



# Staff Report

Agenda Item No. D-1

**To:** City of Imperial Planning Commission  
**From:** Othon Mora, Community Development Director  
**Date:** August 16, 2022

**Subject: Conditional Use Permit Request #22-01**  
**Maryam Sam - Quality Dismantling**  
**601 E. Barioni Blvd.**

## Summary:

<b>Applicant:</b>	Maryam Sam
<b>Project Location:</b>	601 E. Barioni Blvd.
<b>Project Description:</b>	Conditional Use Permit to allow the operation of an automotive dismantling and towing facility
<b>Zoning:</b>	Rail Served Industrial (I-2)
<b>General Plan:</b>	Industrial Zone
<b>Environmental:</b>	Categorically Exempt – 15301 Existing Facilities
<b>Recommendation:</b>	Approve, subject to conditions

## Background

Maryam Sam is requesting approval of Conditional Use Permit (CUP) 22-01 for the operation of an automotive dismantling and towing facility located at 601 E. Barioni Blvd. (APN 064-072-001). Mr. Sam is an experienced business owner in San Diego County, operating Two Tow Towing since 2008. His partner Mahmoud Parsa owned an auto dismantling/junkyard business from 2001 – 2011. Mr. Sam and Mr. Parsa bring many years of experience to their new venture, Quality Dismantling and Towing. Proposed operating hours will be 9 am to 5 pm with future plans to provide up to 20 jobs as his business grows.

The project site has existing structures that will be used as dismantling areas for salvaged vehicles and storage for parts. All salvageable vehicle parts will be stored in the main building, which is approximately 2,515 square feet and shipped or delivered to customers. They do not intend on opening to the public due to liability concerns. Any dismantled parts that are not sellable will be given to a recycling facility. The towing portion of the business will primarily be towing for motor clubs and insurance companies. Their tow trucks will be stored at the project site and vehicles will be picked up, towed and delivered to other destinations, not stored at the project site.

**Aerial View**



**Rear View**





**Eastern View**

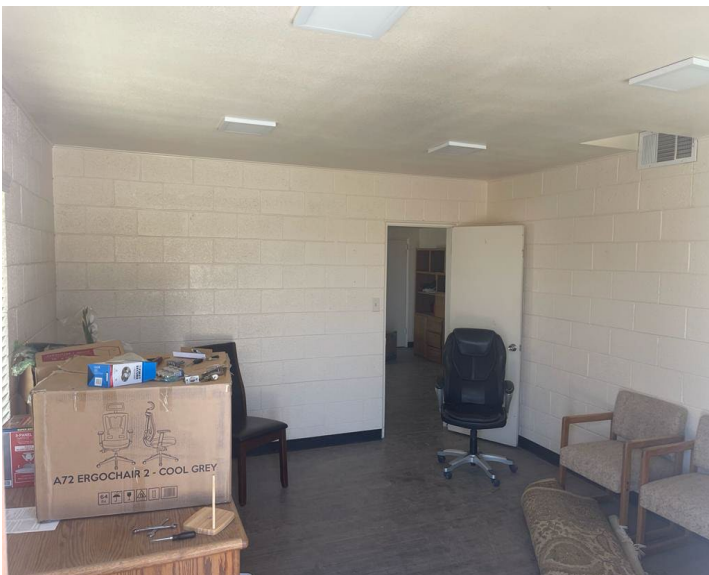
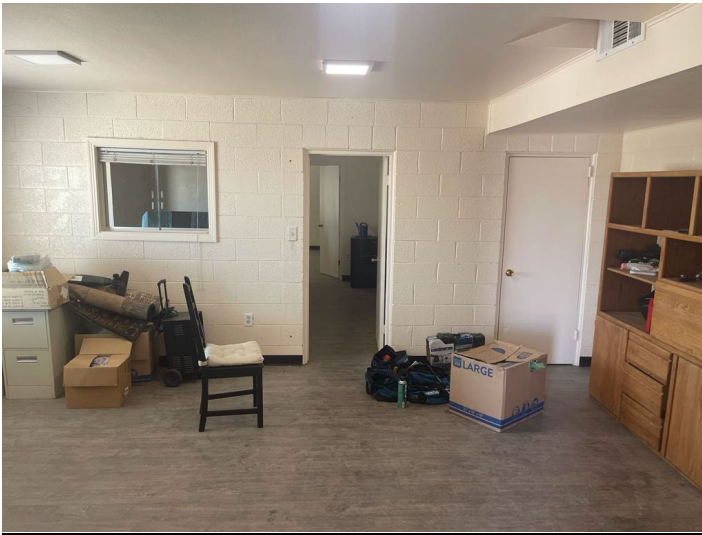


**Western View**





**Office / Storage Areas**



## **Discussion/Analysis**

City staff reviewed the project site plan for compliance with the City's General Plan and development standards. Comments and recommended conditions of approval have been provided in Resolution PC2022-07, Exhibit A. The subject site and all the surrounding parcels are zoned I-2 Rail-Served Industrial.

