

PLANNING COMMISSION AGENDA
REGULAR MEETING of THE HOLTVILLE PLANNING COMMISSION
121 WEST FIFTH STREET - HOLTVILLE, CALIFORNIA

Tuesday, February 20, 2024 - 5:30 PM

- | | | |
|---|--|--|
| <input type="checkbox"/> Ross Daniels, Chairman | <input type="checkbox"/> Vanessa Ramirez, Appointee | <input type="checkbox"/> Steve Walker, Legal Counsel |
| <input type="checkbox"/> Georgina Camacho, Vice Chair | <input type="checkbox"/> John Munger, Ex Officio Member | <input type="checkbox"/> George Galvan, City Planner |
| <input type="checkbox"/> John Britschgi, Commissioner | <input type="checkbox"/> Raylene Tapiceria, Building Inspector | <input type="checkbox"/> Nick Wells, City Manager /
Executive Officer |
| <input type="checkbox"/> Cindy Pacheco, Appointee | | |

THIS IS A PUBLIC MEETING

The City of Holtville values public input on issues concerning the Planning Commission. If there is an issue on which you wish to be heard, comments will be accepted for items listed on the agenda and for items of general concern. The Chairman reserves the right to place a limit on each person's comments. Individual are required to provide their name and address for the record. Personal attacks on individuals, comments which are slanderous and/or which may invade an individual's personal privacy are not permitted.

MEETING CALLED TO ORDER

PLEDGE of ALLEGIANCE:

COMMISSION SECRETARY RE: Verification of Posting of the Agenda

SWEARING IN OF NEW COMMISSIONER

Nick Wells, Executive Officer

PUBLIC COMMENTS: This is time for the public to address the Planning Commission on any item that does not appear on the agenda for this meeting within the subject matter jurisdiction of the Commission. If you wish to speak, the Chairman will recognize you.

1. CONSENT AGENDA:

Items on the Consent Agenda are to be approved without comment. Should any Commission Member or member of the public wish to discuss an item, they may request that the item be removed from the Consent Agenda and placed on the NEW BUSINESS agenda.

- a. Approval of the Minutes from the Regular Meeting of Monday, August 21, 2023.

REPORTS of OFFICERS, COMMISSIONS, COMMITTEES and COMMUNIQUES:

2. UNFINISHED BUSINESS: *None*

3. NEW BUSINESS:

- a. **PUBLIC HEARING: Discussion/Related Action to Adopt Resolution PC 24-01**
Approving the Similar Use Determination, Conditional Use Permit and Variances for the Property Located at 625 E Fifth Street (APN 045-272-007) for New Construction of Labor Housing

George Galvan City Planner

b. PUBLIC HEARING: Discussion/Related Action to Adopt Resolution PC 24-02

Approving the Design for the Property Located at 625 E Fifth Street (APN 045-272-007) for New Construction of Labor Housing

George Galvan City Planner

c. PUBLIC HEARING: Discussion/Related Action to Adopt Resolution PC 24-03

Approving Amendment of the Conditional Use Permit 08-01 Previously Issued via Resolution PC 09-07 for the Property Located at 235 West Fifth Street on Assessor's Parcel Number 045-253-014

George Galvan City Planner

4. INFORMATION ONLY: *None*

5. STAFF REPORTS

- a. **City Manager Report - Nick Wells**
- b. Legal Counsel Report - *Steve Walker*
- c. Planning Report - *George Galvan*
- d. Building Inspector - *Raylene Tapiceria*

6. Items for future meetings

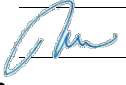
7. ADJOURNMENT:

I, Nicholas D. Wells, Acting City Clerk of the City of Holtville, California, **DO HEREBY CERTIFY** that the foregoing agenda was duly posted at Holtville City Hall and on the City of Holtville's website (www.Holtville.ca.gov) on Saturday, February 17, 2024.

NOTICE: *In compliance with the American Disabilities Act (ADA), the City of Holtville will make reasonable efforts to accommodate persons with qualified disabilities. If you require special assistance, please contact the City Clerk's office at (760) 356-3013 at least 48 hours in advance of the meeting. Any writings or documents provided to a majority of the Holtville Planning Commission regarding any item on this agenda will be made available for public inspection in the City Clerk's office located at City Hall, 121 W Fifth Street, during normal business hours.*

**THE MINUTES OF THE REGULAR MEETING OF
THE HOLTVILLE PLANNING COMMISSION**

Monday, August 21, 2023

MEETING DATE:	<u>2/20/24</u>
ITEM NUMBER	<u>1 a</u>
Approvals	CITY MANAGER 
	FINANCE MANAGER _____
	CITY ATTORNEY _____

The Regular Meeting of the Holtville Planning Commission was held on Monday, August 21, 2023, at 5:30 PM in the Civic Center. Vice Chair Georgina Camacho was present, as were Commission appointees Cindy Pacheco and Vanessa Ramirez. Commissioners Ross Daniels and John Britschgi as well as Ex Officio member John Munger were absent. City Manager / Executive Officer Nick Wells, City Planner Jeorge Galvan, and Building Inspector Raylene Tapiceria were also present. Mitch Driskill attended as Legal Counsel.

PLANNING COMMISSION MEETING CALLED TO ORDER:

Vice Chair Camacho called the meeting to order at 5:30 PM.

PLEDGE OF ALLEGIANCE: *Ms. Camacho led the Pledge of Allegiance.*

VERIFICATION OF POSTING OF AGENDA:

Mr. Wells verified that the agenda was duly posted on Friday, August 18, 2023.

SWEARING IN OF NEW COMMISSIONER

Mr. Wells administered the Oath of Office to new Planning Commission appointees Cindy Pacheco and Vanessa Ramirez and they were seated on the panel.

PUBLIC COMMENTS:

There were no Public Comments registered.

1. CONSENT AGENDA:

a. Approval of the Minutes from the Regular Meeting of Monday, November 21, 2022.

A motion was made by Ms. Pacheco and seconded by Ms. Ramirez to approve the Consent Agenda as presented. The motion passed in the form of a roll call vote.

AYES: *Pacheco, Ramirez, Camacho*

NOES: *None*

ABSENT: *Britschgi, Daniels*

ABSTAIN: *None*

REPORTS OF OFFICERS, COMMISSIONS, COMMITTEES, AND COMMUNIQUES:

Ms. Ramirez noted that school has started.

2. UNFINISHED BUSINESS:

There was none.

3. NEW BUSINESS:

a. PUBLIC HEARING: Discussion/Related Action to Adopt Resolution PC 23-01

Approving a Conditional Use Permit for the Property Located at 521 Cedar Avenue (APN 045-252-009) for a Remodeled Residential Use

George Galvan, City Planner

Mr. Galvan explained that the subject project has been used most recently as a residential property, however, due to an ownership transfer, modifications and the current zoning, a CUP is necessary.

A Public Hearing was opened at 5:36 pm, then closed at the same time as there were no members of the public to register comment.

A motion was made by Ms. Ramirez and seconded by Ms. Pacheco to approve the action as presented. The motion passed in the form of a roll call vote.

AYES: *Pacheco, Ramirez, Camacho*

NOES: *None*

ABSENT: *Britschgi, Daniels*

ABSTAIN: *None*

4. INFORMATION ONLY: *None*

5. STAFF REPORTS:

a. City Manager Report *Nick Wells reviewed several current projects, then fielded follow-up questions from Commission members.*

b. Legal Counsel - Mitch Driskill

c. Planning Report - George Galvan

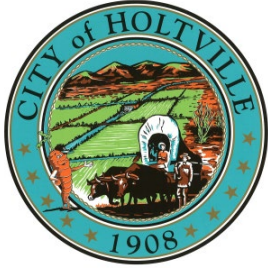
d. Building Inspector - Raylene Tapiceria

6. Items for Future Meetings: *None discussed*

7. ADJOURNMENT: *There being no further business to come before the Commission, Ms. Camacho adjourned the meeting at 6:28 PM.*


Georgina Camacho, Vice Chair

Nicholas D. Wells, Acting City Clerk



City of Holtville

Report to Planning Commission

MEETING DATE:	02/20/24
ITEM NUMBER	3 a & b
Approvals	CITY MANAGER 
	FINANCE MANAGER _____
	CITY ATTORNEY _____

To: Nicholas D. Wells, City Manager
Holtville Planning Commission

From: George Galvan, City Planner

Prepared By: Alan Molina, Assistant Planner

Date: February 20, 2024

Project: Peri & Sons Farms of California, LLC - Labor Housing Similar Use Determination, Conditional Use Permit, Variances, and Design Review

Summary:

Applicant:	Peri & Sons Farms of California LLC. and California Desert Properties LLC.
Project Owner:	Peri & Sons Farms of California LLC. and California Desert Properties LLC.
Project Location:	Northeast Corner of Fifth Street (State Route 115) and Chestnut Avenue, APN 045-272-007, (Refer to Attachment A – Vicinity Map)
Pending Action:	Approve Resolution 24-01 Approving a Similar Use Determination, Conditional Use Permit, and Variances & Approve Resolution 24-02 Approving a Design Review for the construction of a labor housing project within Downtown Holtville.
Zoning:	(D-B) Downtown-B Zone
General Plan:	(RC) Residential Commercial Mixed Use
Environmental:	Exempt – 15332 Infill Development

INTRODUCTION & BACKGROUND

On January 25, 2024, Peri & Sons (Applicant), submitted a Similar Use Determination, Conditional Use Permit, Variances, and Design Review application. The Applicant has been farming in the Imperial County since 2009 and has been employing H-2A workers for many years.

Per the H-2A Employer Handbook, the H-2A Program is authorized under the Immigration and Nationality Act (INA) and allows a U.S. employer to hire foreign workers on a temporary basis to perform agricultural work when there are not sufficient U.S. workers available. A condition of certification

requires the Department's OFLC within the Employment and Training Administration to ensure that qualified U.S. workers are not available for the job and the employment of temporary foreign workers will not adversely affect the wages and working conditions of U.S. workers similarly employed. Additionally, the employer must provide full-time work that needs to be performed on a temporary or seasonal basis to obtain an H-2A temporary labor certification. The nature of the work must be tied to a certain time of the year by a recurring event or pattern, such as an annual growing cycle, normally lasting 10 months. Housing must be provided at no cost to workers who cannot reasonably return to their permanent residence at the end of the workday and are not required to provide housing for their families.

As previously mentioned, regulations that govern the H-2A program require the Applicant to provide housing to H-2A workers. The Applicant is currently housing these workers at various rental locations; however, that is not the best long-term option for the Applicant and its workers. As a result, the Applicant, consistent with its long-term commitment to farming and its business plan in the Imperial County, seeks to construct and maintain its own employee housing in accordance with all the legal requirements associated with the H-2A program.

Per the H-2A Employer Handbook, the process of obtaining a temporary labor certification from the OFLC under the H-2A Program involves the following steps:

Step 1: File a Job Order with the State Workforce Agency (SWA)

- Involves the preparation and submittal of an agricultural job order to the SWA that serves the state where the actual work will be performed. Occurs 75 to 60 calendar days before the start date of work.

Step 2: File an H-2A Application with the Chicago National Processing Center (NPC)

- Involves the requirements for submitting an H-2A application to the OFLC's Chicago NPC. Occurs no less than 45 calendar days before the start date of work.

Step 3: Conduct Recruitment for U.S. Workers

- Involves the recruitment of U.S. workers, job opening advertisement instructions, and the preparation of a recruitment report. Occurs beginning on the date the employer receives the Notice of Acceptance from the Chicago NPC until completion of the recruitment steps.

Complete the Temporary Labor Certification Process

- The final step in this process includes the identification of additional documents the employer must submit to the Chicago NPC in order to receive a final determination; and, should labor certification be granted, moves on to the USCIS.

H-2A employers may not discriminate against U.S. workers who seek employment, must accept referrals of U.S. workers, and cannot charge employees, directly or indirectly, fees or costs associated with the H-2A program. Qualified workers will be paid no less than \$19.75 per hour, work full time, have no housing costs, and ride company-provided transportation to and from work each day. Additional housing

practices to be implemented by the Applicant include a 10:00 p.m. curfew, a prohibition against weapons, a prohibition against illicit drugs, and a limitation on alcohol consumption. Security and maintenance crews will be assigned at the project site to ensure housing rules are enforced and housing is kept clean and well-maintained.

The proposed project consists of six, two-story, buildings with a total of sixty-six (66) units. Each unit may house ten (10) residents for a total capacity of 660 residents. The submitted floor plan shows that each unit will contain five bunk beds, an 8'x9'6" bath, and a 22'x12'6" kitchen/dining area. No laundry facility is included in the proposed project. Fresh & So Clean Lavanderia (Laundromat) is located within half a mile of the project site. The proposed project will contain 90 parking spaces within its gated facility. According to the Applicant, the seasonal workforce is expected to be zero in June and July, under 100 in August and September, under 200 in October, November, December, January, February, and March, and approximately 660 and 550 in April and May, respectively.

The project is to be located on a 2.06-acre site at the northeast corner of Fifth Street (Highway 115) and Chestnut Avenue associated with APN 045-272-007. The parcel is located within the Downtown B (D-B) zone which does not indicate whether or not labor housing projects is allowed, but does allow multifamily residential projects, which may be considered a similar use with similar impacts upon issuance of a Conditional Use Permit (CUP). Due to labor housing projects being an unlisted use in the City of Holtville Zoning Ordinance, the Applicant is requesting a Similar Use Determination, Conditional Use Permit, and multiple Variances from the adopted standards of Downtown Code. To ensure that the design and layout of a labor housing project constitutes a suitable development and will not result in a detriment to the City or to the environment, Design review is necessary.

A Site Plan Review has not been finalized for this project as the site plan received does not contain all the required information to address drainage, retention areas, and grading. The purpose of this staff report is to present the proposed conceptual site plan and design specifications to the Planning Commission for compliance with the Holtville Municipal Code and Downtown Code.

ISSUES PRESENTED TO THE PLANNING COMMISSION

Existing Site Conditions – The project site is a 2.06-acre parcel which was previously occupied by the permanently closed Park Manor Hotel. The project site is currently developed with three separate buildings and a small carport that are to be demolished. An office and carport are located on the southeastern portion of the parcel, a 10-unit building along the eastern boundary, and a 5-unit building along the northern boundary of the parcel.

The project site is located at the northeast corner of Fifth Street (State Route 115) and Chestnut Avenue. A single-family residence and Saint Paul's Lutheran Church, zoned (R-3) multi-family, are abutting the project site's northern boundary. A mini-storage, parking lot, and union food market, zoned D-B, are abutting the project site's southern boundary. A single-family residence and multi-family complex, zoned D-B, and a vacant lot and a single-family residence, zoned (R-3) multi-family, are abutting the project site's western boundary. A car wash, zoned D-B, and a vacant lot and Town House, zoned (R-3) multi-family, are abutting the project site's eastern boundary (**Attachment A – Vicinity Map**).

Proposed Improvements – The proposed project consists of six separate two-story buildings equaling 65,450 square feet. The buildings will contain a total of 66 units with a capacity of 10 residents per unit equaling a maximum of 660 residents. The development will be paved and provide eighty-six (86) regular parking spaces and four (4) ADA compliant parking spaces. All unpaved areas will provide landscaping. The total onsite and offsite landscape provided will be around 9,740 square feet and 4,423 square feet, respectively. The project site will be accessed from proposed driveways along the northeast and northwest corner of the parcel. The existing driveways along Fifth Street will remain but will not be utilized.

Environmental – The proposed project was reviewed for consistency with the California Environmental Quality Act (CEQA) and it was determined that the project is exempt from CEQA. The project is exempt per Class 32- Infill Development Projects. Infill development projects are those that are consistent with the applicable General Plan designation as well as zoning designations and regulations. If the proposed project is found to be similar to a use that is currently allowed in the D-B zone, then the project is consistent with the General Plan. These types of projects are no more than five acres, substantially surrounded by urban uses and will not result in significant effects to traffic, noise, air quality or water quality.

