



PLANNING
COMMISSIONERS

*Mark Hammerness – Chairperson
Veronica Harvey – Vice Chairperson
Alice Abatti – Commissioner
Stacy Mendoza – Commissioner
Ruben Rivera - Commissioner*

Minutes

PLANNING COMMISSION
TRAFFIC COMMISSION

220 West 9th Street
IMPERIAL, CA 92251

**WEDNESDAY, OCTOBER 26, 2022
6:30 P.M.**

A. PLANNING COMMISSION CALL TO ORDER:

Chairperson Hammerness called the meeting to order at 6:32 p.m.

ROLL CALL:

Commissioners Present:

Mark Hammerness – Chairperson, Alice Abatti – Commissioner, Stacy Mendoza – Commissioner, Ruben Rivera – Commissioner

City Staff Present:

Dennis Morita- City Manager, City Manager, Katie Turner- City Attorney, Jillian Mehdipour- Public Records Analyst, Jesus Villegas- Community Development Manager, Yvonne Cordero- Community Development Planner, Luis Anguiano-Information Technology Support Technician.

PLEDGE OF ALLEGIANCE:

Led by Mark Hammerness

ADJUSTMENTS TO THE AGENDA

None

B. PUBLIC APPEARANCES

B-1. Matters not appearing on the agenda:

None

B-2. Matters appearing on the agenda:

None

C. CONSENT CALENDAR

C-1. Approve Planning Commission Meeting Minutes for September 27, 2022.

Action:

Mendoza made a motion to approve the consent calendar item C-1. **Rivera seconded** the motion.

Ayes: 4 Abatti, Hammerness, Mendoza, Rivera

Nays: 0

Absent: 1 Harvey

Abstained: 0

Motion Passed 4-0

D. PUBLIC HEARING: (DISCUSSION/ACTION –RECOMMEND/DENY)

D-1: Subject: Public Hearing, Discussion/Action: O Street Abandonment Between 12th Street and 13th Street

Public Hearing was open at 6:36 p.m.

Discussion:

Cordero, presented the staff report. The applicant, Joshua Quintero was on site to answer questions. Mendoza, what happens if we abandon the road and this project does not take place? What will happen to the road? Morita, if you find that it conforms to the general plan, then it will go to the City Council for a public hearing. The city's surface rights are terminated if the City Council decides to abandon the road. The ownership goes to the underlying owner. This is to determine the future need for the road, and you are making a recommendation to the City Council. Mendoza, please confirm that my understanding is correct: this was once intended to be a road, but there are no other plans for it. Morita, I would say there are no applications pending, but other parts of O Street further south may consider it part of the developments. Mendoza, there is a storm drain there. If they proceed with the development, I want to ensure they have to keep the storm drain in place. Rivera, the question about the future development is great. I rested when I noticed water treatment in the picture, there is no future development there. Abatti, does the landowner own the property up to the middle of the road. The Land Surveyor for Mr. Quintero, the city owns the street, as published in the 1902 record. There is no right of way. We are proposing the right of way. Rivera, where is the retention basin going to be? Quintero, I have a design with a basin if the abandonment is not approved. If approved, we would reconfigure the layout. Rivera, what is the metal work that you do, and where are you based out of? Quintero, anything metal, we do it. We are based right here in the County of Imperial. We have grown too much, and the county is pushing us out of our current location. That is why we are trying to move here, into the city. Hammerness, O Street doesn't have much there; what is the idea for that, and will the city still have access to the gate along there? Quintero, I plan to use the land for a staff parking lot. The gate will still be accessible, and IID also has a power and water lines there. Villegas, if you look at Exhibit B of the application, the city is going to keep its access there along 13th Street North on O Street. Abatti, with the clarification that O Street is city property, is there an issue of giving away public funds? Is there some compensation that needs to be considered? Morita, you raise a question that occurred to me, and from my understanding, the city's interest is on the surface only. If the abandonment were to move forward, it would be subject to the city and IID utilities. If the city does own the property and it is not a right of way, then this would be a different discussion. If our interest is

