction of the deceleration lane and driveway access shall be subject to review and approval by the Community Development Department and Public Services Department and shall conform to all applicable California Department of Transportation and local engineering standards.
7. To ensure safe and efficient traffic flow, a 'Right Turn Only' sign shall be installed at the Property's exit onto Neckel Road. The sign shall be placed in a visible location and subject to the review and approval of the City's Engineer and Community Development Department.
8. Deliveries and fuel tank refilling shall be limited to the hours between 7:00 AM and 8:00 PM to minimize impacts on nearby residences. No deliveries or refueling shall occur outside of this timeframe, except in an emergency or due to adverse weather conditions..

9. The Applicant shall be responsible for the removal of all graffiti from the property within seventy-two (72) hours of its appearance on the property.
10. The Applicant shall be responsible for maintaining the property free of litter at all times.
11. 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.
12. The approval of Conditional Use Permit 25-02 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 Applicant shall pay all applicable fees as required by the City, including but not limited to Development Impact and Capacity Fees.
14. Applicant must submit a completed application for a building permit to the Community Development Department within six (6) months of approval of Conditional Use Permit 25-02. If the applicant does not obtain an approved building permit from the Community Development Department, Conditional Use Permit 25-02 becomes null and void based on the final Planning Commission's date of approval.
15. If the Community Development Department finds and determines that the Applicant or successor-in-interest has not complied or cannot comply with the terms and conditions of Conditional Use Permit 25-02, or the Planning/Building Division determines that the permitted activities constitute a nuisance, the City shall provide the Applicant with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Applicant fails to comply, and/or (2) Applicant cannot comply with the conditions set forth in Conditional Use Permit 25-02, within a reasonable time period, then the matter shall be referred to the Planning Commission, or to the appropriate enforcement authority, for modification, suspension, or termination.
16. As between the City and the Applicant, any violation of Conditional Use Permit 25-02 approval may be a "nuisance per se". The City may enforce the terms and conditions Conditional Use Permit 25-02 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. Applicant 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. Notwithstanding the foregoing, the Applicant's operation and use of the Property as a convenience store and/or motor fuel facility

shall not be considered a nuisance for purposes of this paragraph 17, if the Applicant is in compliance with all applicable laws, rules, and regulations and Conditional Use Permit 25-02.

18. The Imperial Police Department recommends that all Circle K employees undergo regular training on responsible alcohol sales, including recognizing the signs of intoxication and understanding the legal ramifications of selling alcohol to minors.
19. Fire protection water supply shall be reviewed and approved by the Imperial County Fire Department. The review shall include, but not be limited to, public and private fire hydrant locations, required fire flow, fire hydrant specifications, and private fire lines.
20. All fire protection systems, including automatic fire protection systems, shall be designed by a licensed C-16 Contractor and/or licensed Fire Protection Engineer. All systems shall be installed by a licensed C-16 Contractor.
21. The automatic fire protection systems shall be reviewed and approved by the Imperial County Fire Department. This shall include, but not be limited to, the automatic fire sprinkler system, pre-engineered fire suppression systems, commercial cooking fire suppression systems, and other fire protection and fire suppression systems required.
22. All access points shall be reviewed and approved by the Imperial County Fire Department. Access points shall meet the requirements in the California Fire Code. Two (2) approved accessible entries are required for the Property.
23. A Knox Box shall be required for the building and access gates.
24. A Hazardous Waste Material Plan shall be submitted to the Certified Unified Program Agency (CUPA) for their review and approval.
25. All hazardous material and waste shall be handled, stored, and disposed of as per the approved Hazardous Waste Materials Plan in accordance with Federal, State, and local regulations as required.
26. The Applicant shall ensure compliance with all applicable code sections of the California Fire Code.