Similar Use Determination – The subject site is located within the D-B Zone which is governed by the Downtown Code. The Downtown Zoning is intended to preserve, and protect the existing, historic, and unique character of the downtown area by requiring new construction, remodels, and existing construction to complement the existing built environment. The D-B zone allows and encourages mixed use residential and commercial to further promote the goals, objectives, and policies of the General Plan Housing Element. Labor Housing is not a use that is specifically listed in the Zoning Code, and the Zoning Code prohibits any uses that are not listed as an allowable use for that particular. The Zoning Code does, however, provide a method for which the Planning Commission can make a determination that a particular use is similar to one that is already allowed in that zone and therefore should be allowed.

Section 17.14 of the Zoning Code sets forth a process by which a City can conduct a Similar Use Determination to find that an unlisted, proposed use is similar to, or not more detrimental than a use that is permitted by right or conditionally permitted. As such, Peri & Sons submitted an application for a Similar Use Determination on the basis that labor housing is similar to multifamily residential use which is conditionally permitted in the D-B Zone. Section 17.41.030(B) defines “multifamily residential” as a building designed and intended for occupancy by two or more families living independent of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord (e.g., duplex, triplex, quadplex, apartment house, condominium). As previously mentioned, each ten-bedroom unit provides independent living facilities from each other unit since they contain a bathroom, kitchen, and dining area. There are similarities between labor housing and multifamily residential, but they are not the same. Multi-family residences are occupied by residents on a somewhat permanent basis, but the proposed labor housing is more transient in nature, similar to a hotel or motel, but occupants will be staying for periods longer than those at a hotel or motel. Hotels and motels are permitted by right in the D-B zone. Occupancy rates will fluctuate in the proposed project based on demand for farmworkers.

According to the Applicant, the following estimates are the current housing needs that their farm anticipates for the 2024 farming season:

Worker counts by month

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
185	165	170	660	550	0	0	35	55	150	150	150

FINDINGS

In order to determine that a proposed use is similar to an existing allowed use, specific findings must be made by the Planning Commission and City Council as outlined in Chapter 17.14 of the Holtville Municipal Code. The Planning Commission must make the following findings before approving a recommendation to the City Council.

- **The use furthers the objectives of the zone;**

The Downtown zoning is intended to preserve and protect the historic and unique character of Downtown Holtville to continue to be the pedestrian-oriented shopping, dining, entertainment, and living center of Holtville. The Downtown Code further encourages the development of mixed use residential and commercial. In order to encourage commercial development in Downtown Holtville, a strong residential base must be present. The proposed labor housing will provide a population base that will be staying in Holtville and spending their dollars wherever possible.

- **Field investigations have disclosed that the subject use and its operations are compatible with the uses permitted in the zone where the use is proposed to be located;**

Per Section 17.41.050, the D-B Zone applies to areas of the downtown/central business district that offer a variety of mixed commercial, retail, and residential uses. Furthermore, the D-B Zone offers more opportunity for redevelopment and infill residential development. Meanwhile the proposed project is an unlisted use, the Applicant’s long-term business plan will create infill residential development that is compatible with the conditionally permitted multifamily residential use.

- **The subject use is similar to one or more uses permitted in the zone where the use is proposed to be located; and**

The proposed labor housing is similar to multifamily residential use which is conditionally permitted by Section 17.41.050 of the Zoning Ordinance. While the use is similar, the labor housing will provide seasonal employee housing in accordance with the applicable H-2A regulations such as undergoing yearly inspection as part of the H-2A certification process unlike multifamily residential uses. This ensures the property will be regularly inspected and well maintained.

- **The subject use will not cause substantial reduction in the value of the property in the zone within which it is proposed to be located or in any abutting zone.**

The proposed project will create infill residential development that complements the existing built environment. The labor housing will abut a church, mini storage, parking lot, food market, carwash, and residential developments. Per Section 17.41.060(C), the development standards are intended to preserve the compact, walkable, historic downtown core while stimulating economic development in the commercial heart of the city. The proposed project will induce new spending within the local economy as the Applicant will bring an influx of workers to the City of Holtville who will shop and dine at local businesses.

Per Section 17.41.050 of the Zoning Ordinance, the D-B zone is characterized by a predominance of commercial and retail uses, with complementary light industrial use, mixed use, and residential units. The proposed project will redevelop a vacant lot and maximize the use of land by creating infill residential development within the Downtown Zone.

Conditional Use Permit – Uses permitted subject to a Conditional Use Permit are those uses necessary for the development of community, having inherent qualities or characteristics which, unless provided for, would cause such uses to be incompatible or inharmonious with adjacent or nearby permitted uses. Should the labor housing be considered as a similar or less impactful use than multifamily residential uses, a CUP will be required since multifamily residential uses are conditionally allowed and not permitted by right within the D-B zone.

FINDINGS

In addition to the draft Conditions of Approval (**Exhibit A – Conditions of Approval**), staff is recommending the following findings to be considered in accordance with adopted procedures and State Statutes in support of the project and granting of a CUP. The Planning Commission, in approving the CUP, shall by resolution adopted by an affirmative vote of not less than the majority of all its voting members find as follows:

- **That the site for the proposed use is adequate in size and topography to accommodate said use, and all yards, spaces, walls and fences, parking, loading and landscaping are adequate to properly adjust such use with the land and uses in the vicinity;**

The site is not entirely adequate in size to accommodate the parking ratio requirements based on the proposed site layout. The site may or may not be adequate to accommodate the required number of parking spaces, depending on the classification of use and the standards to be applied. If the project is determined to be similar to a multifamily residential use, then there would not be enough space to accommodate the 116 parking spaces required based on the ratio of 1.75 spaces per unit.

Parking requirements are intended to meet the needs of the particular use without burdening on-street parking. Parking requirements are further decreased in the Downtown zones to promote the “park once” mentality and to promote the walkability in Downtown Holtville. There are no specific requirements for labor housing as it is not a use listed in the Zoning Ordinance. Occupants of the labor housing will not have their own cars as transportation will be provided by the employer (Peri & Sons).

Per the Institute of Transportation Engineers (ITE) website, the ITE is an international membership association of transportation professionals who work to improve mobility and safety for all transportation system users and help build smart livable communities. The ITE is responsible for developing technical resources including transportation standards and recommended practices. Most City used standards are based on the standards and recommended practices of ITE; however, there could not be found any standards made by ITE regulating labor housing developments.

- **That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;**

The proposed site is accessed by two 25 feet wide driveway entrances/exits with adequate vision clearance along Chestnut Avenue and Figueroa Avenue. These access drives can support the traffic generated by the proposed project.

- **That the proposed use will have no adverse effect upon abutting property; and**

It is not expected that the proposed project will have any adverse effect upon abutting property. The Applicant will employ security to enforce housing rules and maintenance crews to ensure the gated facility is well-maintained. The traffic caused by the proposed project is not a concern since the employer will offer transportation to residents to the workplace at set shift times plus the occasional excursion for shopping and dining. Regarding noise, the proposed project is not expected to cause more noise than the typical multi-family development. The site layout conforms to the setback standards set upon residential uses to minimize any noise from reaching abutting properties. Regarding litter, three trash enclosures are included within the gated facility which may be sufficient to meet the needs of residents. Onsite maintenance crews will be employed to keep the facility clean and well-maintained.

- **That the conditions stated in the decision are deemed necessary to protect public health, safety and general welfare.**

The proposed Conditions of Approval are consistent with the City's adopted standards, and deemed necessary to protect the public health, safety and general welfare of the community and neighboring projects.

Variance Review – The Applicant also submitted a Variance Application consisting of various Variance requests for the proposed labor housing project to be located within the D-B zone. Multiple Variances are being requested from the adopted standards because due to the unique nature of the proposed project being an unlisted use within the City of Holtville Zoning Ordinance, the Applicant cannot meet all the regulations, set forth in Chapter 17.41, applicable to its proposed similar use determination of multifamily residential use. The purpose of the Variance review is to present the proposed adjustments to physical design standards of the proposed labor housing project to the Planning Commission for compliance with the required findings for approval of a Variance.

A Variance is issued to a landowner by the Planning Commission to build a structure or engage in some action not otherwise permitted under the current zoning regulation. Issuance of a Variance is governed by California Government Code Section 65906 which stipulates: “the owner must demonstrate how absent this Variance he/she would otherwise suffer unique hardship under the general zoning

regulation because this particular parcel is different from the others to which the regulation applies due to its size, shape, topography, location, or surroundings.”

The Applicant has expressed that absent these Variances; he would otherwise suffer unique hardship under the general zoning regulations because it does not include this type of project. For this reason, the Applicant is requesting the following Variances:

1. **Density.** The Applicant is requesting a Variance to increase the allowable unit density to sixty-six (66) dwelling units.
2. **Parking.** The Applicant is requesting a Variance to reduce the amount of required parking spaces to ninety (90) parking spaces.
3. **Landscaping.** The Applicant is requesting a Variance to reduce the number of trees required in surface parking lots.

Per Section 17.62.020, the Planning Commission, before it may grant a Variance, shall make a finding that, in the evidence presented, all four of the following conditions exist in reference to the proposed project:

A. Because of special circumstances applicable to subject property, including size, shape, topography, location or surrounding, the strict application of the provisions of this title would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

1. **Density Variance:** The proposed project size is 2.06-acres, and the D-B zone allows a maximum density of 20 dwelling units per acre. This means that the proposed project has a maximum density of 41 units. According to the U.S. Census 2020 data, the average household size in the City of Holtville is 3.7 people. The average household size of 3.7 people in a 41-unit development would result in 152 residents. This is significantly lower than the proposed project with a maximum capacity of 660 residents. It is recommended that the proposed project follow the density standards set forth in Section 17.41.060 and allow a maximum density of 41 units. It is important to note that there are no special circumstances applicable to the subject property itself that constitutes strict application of this title that would deprive the subject property of privileges enjoyed by other properties.
2. **Parking Variance:** The Applicant will offer transportation to residents from the housing facility to the workplace and areas within the City of Holtville to conduct shopping and dining. The transportation provided will consist of vehicles with an occupancy capacity of fifteen (15) people, including a qualified driver. During the peak farming season, around April, a total of six hundred sixty (660) agricultural employees are anticipated to need housing. This means that around forty-seven (47) vehicles will be needed to transport the maximum number of residents proposed within the labor housing facility. An additional forty-three (43) parking spaces are provided in case other employees such as security and maintenance personnel require parking availability, or the Applicant decides to move his/her business to another location. It is important to note that the new owner will have to accommodate for the deficient number of parking spaces if another land use is proposed within the subject site. Per Section 17.41.090, 1.75 spaces per unit are required for residential uses in the D-B zone. As such a 66-unit

development would require 116 parking spaces, which would not be satisfied by the proposed parking lot consisting of 90 parking spaces.

If the Planning Commission were to enforce a maximum unit density of 41 units, the labor housing facility would not require a parking Variance since there would be enough space to accommodate the 72 parking spaces required based on the ratio of 1.75 spaces per unit. As previously mentioned, there could not be found any standards or common practices regarding labor housing developments made by the ITE.

3. **Landscaping Variance:** Per Section 17.41.100(D)(1)(xi), in surface parking lots, trees should be installed at a ratio of one tree per three parking stalls for the perimeter of the parking lot, and one tree per six spaces for the interior of the parking lot. The Applicant requested a Variance from this requirement based on the grounds that the number of required parking stalls would need to be reduced and they are already requesting a Variance under the parking requirements. The surface parking lot tree ratio is based upon the number of provided parking spaces. Subject to Planning Commission parking Variance approval, the proposed project would provide a total of 90 parking spaces. This would necessitate thirty (30) trees within the perimeter of the parking lot and fifteen (15) trees within the interior of the parking lot. Per the submitted site plan, only two trees are provided within the interior of the parking lot. The use of landscaping is enforced to complement the architecture, minimize the impact of incompatible land uses, and establish a transition between adjacent developments. New development should look established as quickly as possible and utilize landscaping to provide shade and minimize visual and environmental impacts.

Staff does not recommend granting a Variance to the landscape requirements. Sufficient room is available to accommodate landscaping based on the number of parking spaces to be required.

B. The Variance granted shall be subject to such conditions as will assure that the adjustment authorized by the Planning Commission shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated;

1. **Density Variance:** As previously mentioned, based on the average household size of 3.7 people, a 41-unit development would result in 152 residents. The proposed project with a maximum resident occupancy of 660 people is significantly larger than a multifamily residential development that contains the same number of units and follows the average household size in the City of Holtville. As such, granting the density Variance would constitute a grant of special privilege and staff does not recommend approval. It is recommended that the proposed project follow the density standards set forth in Section 17.41.060 and allow a maximum density of 41 units.
2. **Parking Variance:** The granting of the Variance for parking would not constitute a special privilege, as the nature of this project is a unique land use within the City of Holtville Zoning Ordinance. If approved by the Planning Commission, any future proposed labor housing projects shall follow similar limitations set upon this project.
3. **Landscaping Variance:** The granting of the Variance for landscaping requirements has been found to constitute a grant of special privilege inconsistent with the limitations upon other

properties in the vicinity. As previously mentioned, surface parking lot landscaping ratios are directly correlated with the number of provided parking spaces and not based on subjective land uses. As such, the proposed project shall comply with all applicable landscaping standards set forth in the Downtown Code.

C. The granting of the Variance will not be materially detrimental to the public health, safety, convenience or welfare, or injurious to property and improvements in the same vicinity and zone in which the project is located; and

1. **Density Variance:** The proposed project will not be materially detrimental to the public health, safety, convenience, or welfare nor injurious to the general public as the proposed project will be able to accommodate 660 residents within the project site. The increase in allowable unit density will not create any foreseeable negative impacts upon the community.
2. **Parking Variance:** The proposed project will not be materially detrimental to the public health, safety, convenience, or welfare nor injurious to the general public as the proposed project will be able to accommodate 660 residents and not necessitate more than 90 parking spaces. The reduction of required parking spaces at the proposed project site will not create any foreseeable negative impacts upon the community.
3. **Landscaping Variance:** The proposed project without the required landscaping requirements may be materially detrimental to the public health, safety, convenience or welfare, or injurious to the general public as landscaping standards are enforced to minimize visual and environmental impacts. Shade trees within and around the perimeter of the parking lot are required as average high temperatures in the City of Holtville may exceed 100 degrees during the summer.

D. The granting of such Variance will not adversely affect the General Plan adopted by the City.

1. **Density Variance:** The proposed Variance does not change any of the General Plan's Goals and Objectives.
2. **Parking Variance:** The proposed Variance does not change any of the General Plan's Goals and Objectives.
3. **Landscaping Variance:** The proposed Variance does not change any of the General Plan's Goals and Objectives.

Architectural and Design Review – Per Section 17.63.020, a Design Review Permit is required for all projects within the D-B zoning districts. The purpose of the Design Review is to provide a process under which to promote the orderly and harmonious growth of the downtown and central business district with the desired character, and to ensure physical and functional compatibility between uses. The Planning Commission approves, conditionally approves, or denies proposed design concepts. The Project Review Committee did not convene for this project. The Planning Commission is the final authority on Design Review determinations.