## **Environmental Compliance**

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

## **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 site is located within an 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. In addition, the Industrial Zone's objective is to protect residential and commercial uses from noise, odor, dust, smoke, light intrusion, truck traffic and other objectionable influences. Automotive salvage yards are currently allowed within the Rail Served Industrial Zone with a Conditional Use Permit.

- 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 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.

- 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 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.

**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 complies with all provisions of the Zoning Ordinance.

**Public Notification**

The public hearing scheduled for August 24, 2022 was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation on August 11, 2022 and a Notice of Public Hearing was sent to all property owners within 300-feet of the property.

**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 the Conditional Use Permit (CUP) application to allow for the use and operation of an auto dismantling and towing facility.

**Attachments**

- Proposed Site Plan
- RESO PC2022-07
- Conditions of Approval

Respectfully submitted,

Othon Mora, MCM, CBO  
Community Development Director







EAST 9TH ST

NORTH N ST

NORTH O ST

EAST BARIANI BLVD

**HATCH AREA LEGEND**

-  EXISTING CONCRETE AREA
-  EXISTING BLD/SHADES
-  EXISTING ASPHALT AREA
-  PROPOSE SIDEWALK
-  PROPOSE LANDSCAPE
-  ASSUMED PROPERTY LINE

**PROPERTY BOUNDARY NOTE:**  
 THE PROPERTY OR BOUNDARY LINES SHOWN ON THIS SITE PLAN ARE APPROXIMATE AND ASSUMED LOCATION. THIS SITE PLAN SHALL NOT BE USED AS A LEGAL DOCUMENT FOR LOCATING, ESTABLISHING OR DEPICTING PROPERTY LINES. A REGISTERED LAND SURVEYOR WILL PREPARE THE NECESSARY SURVEY.

300.00'

290.00'

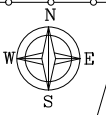
170.00'

120.00'

80.00'

90.00'

130.00'



EXISTING CHAINLINK FENCE DOORS

EXISTING ADA RAMP

EXISTING FIRE HYDRANT

EXISTING CHAINLINK FENCE

EXISTING CHAINLINK FENCE DOORS

EXISTING O.H. POWER LINE

EXISTING FIRE HYDRANT

EXISTING O.H. POWER LINE w/TRANSFORMER

EXISTING WROUGHT IRON FENCE

EXISTING O.H. POWER LINE

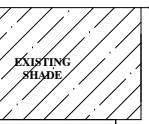
EXISTING SHADE

EXISTING SWITCHGEAR

EXISTING BLDG

EXISTING ADA RAMP

EXISTING CONCRETE PAD



EXISTING SHADE

EXISTING SWITCHGEAR



EXISTING BLDG

EXISTING HVAC UNIT

EXISTING ELECTRICAL PANEL w/METER

EXISTING CHAINLINK FENCE

EXISTING CHAINLINK FENCE DOORS

EXISTING CHAINLINK FENCE PEDESTRIAN DOOR

EXISTING GRAVEL AREA

EXISTING ADA RAMP

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## 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**, Maryam 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 24<sup>th</sup> day of August, 2022.

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Planning Commission Chairman

ATTEST:

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City Clerk

**EXHIBIT A  
FOR  
RESOLUTION PC2022-07**

**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. All storage of materials waiting or to be worked on shall be stored within the building during the time that the business is not open for business. There shall be no outdoor storage of materials.

## 7. Department Conditions of Approval

### 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.
- p) Due to the potential of large fires in salvage vehicle dismantling facilities, Imperial County Fire Department is recommending the applicant pave East 9<sup>th</sup> Street, between North N Street and North O Street to the City of Imperial's details and specifications to provide uninterrupted emergency access in all-weather conditions and emergency situations.

Community Development:

- q) The project site shall be maintained in a clean, orderly manner, free of debris or junk materials.
- r) 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.
- s) 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.
- t) 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.
- u) All storage of an activities involving flammable and explosive materials shall be provided with adequate safety and fire fighting devices to the specification of the of the Uniform Fire code and the Imperial County Fire Chief. All incineration is prohibited. Adequate emergency sprinklers and smoke detectors shall be installed.
- v) 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.
- w) No use shall be permitted which creates odor in such quantities as to be readily detectable beyond the boundaries of the site.
- x) 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.
- y) Outdoor storage areas shall be entirely enclosed by solid masonry walls not less than six feet in height to adequately screen view from the external boundaries of the property.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.