only on the surface and we have no purpose, the law allows us to abandon that use. If we do own it, we cannot just give it away. The staff report states that it is surface-only. Abatti, did anyone do the prelim? This would say if it's the right way or not. Quintero's Land Surveyor, when the city created the map in 1902, gave the rights to all of the streets to the city. Abatti, that's the point you made when you stated the city owns the street. There needs to be a little more digging to determine what we should recommend to the council. Turner, one option would be to recommend it in exchange for payment if the city owns it or it returns? The difference for us is that we condition it based on whether it's a right-away or city-owned property, unless the department has the answer now, which it appears they do not. Hammerness, I want to remind Ms. Abatti that we did the same thing a year and a half, two years ago on the 13th or 14th, for an apartment complex entrance. There was no compensation. This is something we have done in the past. Morita, we have abandoned rights in the past, but that doesn't make it okay to continue if they are wrong. The surveyor, who was a part of 13th Street, stated that the city had no interest in the undeveloped street, so it would only make sense to abandon it. Abatti, that's not the issue for me. If the city has a financial interest in it, it should be compensated. I am leaning toward what the city attorney recommended so that you can continue to move along contingent on a dollar amount if the city owns that part of the property. We cannot just give away city property, and just because we did it in the past doesn't mean we have to do it again if it's not correct. In my experience, I have never seen a city ask for compensation on a street. If you owned a piece of property or a block and were just looking to get rid of it, I could see compensation, but since it's just a street and not a legal parcel, you cannot build on it. You are just releasing a liability onto the street. Mendoza, we are just making a recommendation to Council tonight. We are not approving you. By that time, legal and staff will be able to go through all of this, and council would be the one to determine what the fee would be for the property. Tonight, is just to get you past the Planning Commission. Quintero, what was the scenario on Worthington Square when they gave up the whole block to make parking? Abatti, I am not going to argue; it may be a dollar. Bring your points, make your argument, and it may only be a dollar, but it will cover the giving away of public funds. Rivera, the staff here—I don't think they were here in the past—know their stuff and have an obligation to fulfill what they know. Hammerness, we are just making sure we do what is right here; this is not making a profit. As the comment was made, it may only be \$1.00, but we just want to do what is right.

Close Public Hearing at 7:04 p.m.

Action:

Mendoza made a motion to recommend "*Approval of Resolution No. PC2022-08: A Resolution of the Planning Commission Finding Conformance with the General Plan for the right-of-way abandonment or vacation of a portion of O Street between 12th Street and 13th Street.*" "*Contingent on the further research by staff to determine the ownership and discussion between Council and the applicant on the potential purchase of the property, if necessary.*" **Rivera seconded the motion.**

Ayes: 4 Abatti, Hammerness, Mendoza, Rivera

Nays: 0

Absent: 1 Harvey

Abstained: 0

Motion Passed 4-0

D-2: Subject: Public Hearing, Discussion/Action: Conditional Use Permit 22-05 for VelRom Collision to allow for the operation of an auto repair shop with a painting booth facility located at 408 E. 2nd Street (APN 064-180-003)

Public Hearing opened at 7:06 p.m.

Discussion:

Cordero, presented the staff report. The applicants Jose Velazco and Fernando Romero were on site to answer questions. Abatti, how long have you been in business? Velazco, this is our first application, but I have been in this line of work for 15 years. Hammerness, who did you work for? Velazco, All Star Collision. Romero, I have worked at M&M Collision, Caliber Collision, and Tucker's Autobody. We are now attempting to open our own shop. Rivera, how high are you going to be stacking cars out there? Are you going to be organized out there or just have stacks of cars so it looks like a junk yard? Velazco, we will be sharing a lot with the RV park, and we plan to keep it organized. Rivera, we have people that want to keep Imperial nice, and we have asked this question to others in the past. There is a home on the lot. Does someone still live there? Velazco, I don't know. Hammerness, there is a building on your lot, and you don't know if someone lives there. Is it fenced in, because there are cars next to the house? Velazco, that is part of the owners' property; I believe there is a fence around the house. Morita, notices are to be mailed to all address within 300 ft on a conditional use permit. Do we have a list of the addresses that notices were mailed to? Cordero, yes, I do not have the list currently with me. Abatti, are you renting this place? Velazco, yes. Abatti, we would want the owner to be aware that there should be a separation of the business so that you do not have people wondering onto your rented property. Mendoza, you mentioned that the house is the owner's property. Does he live there? Hammerness, does he rent it to someone else? Rivera, how well do you know the owner? Velazco, for about six months. Hammerness, there are two large holes in the fence. Have you talked to the owner about closing those gaps so that someone cannot just drive onto your lot? Velazco, we always close the gate. Abatti, you need to get informed on the residential and give you guys some information. Mendoza, it looks like there is some standing water. Do you know if there are any plans to improve the parking lot? Velazco, I think they are working on a plan for this area. Mendoza, in the painting area, is it enclosed? Velazco, yes. Rivera, do you already have the paint booth hooked up, and do you have all of your contingencies for hazardous materials and electricity? How long have you been working on setting up the property? Velazco, yes, for two months. We are waiting to do the rest, pending the application. Hammerness, I did see you had your hours listed as Monday through Friday, 8 a.m. to 5 p.m., and wanted some flexibility? There are no hours stated in the CUP; what are you looking at for hours? Velazco, we work full time, so we would like to add Saturday. Abatti, you want to ask for the what-ifs. Just because we add something does not mean you have to use it.

Public Hearing was closed at 7:19 p.m.