The conceptual drawings provided include a concept Site Plan, Floor Plan, Lighting Plan, Landscape Plan, and Elevation Plan with proposed building colors, attached hereto as **Attachment B – Conceptual Site Plans**. Consideration to site layout, orientation, location of building, signs, other structures, open spaces, landscaping, lighting and other architectural features were preliminarily assessed by staff. The findings

presented below are based on the project information submitted and consistent with Chapter 17.41 of the Holtville Municipal Code which establishes development standards in an effort to preserve and protect the existing, historic, and unique character of a pedestrian friendly Downtown:

- **Site Layout and Orientation** – The proposed layout is consistent with the Downtown Code recommended Half Block Liner. Per Section 17.41.060, buildings within the D-B zone require a minimum side yard setback of zero (0) feet, a minimum rear yard setback of twenty (20) feet, and a build-to front line maximum of ten (10) feet. It is important to note that “build-to line” means an urban setback dimension that delineates the maximum distance from the property line a front or street side building facade can be placed. Per the submitted site plans, the proposed project has side yard setbacks of five (5) feet, a rear yard setback of thirty-one (31) feet, and a build-to front line setback of seven feet and two inches (7’2”). No additional comments were noted.
- **Building Height** – Per Section 17.41.060, buildings within the D-B zone require a maximum height limit of forty-five (45) feet. Per the submitted elevation plans, the proposed project consists of two stories and has a maximum height limit of thirty-one feet and eight inches (31’8”). The project meets the maximum building height restriction.
- **Architectural Style & Colors** – Per Section 17.41.100(C), the purpose of the architectural standards section is to guide improvements, renovations, and future development in downtown Holtville to be consistent with the vision and goals for the area. The project site is located on the northeast corner of 5th Street and Chestnut Avenue. The Downtown Code requires that corner lots (such as the project site) contain architectural definition to emphasize the corner location and have a strong tie to the front setback lines of each street. Corner buildings are required to have a scale compatible with adjoining developments, a building mass parallel or on the axis of adjacent streets, and should enhance the existing character of Downtown Holtville. No corner definitions have been included. The back of buildings shall not be placed along a street frontage. If the rear of the building must be located along a street because of site constraints, then architectural detailing shall be included that provides the illusion of being a front to the building. The rear of the building does not face a street; therefore, these requirements are not applicable. The proposed buildings are not built to the front property line as recommended by the Downtown Code, but the proposed setback is within the maximum build-to-line requirement. The buildings are set back from the front property lines to allow for the installation of landscaping. Due to the lack of architecture definition, Conditions of Approval have been incorporated to address architectural requirements.

New developments should enhance the existing character of Downtown Holtville by complementing the historical elements with facades that define the building and are consistent with warm and natural desert colors and earth tones. The proposed buildings consist entirely of La Habra Stucco Dove Grey color, which is a neutral color consistent with the rural character of Downtown Holtville. No accent colors have been identified. Building facades that front on public streets should have a variety of architectural features such as arcades, canopies, display windows, entries or awnings, unless the structural integrity of the building is at stake. The physical design of building facades should vary at least every 50 linear feet. The facades that

front public streets of the proposed project lack a variety of architectural features as they only contain windows with trims and lack a variety of color with different tones and shades. There is varying articulation in various portions of facades facing Chestnut Avenue, Fifth Street, and Figueroa Avenue (i.e., certain portions of building faces “pop out”). Additional architectural elements shall be included in the physical design of building facades along street frontages to satisfy these requirements. On sites with multiple structures, buildings should be linked visually and physically. The proposed project consists of multiple buildings that are linked visually through similar color and architecture styles, but they are not physically linked. These physical links can be accomplished through architecture and site planning, such as trellises, colonnades, or other open structures combined with landscape and walkway systems. Additional requirements to physically link the buildings have been included as Conditions of Approval.

- **Stormwater Management** – The site plan does not identify any form of flood management. As such, the project may be required to utilize the parking lot to retain water or incorporate a stormwater facility supported by a drainage plan. These plans are required to be submitted to the City of Holtville and have been incorporated as a condition of approval.
- **Signs and Lighting** – Current site plans do not indicate the placement of any signs; however, the Applicant is required to submit a sign review application with all the required information for current and future signs planned for the project. Conformance to the Downtown Zone sign requirements have been incorporated as a condition of approval.

Per Section 17.41.100(E), in Downtown Holtville lighting fixtures within developments should be attractively designed to complement the architecture of the project and surrounding development, and should improve the visual identification and safety of residences and businesses to create an inviting atmosphere. The current lighting plan indicates the placement of fourteen (14) wall packs on the rear of buildings along street frontages and seventeen (17) light poles along the perimeter of the parking lot. Parking lot fixtures should not exceed twenty (20) feet when within fifty (50) feet of a residential property and should be designed with a concrete raised base. The lighting plan is lacking information related to the height of the lighting fixtures and the type of base for the fixtures. As such, lighting requirements have been incorporated within the conditions of approval.

- **Refuse, Storage, and Fencing** – Per Section 17.41.100(B)(3), refuse containers and services facilities shall be screened from view by solid masonry walls with wood or metal doors. The submitted site plan indicates three refuse containers to be located within the proposed parking lot; however, the plan does not indicate any screening due to the missing information regarding the trash enclosure wall height and proposed materials. As such, trash enclosure requirements have been incorporated as a condition of approval.
- **Wall/Fencing** – Per Section 17.41.100(C)(6), the finished grade of the fence should be presented to the street. On corner lots, this applies to the front yard and street side yard of the property. Per the submitted site plan, a new 6-foot wrought iron fence is proposed along the north property boundary line and between structures along street frontages. No additional requirements are necessary.

- Parking** – Were the project to be considered a similar use with similar impacts to multifamily residential uses and upon issuance of a Conditional Use Permit by the Planning Commission, it would need to comply with the parking standards set forth in the Downtown Code within the D-B Zone. The proposed parking type is consistent with the Downtown Code recommended Surface Parking – Behind Building. Per Section 17.41.090, residential uses within the D-B zone require 1.75 parking spaces per unit. The proposed project consists of sixty-six (66) total units which require one hundred sixteen (116) parking spaces to comply with the parking ratio requirement. Per the submitted site plan, the proposed project will consist of ninety (90) total parking spaces divided into eighty-six (86) 9’x20’ parking spaces and four (4) ADA compliant parking spaces. As previously mentioned, the site may or may not be adequate to accommodate the required number of parking spaces, depending on the classification of use and the standards to be applied. If the project is determined to be similar to a multifamily residential use, then there would not be enough space to accommodate the 116 parking spaces required based on the ratio of 1.75 spaces per unit.
- Landscaping** – Per Section 17.41.100(D), landscaping provisions emphasize the use of trees, landscaping along urban streetscapes, and within urban parking lots. The standard design concepts section requires the use of landscaping to complement the architecture, minimize the impact of incompatible land uses, and to establish a transition between adjacent developments. Landscaped areas should generally utilize a three-tiered hierarchy of plants: grasses and groundcovers, shrubs, and trees. All areas in downtown that are not covered by structures, walkways, driveways, and parking spaces should be landscaped in this manner. Additionally, new development should look established as quickly as possible and utilizing mature trees and accent plants in landscaping is encouraged to achieve this. The proposed project does provide landscaping in all unpaved areas but does not include groundcover, shrubs, and accent plants. As such a three-tiered hierarchy of plants has been incorporated as a condition of approval. The Downtown Code requires that street trees be provided every 30 to 50 feet on center within the required landscape area and along public streets. Per the submitted landscape plan, five (5) “Washington Robusta/Mexican Fan Palm” trees are proposed to be planted as street trees along the frontage of Chestnut Avenue, five (5) along the frontage of Figueroa Avenue, and six (6) “Chamaerops Humilis Multi Mediterranean Fan Palm” trees along the street frontage of East 5th Street. The landscape plan does not contain information regarding spacing dimensions and as such, conformance with street trees requirements have been incorporated as a condition of approval. Per Section 17.41.100(1)(b)(ix), parking facilities shall attain a minimum 35 percent tree canopy coverage within 15 years of completion of construction to provide shade and minimize visual and environmental impacts. As an alternative to landscaping, shade structures may be used, provided there is landscaping at their base. Landscaped areas should be protected from vehicular and pedestrian encroachment by raised planting surfaces, depressed planters, or the use of curbs. Per the submitted site plan, no shade trees or shade structures are provided.
- Density of Residential Units** – Per Section 17.41.060, the maximum allowable residential development in downtown Holtville is 20 dwelling units per acre as determined by the General

Plan land use plan map. The proposed project site is 2.06 acres, equaling a maximum allowable density of 40 units. Per the submitted site plan, the proposed project consists of 66 units. This exceeds the maximum allowable density, and the Planning Commission will need to consider a Variance from the required area-wide maximum allowable residential development (density) standards per Section 17.62 of the City of Holtville Municipal Code.

- **Traffic & Safety** – The proposed project is bound by three roadways: Chestnut Avenue to the west (in good condition), East 5th Street to the south (in good condition), and Figueroa Avenue to the east (in good condition). The entire west, south, and east side is surrounded by a curb & gutter, and sidewalk that is in good condition. Three existing 30-foot driveways are located on the south side of the property and will not be used or altered. The circulation and access to and from the property is restricted to a 25-foot driveway entrance at the northwest end of the property along Chestnut Avenue and another at the northeast end of the property along Figueroa Avenue. No additional requirements are necessary.
- **Vision Clearance** – Per Section 17.10.090, in order to protect the welfare and safety of pedestrians, bicyclists and motorists using the sidewalks and streets within the City, the Zoning Code requires a vision triangle area at the intersection of each driveway or ally with a street. Areas within the vision triangle shall be left clear of planting and improvements from a point thirty (30) inches above the ground. The corners are defined by two points on the right-of-way line, fifteen (15) feet on each side of the centerline of the driveway or alley and a point on said centerline ten (10) feet outside the right of way. Per the submitted site plan, the two proposed driveways contain the required vision area. No additional requirements are necessary.
- **Consistency with General Plan and Downtown Code** – The proposed project is consistent with the City of Holtville General Plan. Per Land Use Goal 1, a balanced land use pattern that provides a complete range of housing and employment opportunities, from its agricultural industry to its mixed-use center, is desired to ensure that revenue generation matches the City’s responsibility for provision and maintenance of public services and facilities. As it relates to the Downtown Code, if the Planning Commission and City Council determine that the proposed use is similar to an existing allowed use, then the proposed use is consistent with the requirements of the General Plan and the Zoning Code. Additionally, the Conditions of Approval would allow the project to meet the development standards outlined in the Zoning Code.

FINDINGS

Design Review – The following findings must be made by the Planning Commission in accordance with adopted procedures of the Downtown Code per Section 17.63.070:

- **The proposed project is consistent with the objectives of the General Plan, complies with applicable zoning regulation, the Downtown Vision Plan, improvements standards, and other applicable standards and regulations adopted by the City;**

As previously mentioned, the proposed project is consistent with the objectives of the General Plan, specifically, Land Use Goal 1. Unless otherwise exempted through the granting of appropriate Variances, and should the draft Conditions of Approval be instituted, the proposed project will comply with the applicable zoning regulation, the Downtown Vision Plan, and the improvement standards adopted by the City.

- **The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation;**

The circulation and access to and from the property is restricted to a 25-foot driveway entrance at the northwest end of the property along Chestnut Avenue and another at the northeast end of the property along Figueroa Avenue. The proposed driveways have appropriate vision clearance and are not subject to create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation. As it relates to traffic, it is not expected that the proposed project will generate significant traffic or cause conflict.

- **The site layout (orientation and placement of buildings and parking area), as well as the landscaping, lighting, and other development features are compatible with and complement the existing surrounding environment and ultimate character of the area under the General Plan; and**

The proposed setbacks, building type, and parking type are consistent with the Downtown Code. Stormwater management, lighting, refuse area, and other architectural features, as modified by the Conditions of Approval, are also consistent with the Downtown Code. The parking ratio, landscaping standards, and density of residential units necessitate granting of a Variance to be exempted from regulations set forth in the Downtown Code. If exempted, the design of the proposed project is generally compatible with the surrounding neighborhood and promotes the desired character outlined in the goals, objective, and policies of the General Plan.

- **That the proposed development complies with the regulations of the Downtown Code, promotes the spirit of the City’s downtown by integrating public and private built environment and complements the architectural quality of the downtown.**

Upon issuance of appropriate Variances, the development as proposed and conditioned will comply with the regulations of the Downtown Code. The project will promote private housing that will promote revenue generation within the City of Holtville and complement the architectural quality of Downtown.

PUBLIC REVIEW

The Planning Commission may approve or deny the Similar Use Determination, Conditional Use Permit, Variances, and Design Review after a Public Hearing is held and all the required findings have been made pursuant to Government Code Section 65906. A Public Hearing Notice (**Attachment C – Public Hearing Notice**) for the proposed project was posted in the Holtville Tribune on February 8, 2024, and mailed to all property owners within 300-foot radius of the proposed project site on February 9, 2024.

PLANNING COMMISSION PENDING ACTION

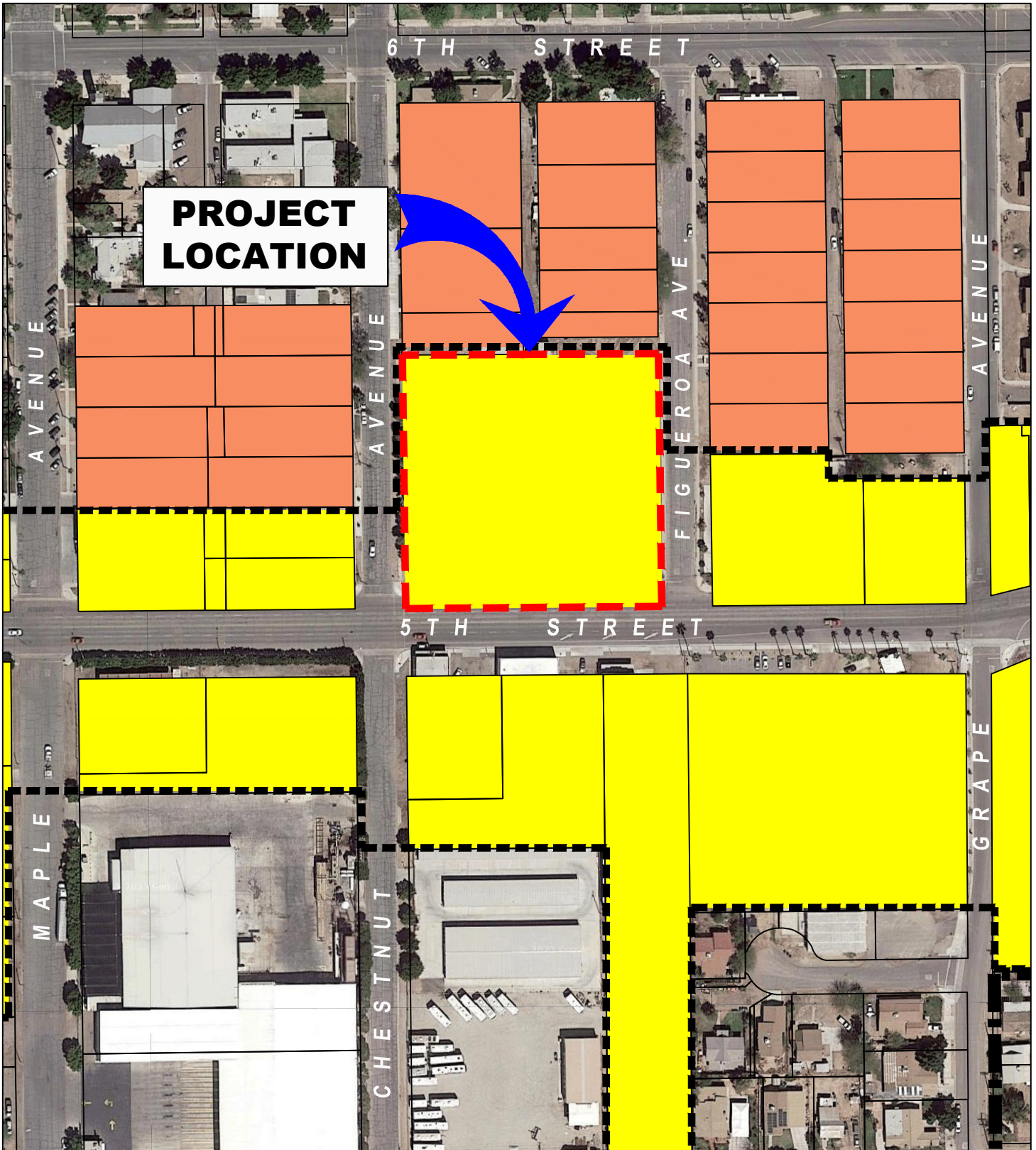
Staff recommends that the Planning Commission conduct the Public Hearing for the proposed Similar Use Determination, Conditional Use Permit, Variances, and Design Review as required by the City of Holtville Zoning Ordinance. Upon listening to testimonies for and against the Applicant’s request, and attached support documentation, the Planning Commission may wish to discuss and consider additional Conditions of Approval to ensure the safety and welfare of the community. Staff recommends the following actions:

- Adopt Resolution 24-01 (**Attachment D – Resolution 24-01**) recommending that the City Council of the City of Holtville approve a Similar Use Determination for Labor Housing, and that the Planning Commission approve a Conditional Use Permit, and parking Variance subject to the aforementioned findings and attached Conditions of Approval for the Peri and Sons Farms LLC. and California Desert Properties LLC labor housing development.
- Adopt Resolution 24-02 (**Attachment E – Resolution 24-02**) approving the Design Review subject to the aforementioned findings and attached Conditions of Approval for the Peri and Sons Farms LLC. and California Desert Properties LLC. labor housing development.

Attachments:

- Attachment A – Vicinity Map
- Attachment B – Conceptual Site Plans
- Attachment C – Public Hearing Notice
- Attachment D – Resolution 24-01
- Attachment E – Resolution 24-02
 - Exhibit A – Conditions of Approval

Attachment A – Vicinity Map



LEGEND:



PROJECT AREA



DOWNTOWN - B ZONE



R-3 MULTI-FAMILY

The Holt Group, Inc.
ENGINEERING • PLANNING • SURVEYING

1601 N. Imperial Ave. El Centro, California 92243 (760)337-3883



APN 045-272-007
HOLTVILLE, CA 92250

VICINITY MAP

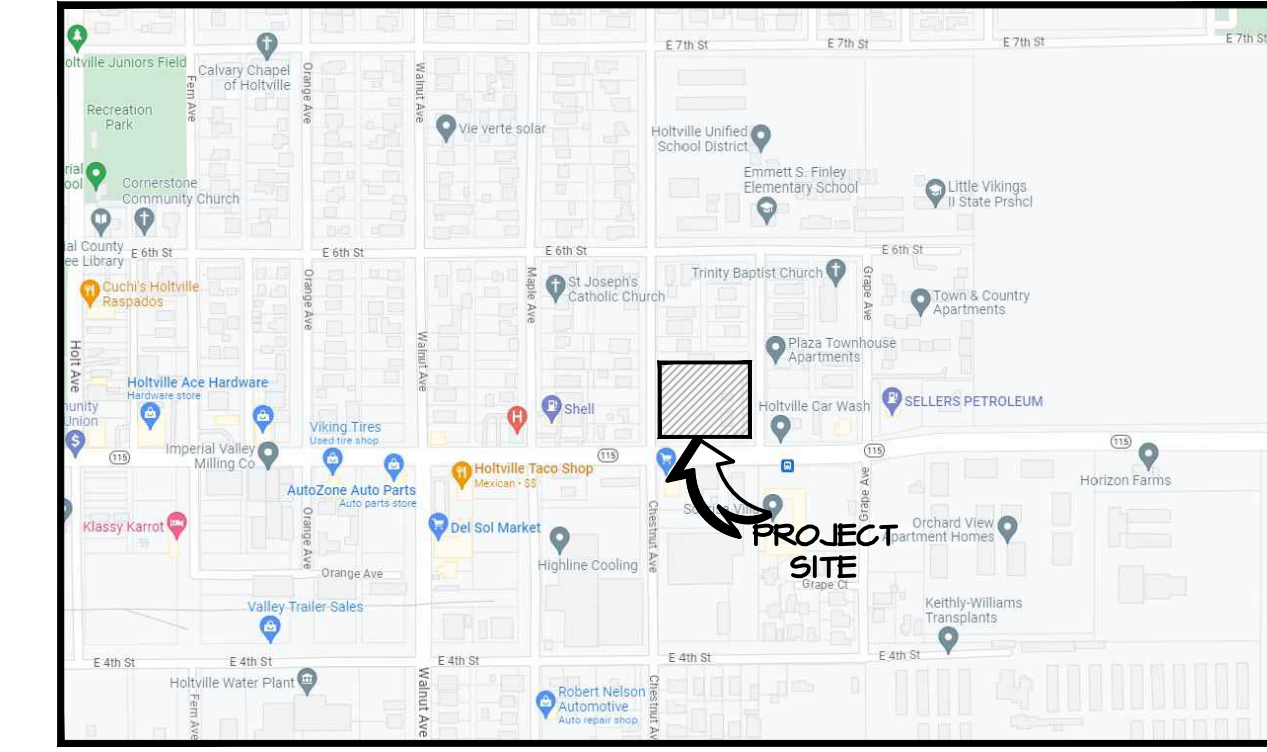
THG Project No. 116.526

Date: February 2024

Attachment B – Conceptual Site Plans

HOLTVILLE LABOR HOUSING

625 EAST 5TH STREET, HOLTVILLE, CA 92250



VICINITY MAP
NOT TO SCALE

PROJECT DATA

PROPERTY OWNER:
PERI & SONS FARMS, CALIFORNIA DESERT PROPERTIES LLC
102 MCLEOD ST.
YERINGTON NV, 89447

PROPERTY ADDRESS:
625 EAST 5TH STREET,
HOLTVILLE, CA 92250

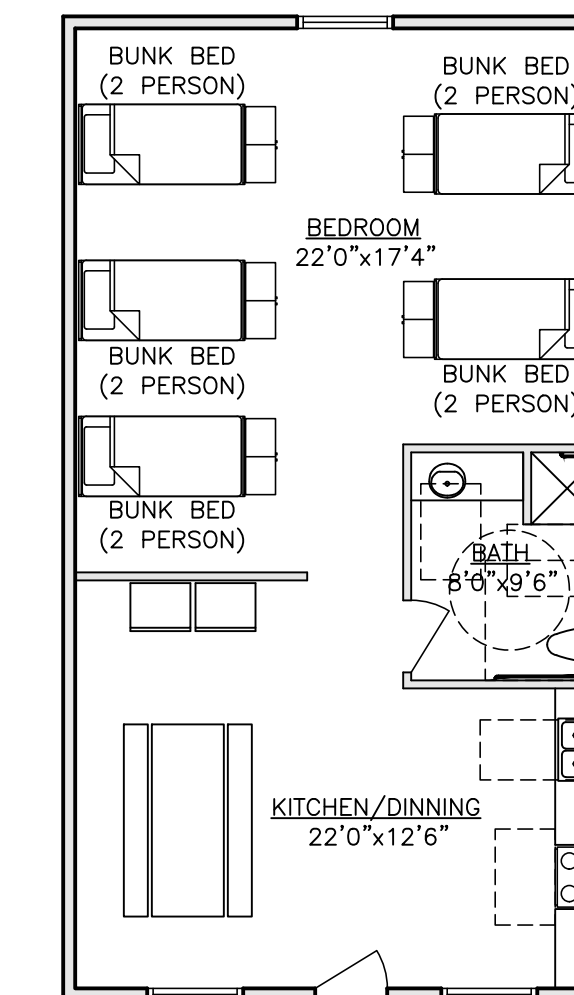
CONTRACTOR/DRAFTER:
DUGGINS CONSTRUCTION, INC.
341 W. CROWN COURT
IMPERIAL, CA 92251

BUILDING DATA

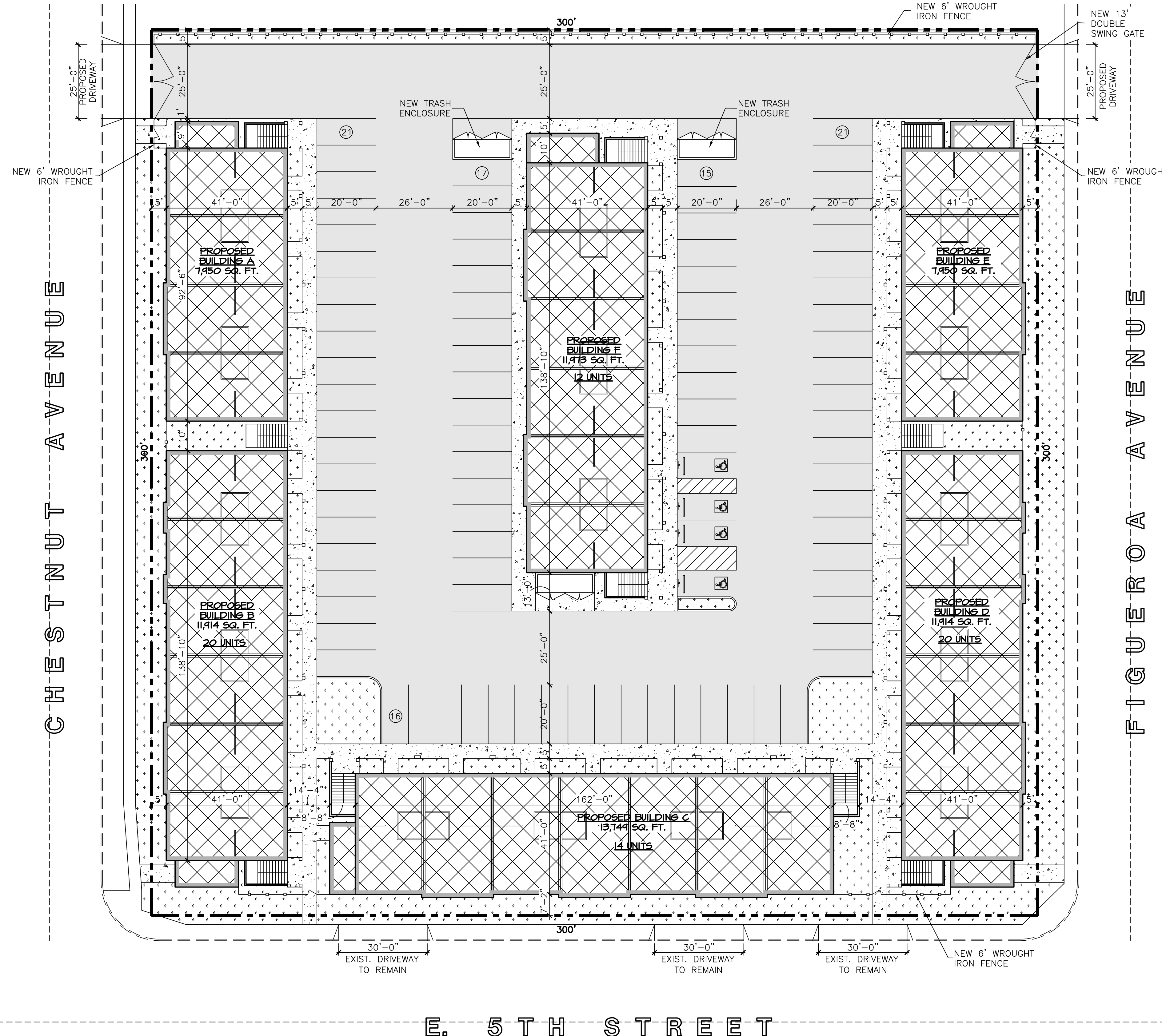
ASSESSOR'S PARCEL No:	045-272-007-000
ZONING:	DOWNTOWN - B ZONE
SITE AREA:	2.06 AC (90,000 SQ. FT.)
BUILDING USE:	LABOR HOUSING
OCCUPANCY GROUP:	R-1
TYPE OF CONSTRUCTION:	V-B
TOTAL PROPOSED BUILDING AREA:	65,450 SQ. FT. (SIX BUILDINGS, FIRST AND SECOND FLOOR)
HEIGHT:	31'-8"
STORIES:	TWO STORY
LANDSCAPE PROVIDED (ON SITE):	9,740.10 SQ. FT.
LANDSCAPE PROVIDED (OFF SITE):	4,422.94 SQ. FT.
LANDSCAPE TOTAL:	14,163.04 SQ. FT.
PARKING PROVIDED:	86 REGULAR PARKING STALLS 04 ACCESSIBLE PARKING STALLS 90 TOTAL STALLS
TOTAL OF RESIDENTS:	10 RESIDENTS PER UNIT 66 UNITS 660 RESIDENTS

HATCH LEGEND

	CONCRETE AREA
	ASPHALT AREA
	PROPOSED BUILDING
	LANDSCAPE AREAS
	PROPERTY LINE
	WROUGHT IRON FENCE



PROPOSED FLOOR PLAN
SCALE: 1/8"=1'-0"



PROPOSED SITE PLAN
SCALE: 1"=20'-0"

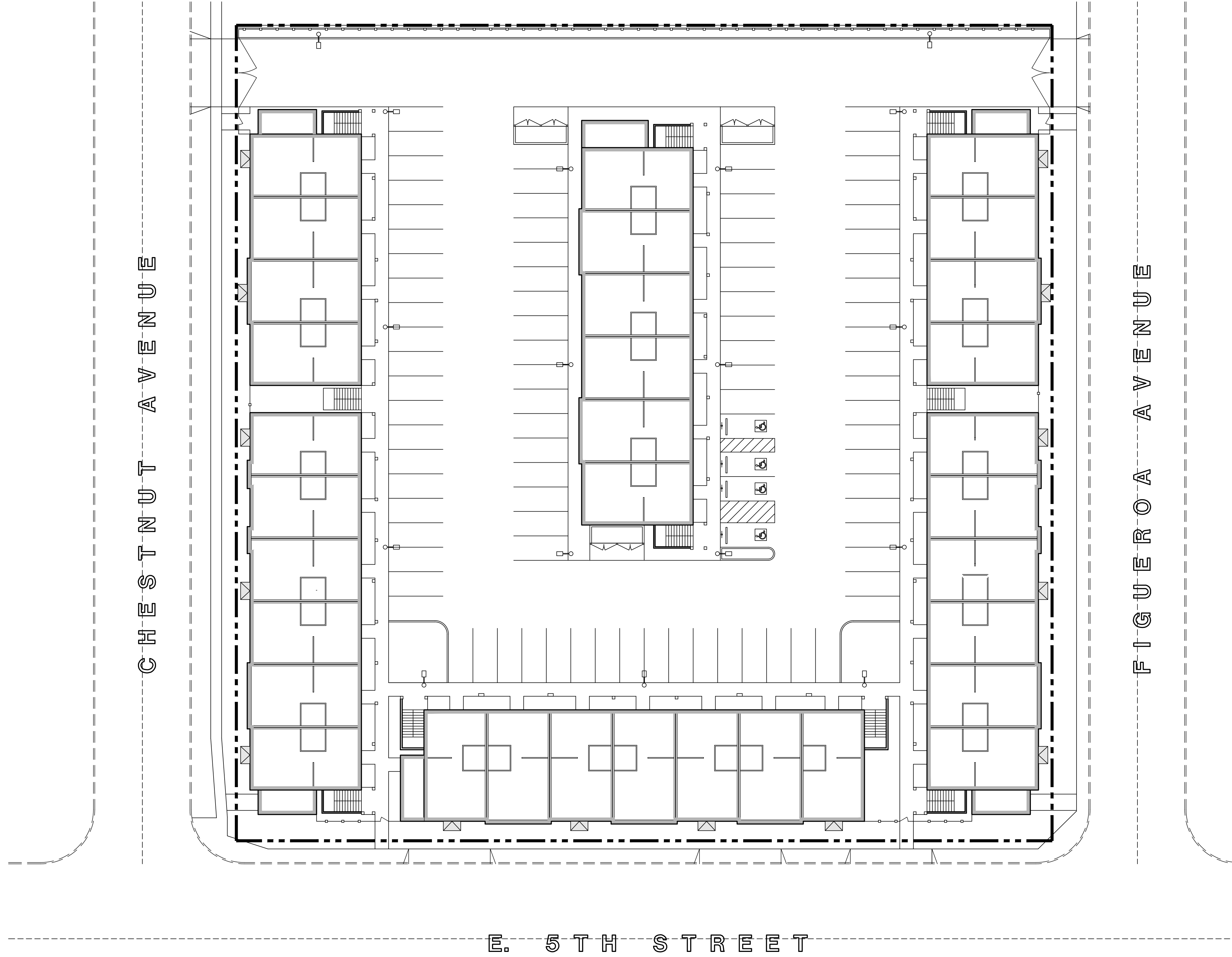
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LIC. # 200924
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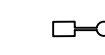
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SHEET CONTENTS:		JOB No. 2023-30
PROPOSED SITE PLAN		DRAWING No. 1 / 7