Action:

Abatti made a motion to recommend "*Approval of Resolution No. PC2022-09: A Resolution of the Planning Commission approving Conditional Use Permit 22-05 for VelRom Collision with a paint booth facility located at 408 E. 2nd Street (APN 064-180-003). The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the Guidelines—Existing Facilities. with additional provisions of operation hours Monday through Saturday from 8 a.m. to 5 p.m.*" **Mendoza seconded the motion.**

Ayes: 4 Abatti, Hammerness, Mendoza, Rivera

Nays: 0

Absent: 1 Harvey

Abstained: 0

Motion Passed 4-0

D-3 Subject: Public Hearing, Discussion/Action: Conditional Use Permit (CUP 22-06) for Donohue Painting to allow for the operation of a powder coating oven facility located at 608 E. 2nd Street (APN 064-174-005).

Public Hearing opened at 7:22 p.m.

Discussion:

Cordero, presented the staff report. The applicant, Mr. Donahue, was on site for questions. Hammerness, it looks like you have been in business for a while. Donahue, yes, this location since 2019, but we have been in business for a long time. Mendoza, are the silver buildings on the outside the ovens? With them being metal, what type of temperatures are you experiencing? Donahue, they reach temperatures of about 400 degrees, but you can go to the outside wall and touch it. There is steel wool insulation with 4-inch-thick walls. Mendoza, and you are not currently operating them? Donahue, no, we do not even have a gas meter over there. Mendoza, is there any noise from the buildings? Donahue, no. Rivera, is there any exhaust? What about your neighbors? Donahue, the air is recycled in the oven. The neighbors to the west are an older couple; they run a daycare facility and the neighbors to the east are a younger family. Before we purchased the building, it was an autobody paint shop. We have Precession, out of Yuma, doing the fire suppression system. The Imperial County Fire has been involved. Hammerness, what are your hours of operation? Donahue, in the summer we would run from 5 a.m. to 5 p.m., working a lot of 12-hour days, with no complaint from the neighbors. Mendoza, this building is just the ovens? Donahue, we will be doing the powder spray and using the ovens at the location.

Public Hearing was closed at 7:30 p.m.

Action:

Mendoza made a motion to approve "*Resolution No. PC2022-10: A Resolution of the Planning Commission approving Conditional Use Permit 22-06 to allow the operation of a powder coating facility located at 608 E. 2nd Street, APN 064-174-005. The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the Guidelines—*

Existing Facilities." **Rivera seconded the motion.**

Ayes: 4 Abatti, Hammerness, Mendoza, Rivera

Nays: 0

Absent: 1 Harvey

Abstained: 0

Motion Passed 4-0

E. REPORTS:

E-1: Subject: Commissioners' Reports:

Abatti, when are we going to start the Aten road project now that the weather has cooled down? Morita, very soon. Abatti, La Brucherie Road, has the timeline changed? Morita, the project is expected to be completed in the late part of November.

Rivera, are there any problems with the storm drains? Villegas, we solved the main problem, which was 2nd Street. After we fixed the problem, everything worked great. The other street was 11th. We addressed those issues, and we appear to have resolved them all. Rivera, how often do we update the bathrooms in the park areas? Morita, the Parks Department staff are there very often with the schedule they follow. When there is an issue, they are there right away. Rivera, I have a list of streets I will be submitting that need resurfacing and repair. Morita, the Council creates and approves a list of streets. There isn't always enough money for all the repairs.

Mendoza, on impact fees, I know that what we collect has to go to something related to the project. Is the transit occupancy tax applicable anywhere or is it restricted to a specific account? Morita, no, the transit occupancy tax is placed into a general funds account. Rivera, are we still moving along the Victoria Terrazas? Morita, a letter has gone out. The residents want the city to just leave them alone. The abandonment of the sidewalks is not viable. They have been advised from the city's standpoint that if there is a complaint filed, there is going to be enforcement.

Mendoza, the market days are approaching this weekend. I would encourage the city to do more marketing on that. The dates have changed since the cancellation, and it is not being marketed very well. I literally did not know until today that it was moved from Saturday to Friday. The only way to see the date changes is to read through the cancellation comments.

E-2: Subject: Staff Reports:

Cordero, the city was awarded a grant for SB1383 recycling organics, and we used the funds to purchase organic waste pails. These will be issued at the city's market days. Mendoza, does the community need to bring a bill or something? Cordero, yes, proof of residency is required.

Morita, the market day will start at 5 p.m. on Friday. Mendoza, was there a lot of damage to the stage equipment from the last storm? Morita, there was water damage.

**AT 7:53 P.M. HAMMERNESS ADJOURN PLANNING COMMISSION MEETING UNTIL
NEXT REGULARLY SCHEDULED MEETING NOVEMBER 9, 2022 AT 6:30 P.M.**