LIGHTING PLAN

SCALE: 1"=20'-0"



SITE LIGHTING LEGEND:

-  WALL PACK
-  LIGHT POLE

REVISION	DESCRIPTION	DATE
AS SHOWN	HOLTVILLE LABOR HOUSING 023 EAST 5TH STREET, HOLTVILLE, CA 92250	06/28/2023
SHEET CONTENTS:		JOB No. 2023-30
SITE LIGHTING PLAN		DRAWING No. 2 / 7

DCI DUGGINS CONSTRUCTION
12 YEARS IN DEVELOPMENT
 341 WEST CROWN COURT, IMPERIAL, CA 92251
 PHONE: 760.355.5600 • FAX: 760.355.6756
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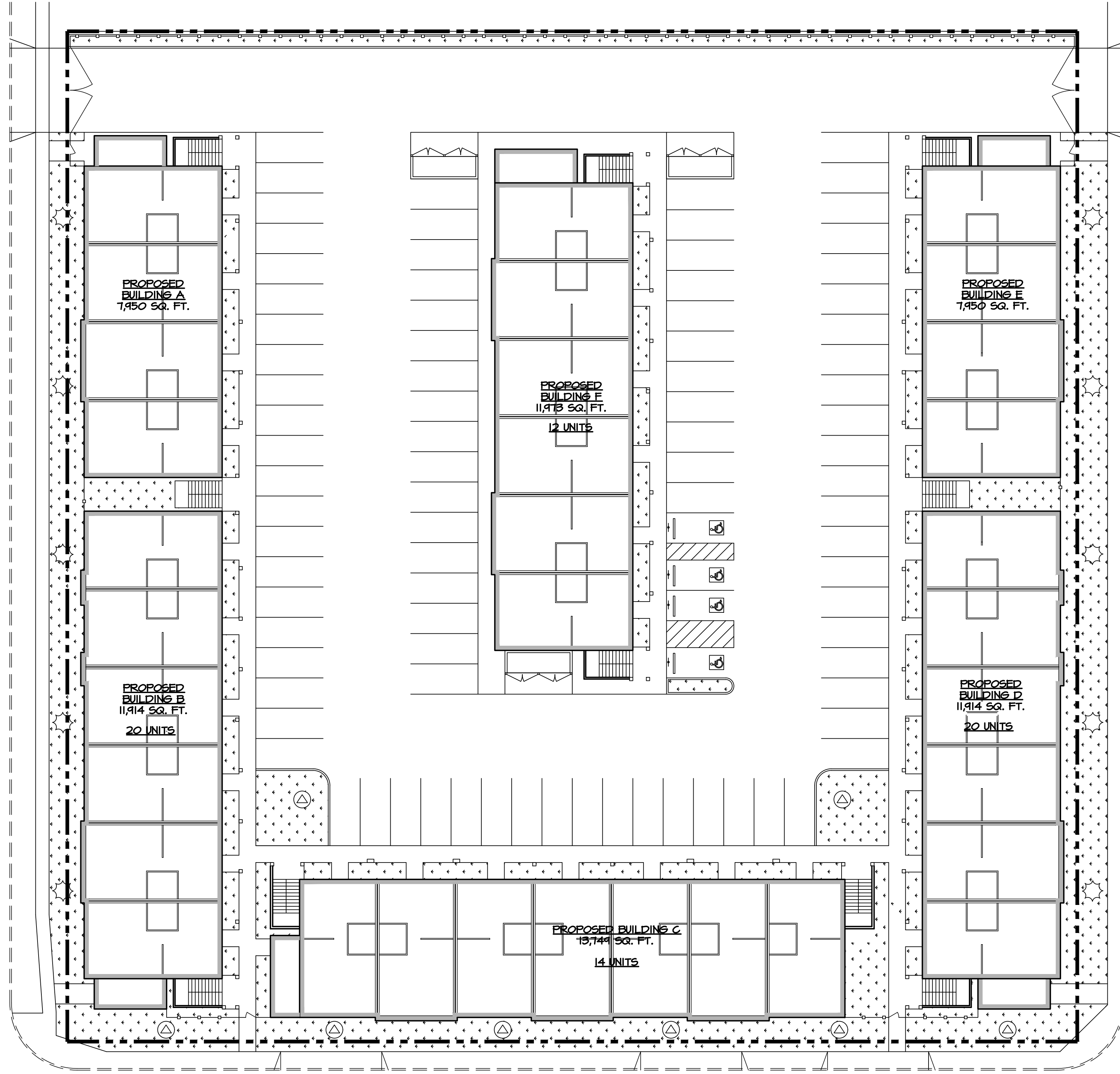
CHESTNUT AVENUE

FIGUEROA AVENUE

E. 5TH STREET

LANDSCAPE PLAN

SCALE: 1"=20'-0"



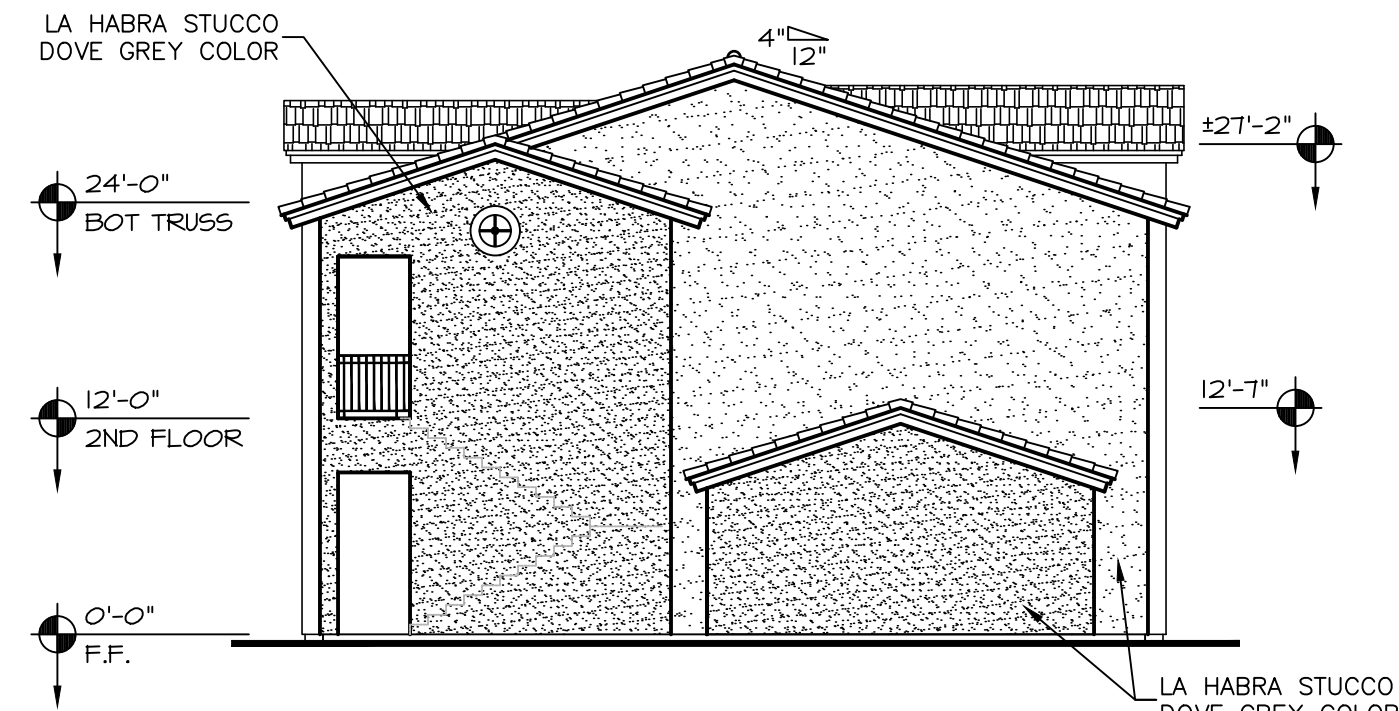
LANDSCAPE LEGEND:

	WASHINGTONIA ROBUSTA / MEXICAN FAN PALM
	CHAMAEROPS HUMILIS MULTI MEDITERRANEAN FAN PALM
	GRASS

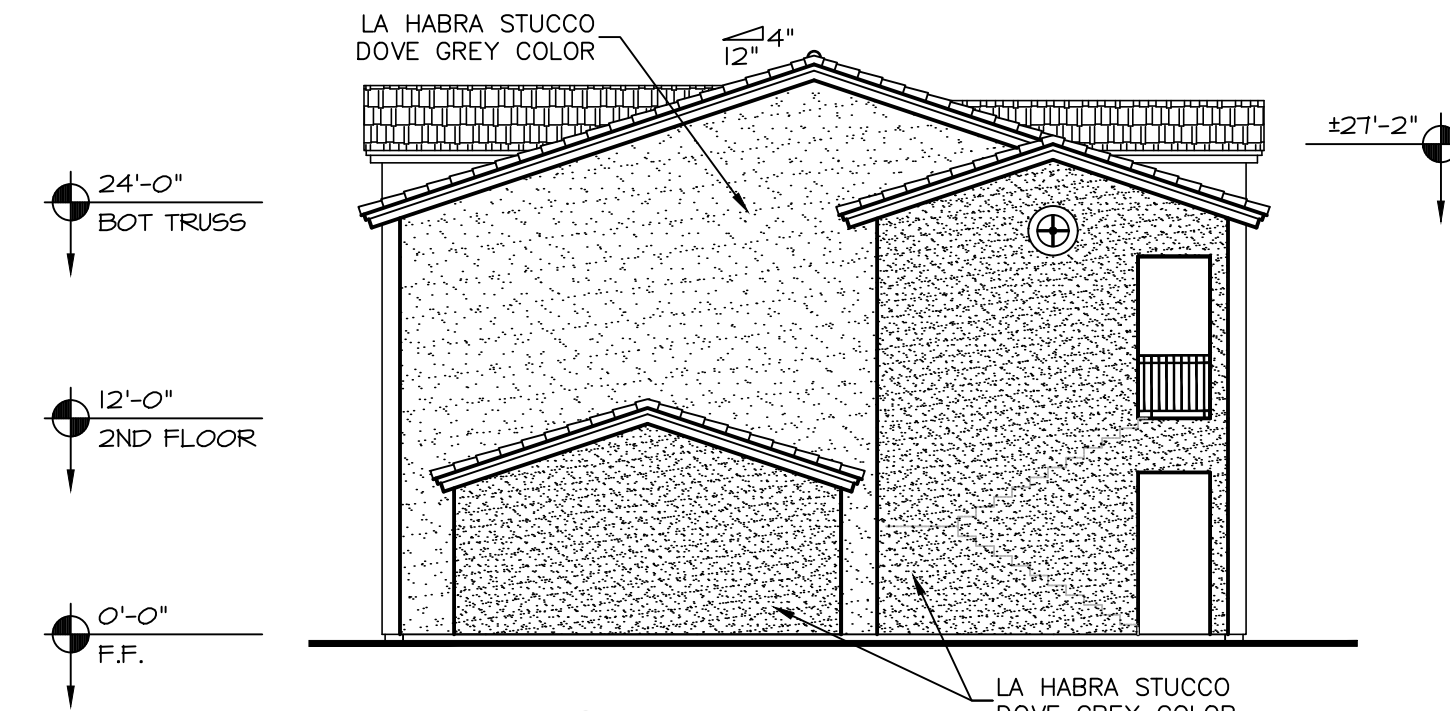
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HOLTVILLE LABOR HOUSING PROJECT: 823 EAST 5TH STREET, HOLTVILLE, CA 92230 SCALE: AS SHOWN DATE: 06/28/2023 DRAWN BY: M.G. SHEET CONTENTS: LANDSCAPE PLAN JOB No. 2023-30 DRAWING No. 3 / 7		

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**BLDG. A
NORTH ELEVATION**
SCALE: 3/32"=1'-0"



**BLDG. B
SOUTH ELEVATION**
SCALE: 3/32"=1'-0"



**BLDG. A-B
EAST ELEVATION**
SCALE: 3/32"=1'-0"

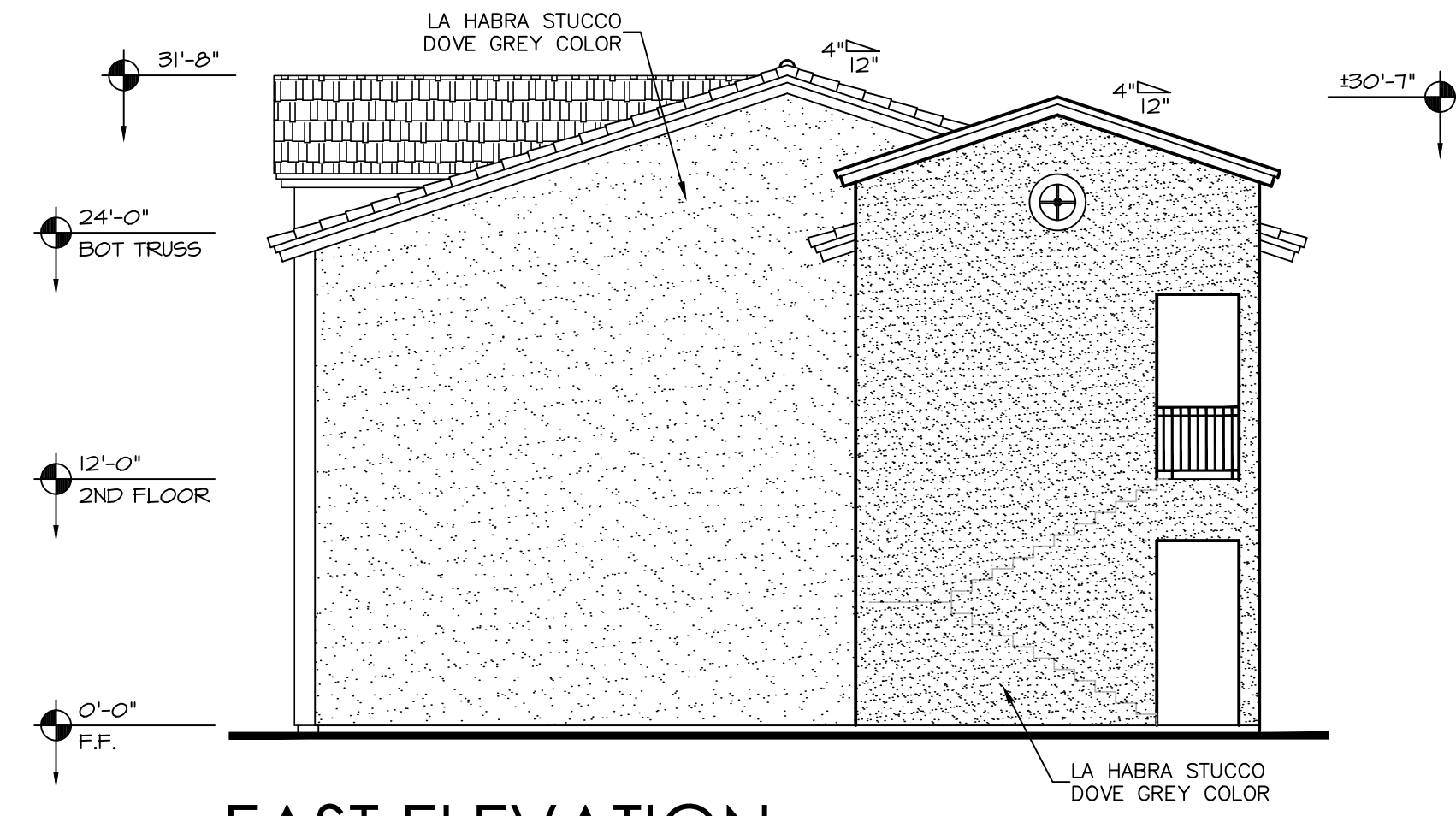


**BLDG. A-B
WEST ELEVATION**
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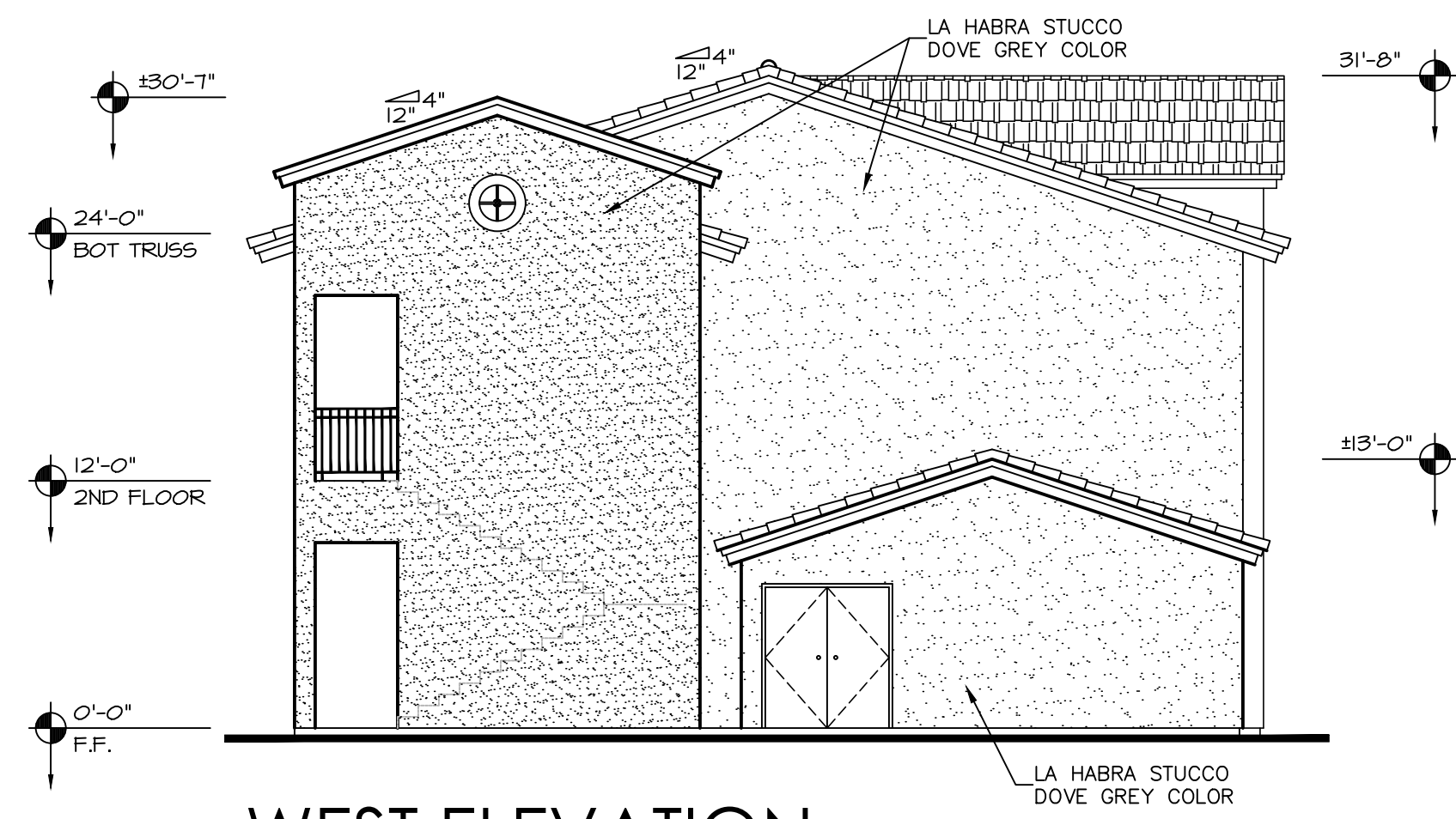
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REVISION	DESCRIPTION	DATE
AS SHOWN	HOLTVILLE LABOR HOUSING 823 EAST 5TH STREET, HOLTVILLE, CA 92240	07/21/2023
DRAWING NO. 4		JOB NO. 2023-030
SHEET CONTENTS: ELEVATIONS		DRAWING NO. 4 / 7



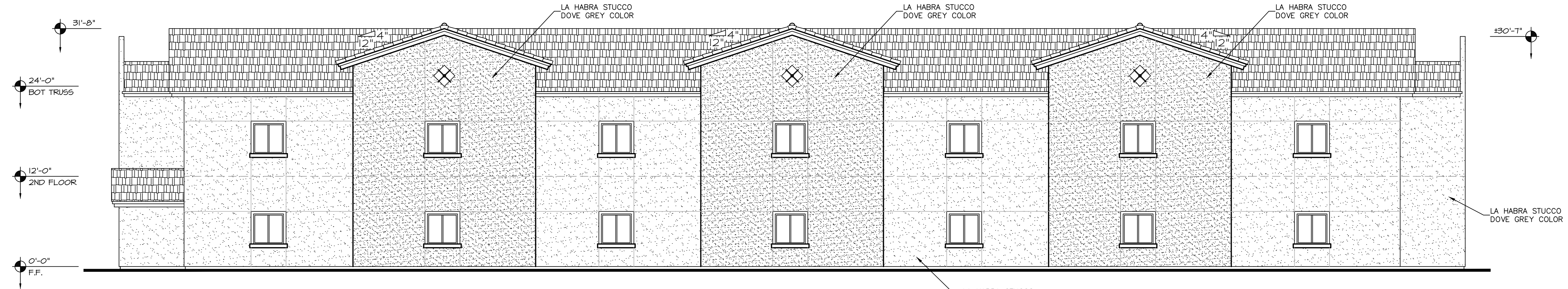
EAST ELEVATION
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WEST ELEVATION
SCALE: 1/8"=1'-0"



NORTH ELEVATION
SCALE: 1/8"=1'-0"

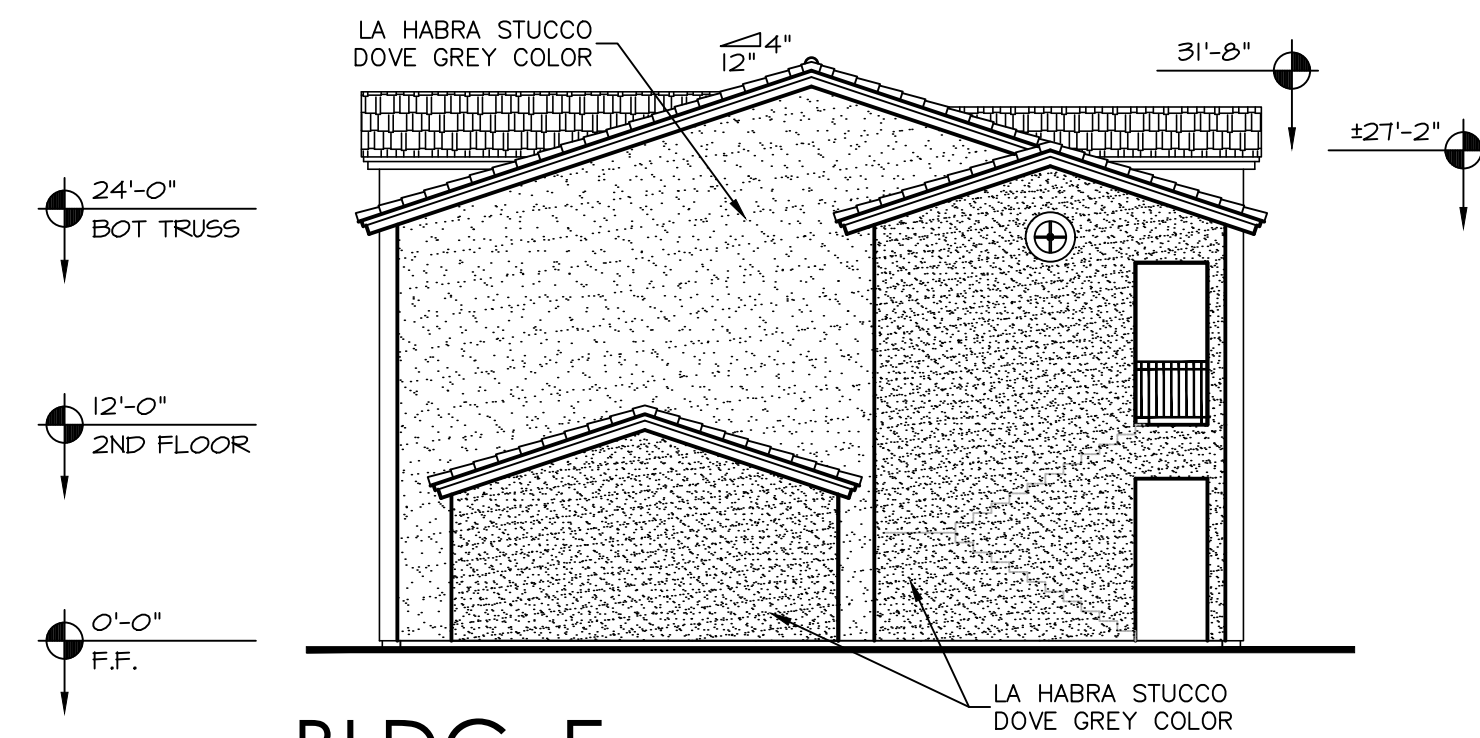


SOUTH ELEVATION
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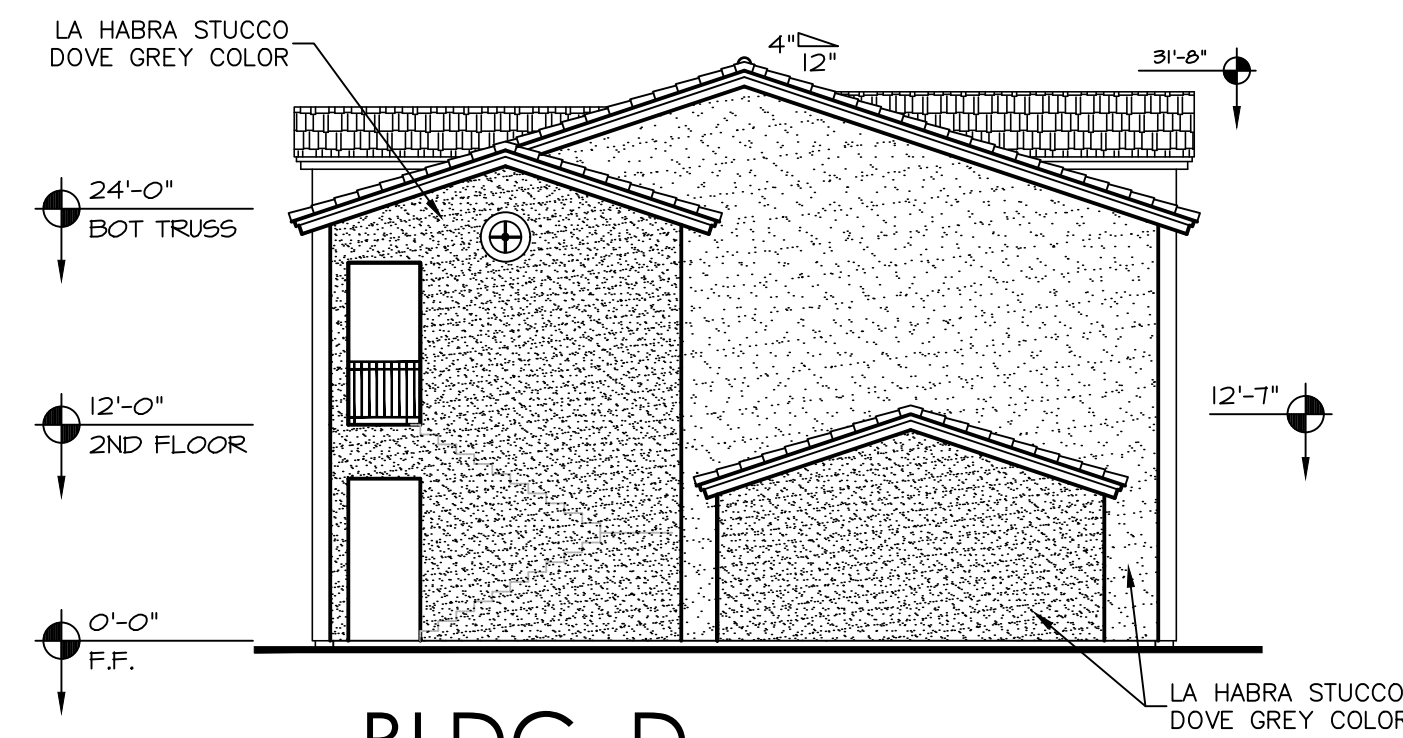
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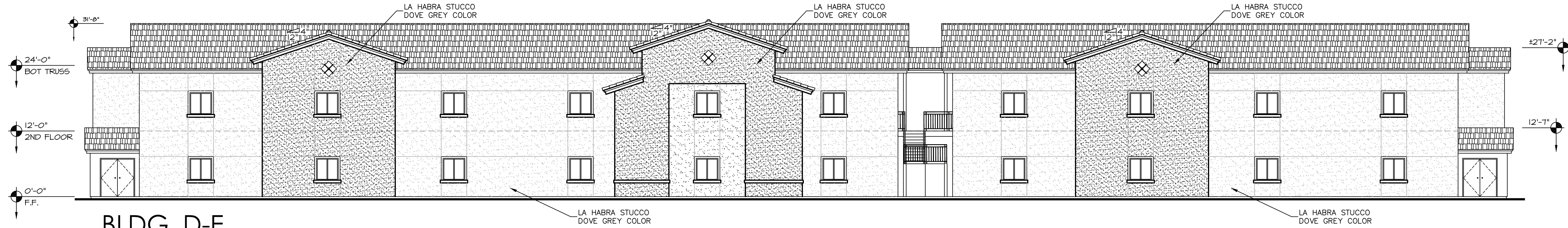
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AS SHOWN	HOLTVILLE LABOR HOUSING 823 EAST 5TH STREET, HOLTVILLE, CA 92250	07/21/2023
SHEET CONTENTS:		JOB No. 2023-030
ELEVATIONS BUILDING C		DRAWING No. 5 / 7



**BLDG. E
NORTH ELEVATION**
SCALE: 3/32"=1'-0"



**BLDG. D
SOUTH ELEVATION**
SCALE: 3/32"=1'-0"



**BLDG. D-E
EAST ELEVATION**
SCALE: 3/32"=1'-0"

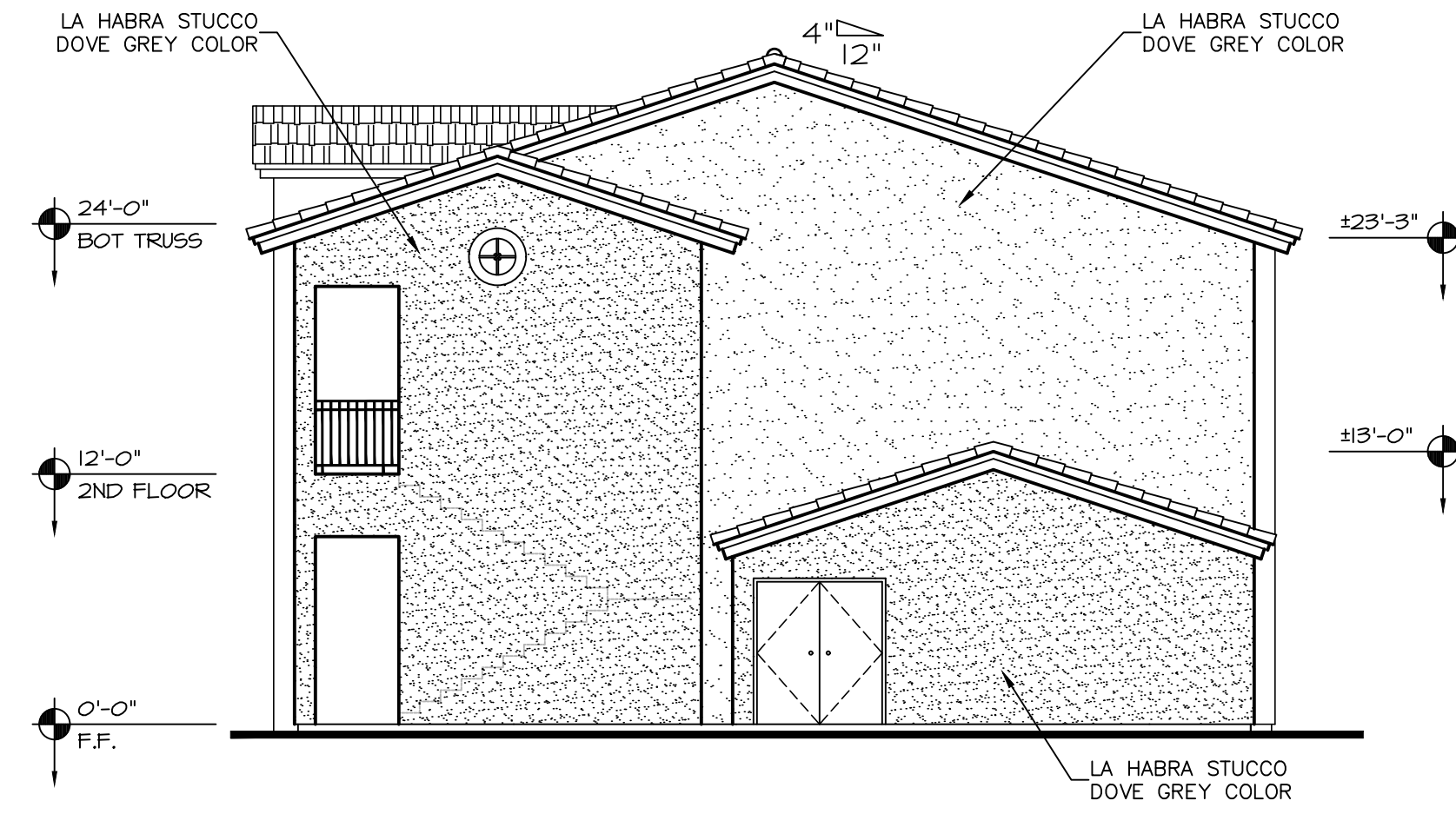


**BLDG. D-E
WEST ELEVATION**
SCALE: 3/32"=1'-0"

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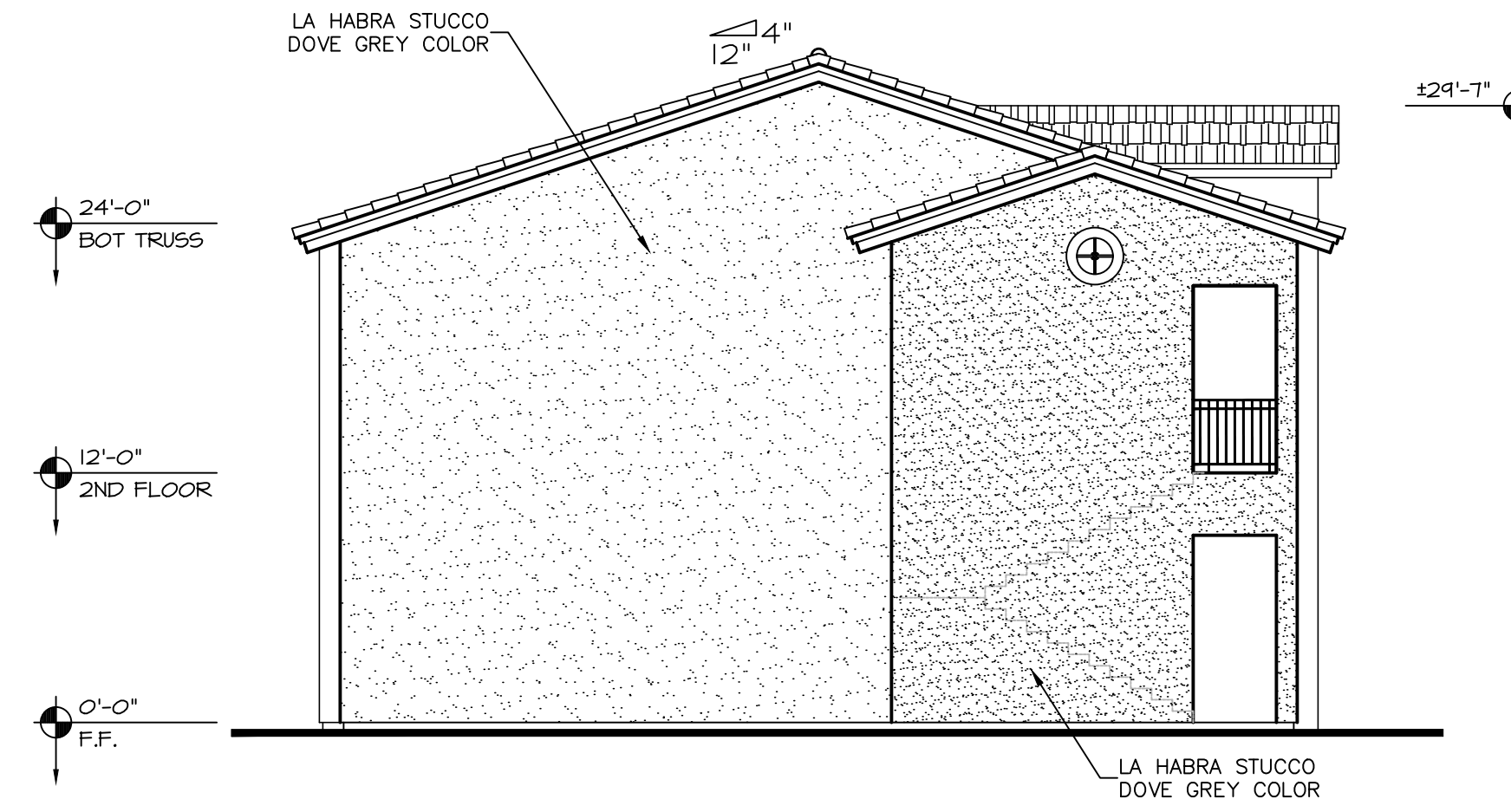
DUGGINS CONSTRUCTION
PARTNERS IN DEVELOPMENT
341 WEST CROWN COURT, IMPERIAL, CA 92251
PHONE: 760.355.5600 • FAX: 760.355.6756
LIC. # 200934
www.dugginsconstruction.com

REVISION	DESCRIPTION	DATE
AS SHOWN	HOLTVILLE LABOR HOUSING 823 EAST 5TH STREET, HOLTVILLE, CA 92230	07/21/2023
SHEET CONTENTS: ELEVATIONS		JOB No. 2023-030 DRAWING No. 6 / 7



NORTH ELEVATION

SCALE: 1/8"=1'-0"



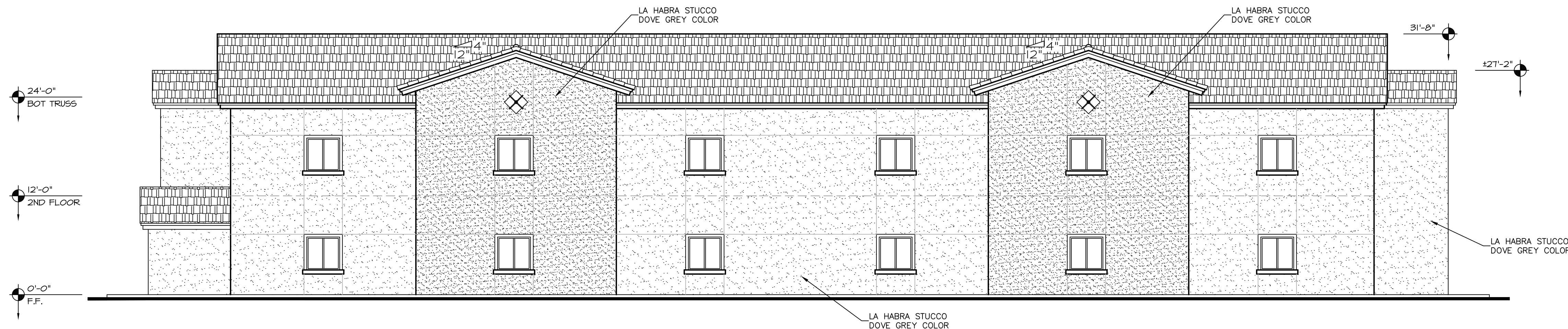
SOUTH ELEVATION

SCALE: 1/8"=1'-0"



EAST ELEVATION

SCALE: 1/8"=1'-0"



WEST ELEVATION

SCALE: 1/8"=1'-0"

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LIC. # 200634
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REVISION	DESCRIPTION	DATE
AS SHOWN	HOLTVILLE LABOR HOUSING 823 EAST 5TH STREET, HOLTVILLE, CA 92250	07/21/2023
SHEET CONTENTS:		
ELEVATIONS BUILDING F		2023-030
		DRAWING NO. 7

Attachment C – Public Hearing Notice

PUBLIC NOTICE



Notice of Public Hearings

City of Holtville

Notice is hereby given that public hearings will be held by the City of Holtville Planning Commission at the date, time, and place indicated below. The purpose of the public hearings will be to hear comments from the public regarding the following subjects:

Project: Labor Housing Similar Use Determination, Conditional Use Permit, Variance, and Design Review	Location: Northeast Corner of Fifth Street (State Route 115) and Chestnut Avenue (APN 045-272-007)
---	--

Peri & Sons Farms of California LLC. and California Desert Properties LLC. submitted a Similar Use Determination, Conditional Use Permit, Variance, and Design Review application for the development of a new labor housing project on a 2.06-acre site located at the northeast corner of Fifth Street and Chestnut Avenue. The parcel is located within the Downtown B (D-B) zone which does not indicate whether or not labor housing projects are allowed, but does allow multifamily residential projects, which may be considered a similar use with similar impacts upon issuance of a Conditional Use Permit (CUP). Due to labor housing projects being an unlisted use in the City of Holtville Zoning Ordinance, the Applicant is requesting a Similar Use Determination, Conditional Use Permit, and multiple Variances from the adopted standards of the Downtown Code. A Design Review is also necessary for all projects located within both Downtown Zones. The purpose of this meeting is to present the proposed conceptual site plan and design specifications to the Planning Commission for compliance with the Holtville Municipal Code and Downtown Code. The proposed project is exempt from CEQA review per section 15332, Infill Development Projects.

Project: Hot Rods & Beer - Conditional Use Permit Amendment	Location: 235 West Fifth Street (APN 045-253-014)
---	---

Hot Rods & Beer (John Prock, Applicant) submitted a request to amend its Conditional Use Permit which was previously approved on September 15, 2008. The Applicant is requesting to remove the previously required Conditions of Approval related to on-site parking spaces, driveway locations, and an owner's contribution to provide future improvements to the adjacent alleyway. The subject property is located within a Downtown A (D-A) zone and has been in operation for approximately 14 years. The existing site consists of a 2,300 square foot indoor bar, night club, grill and outdoor patio bar. The purpose of the public hearing is to receive input from the community related to the proposed amendment. The proposed project is exempt from CEQA review per section, 15301, Existing Facilities.

Planning Commission Hearing Date: February 20, 2024
Hearing Time: 5:30 PM
Hearing Location: Holtville City Hall
121 W. 5th Street

Copies of pertinent information are available for review at City Hall during regular business hours. If you would like to know more about the proposed projects prior to the public hearing, please contact Alan Molina, Assistant Planner or Melany Amarillas, Assistant Planner at The Holt Group, at (760) 337-3883 or almolina@theholtgroup.net and mamarillas@theholtgroup.net.

Any person desiring to comment on the above projects may do so in writing or may appear in person at the public hearing. Written comments should be directed to the Holtville City Clerk, 121 W. 5th Street, Holtville, CA 92250 and be delivered prior to the Public Hearing date. Please reference the project name in all written correspondence.

Attachment D – Resolution 24-01

RESOLUTION NO. PC 24-01

**A RESOLUTION OF THE CITY OF HOLTVILLE PLANNING COMMISSION
APPROVING THE SIMILAR USE DETERMINATION, CONDITIONAL USE PERMIT,
AND VARIANCES FOR A PROPOSED LABOR HOUSING PROJECT AT 625 EAST
FIFTH STREET (APN 045-272-007)**

WHEREAS, the City of Holtville received an application from Peri & Sons Farms of California LLC. and California Desert Properties LLC, (“Applicant”) for a Similar Use Determination, Conditional Use Permit, and Variances to allow the development of a labor housing project at the northeast corner of Fifth Street and Chestnut Avenue (APN 045-272-007); and

WHEREAS, labor housing development is an unlisted use within the City of Holtville Zoning Ordinance; and

WHEREAS, the 2.06-acre project site is located within the Downtown B (D-B) zone which does not indicate whether or not labor housing projects are allowed; and

WHEREAS, the D-B zone conditionally allows multifamily residential projects which have a similar use with similar impacts to labor housing developments; and

WHEREAS, the Applicant is requesting a similar use determination to allow the development of a labor housing project; and

WHEREAS, if the proposed project is found to be similar to multifamily residential, the Applicant will require a Conditional Use Permit in order to develop the proposed labor housing project; and

WHEREAS, the proposed project, which proposes to accommodate sixty-six (66) units, would result in a demand of one hundred sixteen (116) parking spaces, which cannot be reasonably accommodated on the parcel; and

WHEREAS, the proposed project, required to provide trees at a ratio dependent upon the number of provided parking spaces, consisting of ninety (90) parking spaces, would result in a parking lot landscaping requirement of fifteen (15) and thirty (30) trees within the interior and perimeter of the parking lot, respectively; and

WHEREAS, the Applicant filed a Variance Application with the City of Holtville on January 25, 2024, for relief from the strict application of the adopted density, parking, and landscaping standards, given the lack of standards pertinent to the unlisted labor housing land use; and

WHEREAS, a Notice of Public Hearing for the proposed project was posted on February 8, 2024, and distributed to all property owners within 300-feet of the proposed subject site; and

WHEREAS, the Planning Commission conducted a public hearing on February 20, 2024, to hear public testimonies regarding the proposed project; and

WHEREAS, upon hearing and considering all testimonies and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts related to the proposed project; and

NOW THEREFORE LET IT BE RESOLVED, that the Planning Commission of the City of Holtville determines as follows:

- A) That the foregoing recitations are true and correct; and
- B) That the foregoing has been reviewed in accordance with the requirements set forth by the City of Holtville for implementation of the California Environmental Quality Act; and
- C) That based on the evidence presented at the public hearing, the Planning Commission hereby recommends that the City Council of the City of Holtville find that labor housing is similar to multifamily residential and should be conditionally permitted within the Downtown B zone.
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** the Conditional use Permit of the Peri and Sons Farms of California LLC and California Desert Properties LLC. labor housing project. The approval is subject to the conditions incorporated herein as **Exhibit A**, and subject to City Council approval of a Similar Use Determination.
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** the parking Variance and **DENIES** the density and landscaping Variances of the Peri and Sons Farms of California LLC and California Desert Properties LLC. labor housing project. This approval is subject to the conditions incorporated herein as **Exhibit A**, and subject to City Council approval of a Similar Use Determination.
- F) That all actions taken by the Planning Commission related to this project are based on the following findings:

1. Similar Use Determination

- a) The use furthers the objectives of the zone;
- b) Field investigations have disclosed that the subject use and its operations are compatible with the uses permitted in the zone where the use is proposed to be located;
- c) The subject use is similar to one or more uses permitted in the zone where the use is proposed to be located; and

- d) The subject use will not cause substantial reduction in the value of the property in the zone within which it is proposed to be located or in any abutting zone.

2. Conditional Use Permit Findings

- a) That the site for the proposed use is adequate in size and topography to accommodate said use, and all yards, spaces, walls and fences, parking, loading and landscaping are adequate to properly adjust such use with the land and uses in the vicinity, unless otherwise exempted;
- b) That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
- c) That the proposed use will have no adverse effect upon abutting property;
- d) That the conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare.

3. Variance Findings

- a) Because of special circumstances applicable to subject property, including size, shape, topography, location or surrounding, the strict application of the provisions of this title would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;
- b) The Variance granted shall be subject to such conditions as will assure that the adjustment authorized by the Planning Commission shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated;
- c) The granting of the Variance will not be materially detrimental to the public health, safety, convenience or welfare, or injurious to property and improvements in the same vicinity and zone in which the project is located; and

d) The granting of such Variance will not adversely affect the General Plan adopted by the City.

- G)** The Planning Commission hereby recommends that the City Council determine that labor housing projects are similar to and not more detrimental than warehousing facilities which are currently allowed by Condition Use Permit in the Downtown – B Zone.

PASSED, APPROVED AND ADOPTED by Planning Commission of the City of Holtville at a regularly scheduled meeting held on this 20th day of February 2024, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Ross Daniels, Chairperson

Attest: _____
Nicholas D. Wells, City Manager
(Acting City Clerk)

Attachment E – Resolution 24-02

RESOLUTION NO. PC 24-02

**A RESOLUTION OF THE CITY OF HOLTVILLE PLANNING COMMISSION
APPROVING THE DESIGN FOR A PROPOSED LABOR HOUSING PROJECT AT 625
EAST FIFTH STREET (APN 045-272-007)**

WHEREAS, the property owner of 625 East Fifth Street submitted a Design Review Application with a conceptual site plan, floor plan, lighting plan, landscape plan, and an elevation plan with proposed building colors for a proposed labor housing development.

WHEREAS, all development projects located in Downtown zones are subject to a design review and approval by the City of Holtville Planning Commission pursuant to Chapter 17.41 of the Holtville Municipal Code; and

WHEREAS, a Notice of Public Hearing for the proposed project was posted on February 8, 2024, and distributed to all property owners within 300-feet of the proposed subject site; and

WHEREAS, the Planning Commission conducted a public hearing on February 20, 2024, to hear public testimonies regarding the proposed project; and

WHEREAS, the Planning Commission has reviewed submitted plans and exhibits; and

WHEREAS, the Planning Commission reviewed the submittals and has taken into consideration the recommendations provided by staff and found the proposed project to be in conformance with the adopted Downtown Code standards subject to conditions of approval as shown in **Exhibit A**; and

WHEREAS, the project is exempt from CEQA per CEQA Guidelines in Section 15332, Infill Development Projects; and

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Holtville 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 Holtville for implementation of the California Environmental Quality Act; and

C) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** the Design of a 41-unit labor housing project (revised from 66 proposed units) at 625 East Fifth Street. The approval subject to conditions incorporated herein as **Exhibit A** and based on the following findings:

A. The proposed project is consistent with the objectives of the General Plan, complies with applicable zoning regulation, the Downtown Vision Plan, improvements standards, and other applicable standards and regulations adopted by the City;

The proposed project is consistent with the objectives of the General Plan, specifically, Land Use Goal 1. a balanced land use pattern that provides a complete range of housing and employment opportunities, from its agricultural industry to its mixed-use center, is desired to ensure that revenue generation matches the City's responsibility for provision and maintenance of public services and facilities. Unless otherwise exempted through the granting of appropriate Variances, and should the draft Conditions of Approval be instituted, the proposed project will comply with the applicable zoning regulation, the Downtown Vision Plan, and the improvement standards adopted by the City.

B. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

The proposed driveways have appropriate vision clearance and are not subject to creating conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation. As it relates to traffic, it is not expected that the proposed project will generate significant traffic or cause conflict.

C. The site layout, (orientation and placement of buildings and parking areas) as well as landscaping, lighting, and other development features are generally compatible with and compliment the existing surrounding environment and ultimate character of the General Plan and where there are deficiencies Conditions of Approval have been incorporated.

The building style, landscaping, lighting, and other architectural features, as modified by the Conditions of Approval, are consistent with the Downtown Code. The design of the proposed project is generally compatible with the surrounding neighborhood and promotes the desired character outlined in the goals, objectives, and policies of the General Plan.

D. That the proposed development complies with the regulations of the Downtown Code, promotes the spirit of the City’s downtown by integrating public and private built environment and complements the architectural quality of the downtown.

The proposed development along with all modifications indicated in the conditions will comply with the regulations of the Downtown Code. The proposed project will further enhance and beautify the Downtown Zone of the City. All conditionally proposed wall materials, colors, landscaping shall be aesthetically pleasing to the character of the Downtown Zone, unless otherwise exempted.

PASSED, APPROVED AND ADOPTED by Planning Commission of the City of Holtville at a regularly scheduled meeting held on this 20th day of February 2024, by the following roll call vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

Ross Daniels, Chairperson

Attest: _____
Nicholas D. Wells, City Manager
(Acting City Clerk)

Exhibit A – Conditions of Approval

EXHIBIT A

RESOLUTION PC 24-01 and PC 24-02

February 20, 2024

CONDITIONS OF APPROVAL

**SIMILAR USE DETERMINATION, CONDITIONAL USE PERMIT, VARIANCES,
AND DESIGN REVIEW FOR PERI & SONS FARMS OF CALIFORNIA LLC. AND CALIFORNIA DESERT
PROPERTIES LLC.**

LABOR HOUSING DEVELOPMENT

**NE CORNER OF 5TH STREET (STATE ROUTE 115) AND CHESTNUT AVENUE
(APN 045-272-007)**

Land Use and Planning

1. **Project Description.** The proposed project consists of multiple buildings which will contain a maximum of 41 units with a capacity of 10 residents per unit. The development will be paved and provide eighty-six (86) regular parking spaces and four (4) ADA compliant parking spaces.

Required Permits and Authorizations

2. **Building Permit.** The applicant shall secure a building permit with the City of Holtville and pay all applicable Development Impact Fees. A building permit shall be obtained for all building construction and on-site improvements including permanent and temporary signs. Inspections for compliance shall be obtained prior to issuance of a Certificate of Occupancy and opening the business operation.
3. **Air Pollution Control District Permit.** Any person or organization proposing to construct, modify, or operate a facility or equipment that may emit pollutants from a stationary source into the atmosphere must first obtain an Authority to Construct Permit from the Imperial County Air Pollution Control District. A copy of the permit shall be forwarded to the City of Holtville, to the attention of the City Planner.

Design Review & Architectural Design

4. **Setbacks.** All proposed buildings within the proposed project site shall maintain a build-to front line maximum of 10 feet, a minimum side yard setback of 0 feet, and a minimum rear yard setback of 20 feet.
5. **Height.** All proposed buildings shall follow the maximum 45-foot height requirement within the Development Standards listed on section 17.41.060 of the Zoning Ordinance.

- 6. Architectural Style.** The physical design of building facades shall vary at least every 50 linear feet through the incorporation of a variety of architectural features. Physical links between buildings shall be accomplished through architecture and site planning, such as trellises, colonnades, or other open structures combined with landscape and walkway systems.
- 7. Building Materials.** No color other than the proposed color of “dove grey” or equal will be allowed. Equal colors shall be consistent with warm and natural desert colors and earth tones. Buildings shall include a variety of colors with different tones and shades to enhance the existing character of Downtown. The stucco finish and roof materials are acceptable.
- 8. Signage.** A maximum of two wall signs are allowed per the adopted standards. The Downtown Code restricts signage so that it does not exceed more than 100 square feet each. All sign designs shall be constructed in conformance with Section 17.41.080 of the Downtown Code. All proposed signs shall be submitted to the City of Holtville to be reviewed for consistency with the Downtown Code. The following conditions shall apply:

 - a. A sign permit and building permit shall be obtained prior to construction.
 - b. All signage shall be constructed of durable materials and colors and shall be compatible with the main buildings’ proposed colors.
- 9. Lighting Standards.** In conformance with Chapter 17.41 of the Holtville Municipal Code and as required for the Design Review process, a Lighting Plan shall be included in the submittal of the final design plans for review and consideration prior to the issuance of any construction permits. Exterior lighting shall be shielded and directed away from areas not intended to be lit. Parking lot lighting fixtures should be designed with concrete raised bases to protect them from vehicle damage, be evenly distributed to provide both pedestrians and drivers with adequate visibility and safety at night, and not exceed 20 feet when within 50 feet of a residential property. All lighting fixtures shall be consistent with the historic small town character of Holtville.
- 10. Trash Enclosure.** The Developer shall coordinate with the solid-waste hauler as to the exact location of the trash enclosure. Separate trash enclosures may be required for the labor housing facility. All trash and garbage bins shall be stored in an approved enclosure. Refuse containers shall be screened from public view by solid masonry walls with wood or metal doors. Chain link fencing with slating is generally discouraged and prohibited if viewed from a public roadway.
- 11. Wall/Fencing.** The use of chain-link fencing is prohibited in all Downtown Zones. Decorative fencing such as wrought iron or decorative masonry walls shall be installed around the perimeter of the project site.
- 12. Parking.** Section 17.41.090 of the Zoning Ordinance requires parking spaces for residential uses in the Downtown B zone to measure parking spaces at a ratio of 1.75 spaces per unit. As such, a 41-unit labor housing requires a minimum of 72 off-street parking spaces.

13. Landscaping Standards. In conformance with Chapter 17.41 of the Holtville Municipal Code and as required for the Design Review process, a Landscaping Plan shall be included in the submittal of the final design plans for review and consideration prior to the issuance of any construction permits. The following Conditions of Approval shall apply:

In conformance with the adopted Code, Per Section 17.41.100, parking facilities shall attain a minimum of 35 percent tree canopy coverage within 15 years of completion of construction to provide shade and minimize visual and environmental impacts. The landscape palette shall be consistent with the planting list outlined in the Downtown Code.

- a) In conformance with the adopted Code, per Section 17.41.100, trees shall be installed at a ratio of one tree per three parking spaces for the perimeter of the parking lot and one tree per six parking spaces within the interior of the parking lot.
- b) Street trees along all street frontages shall be installed per the Downtown Code of one every 30 to 50 feet on center. A landscaping plan detailing the distances between trees should be submitted to the City of Holtville. Shade trees shall be installed along Chestnut Avenue, East Fifth Street, and Figueroa Avenue in lieu of street trees. Shade trees shall be installed every 30' on center.
- c) A three-tiered hierarchy of plants consisting of a combination of groundcover, shrubs, and trees shall be used in all landscaped areas.
- d) Plant selection for the landscaped areas shall be from the suggested landscaping list on table 17.41.100-1 on section 17.41.100 of the Zoning Code.
- e) Mature trees and accent plants shall be used in landscaping areas for the project to look established as quickly as possible.
- f) An automatic irrigation system shall be installed for all landscaping.

14. Paving. All areas containing no landscaping or buildings must be paved. Additionally, all areas containing no pavement must be landscaped.

15. Density. In conformance with Section 17.41.060 of the Downtown Code, the maximum allowable residential development in downtown Holtville is 20 dwelling units per acre. Since the project site is 2.06-acres in size, the maximum allowable density is 41 units.

Access & Circulation

16. Vision Triangle. Driveway or alley entrances shall have a triangular area where corners are defined by two points on the right-of-way line, 15 feet on each side of the center line, and a point on said centerline 10 feet outside the right-of-way as stated on section 17.10.090 of the

Zoning Ordinance. The previously mentioned areas shall be left clear of planting and improvements from a point 30 inches above the ground.


Grading and Stormwater Drainage

- 17.** A grading plan shall be submitted and approved prior to the issuance of any construction permits.
- 18.** All finished floor elevations shall be a minimum of 18” above the adjacent top-of-curb elevation.
- 19.** All stormwater runoff- shall be held on a properly-sized on-site bio-retention basin with appropriate vegetation and landscaping. The bio-retention basin shall consist of grass buffer strip, sand bed, ponding area, organic layer of mulch layer, planting soil, and plants at the base of the retention basin.
- 20.** Depending on the depth of the bio-retention basin, fencing and/or screening may be required to address any potential safety issues.
- 21.** All changes made to the Site Plans and Elevations in response to these Conditions of Approval shall comply with all requirements outlined by the Holtville Zoning Ordinance.
- 22.** The City Manager shall have the authority to approve minor deviations from the approved Site Plan so long as those deviations are consistent with the intents and goals of the Downtown Code, Zoning Code, General Plan, and other applicable regulations.



City of Holtville

Report to Planning Commission

MEETING DATE:	02/20/24
ITEM NUMBER	3 c
Approvals	CITY MANAGER 
	FINANCE MANAGER
	CITY ATTORNEY

To: Nicholas D. Wells, City Manager
Holtville Planning Commission

From: George Galvan, AICP, City Planner

Prepared By: Melany Amarillas, Assistant Planner

Date: February 8, 2023

Project: 235 West Fifth Street – Conditional Use Permit (08-01) Amendment #2

SUMMARY:

Applicant: John P. Prock, Property Owner/Applicant

Subject of Report: 235 West Fifth Street Conditional Use Permit Amendment

Project Location: 235 West Fifth Street, Holtville, CA 92250
(APN 045-253-014) (see **Attachment A – Project Location Map**)

Pending Action: Adopt Resolution 24-03 (**Attachment D – Resolution 24-03 & Conditions of Approval**) granting CUP 08-01 amended per Resolution 24-03 based on the above referenced findings with modifications and/or additional conditions as deemed appropriate by the Planning Commission.

Zoning: (D-A) Downtown-A Zone

General Plan: (RC) Residential Commercial Mixed Use

Environmental: Exempt – 15301 Existing Facilities

BACKGROUND

The Planning Commission previously approved a Conditional Use Permit (CUP) for Hot Rods and Beer on September 15, 2008. The CUP allowed for the operation of a restaurant with on-site consumption of beer and wine. As a Condition of Approval, the Planning Commission imposed certain restrictions and required certain improvements. An amendment to the CUP was approved on July 20, 2009 to include the sales of hard alcohol (distilled spirits) and to allow for an outdoor patio. The restaurant has been in continual operation for the past 5 years.

The Applicant has now submitted an application for a second amendment to Conditional Use Permit 08-01 on January 2024 under which he requested to remove condition 9, 10, 13, and 26. The conditions requested to be removed are all adhered to parking and its exterior services.

ANALYSIS AND ISSUES FOR DISCUSSION

The Applicant is requesting that the Planning Commission of the City of Holtville grant him the approval to amend CUP 08-01. The requested amendment to remove condition number 9, 10, and 13 would authorize the Applicant to remove on-site parking, driveway locations, and a fair/share contribution to provide future improvements to the adjacent alleyway. A fourth change was requested to remove condition number 26 which would authorize the Applicant to remove the requirement of providing security at all times, the prohibition of having amplified entertainment, and the requirement of providing a barrier around the patio to restrict entry to minors.

The Applicant has communicated with City staff that he would like to amend the Conditions of Approval related to on-site parking spaces. The Applicant has requested that his facility be available to expand his exterior services by utilizing the existing space occupied by the on-site parking spaces. Before 2020, pre-pandemic, the business was operating with its current indoor grill and bar and with limited space on its outdoor patio due to the on-site parking spaces. During the pandemic, the proposed subject and various other indoor dining establishments had to modify their modes of operation to meet with the State of California's COVID-19 regulations. Hot Rods and Beer's parking area was utilized as part of his outdoor patio bar during the pandemic which caused a long-term fiscal impact. Thus, the Applicant had to become creative with the establishment's form of operation and began expanding their outdoor patio services to the parking lot area. Since the pandemic, Hot Rods and Beer has continued hosting well-attended outdoor events in the parking lot. Even though the pandemic restrictions have been lifted, the entire parking lot has been used for outdoor events without incident and without issues related to lack of parking. The following is a discussion and analysis of the requested changes to the Conditions of Approval.

- **Condition 9:** The western-most driveway off of Cedar Avenue shall be entrance only and the eastern driveway onto alleyway shall be exit only; the project proponent shall install signage indicating the restriction.

The Applicant is requesting to remove such condition due to the closure of both access points. Before the closure of the access points, the Applicant claims vehicles would damage the back of his property where the access road was located. The driveway locations have not been used in several years; therefore, Condition #9 is unnecessary to the Conditions of Approval.

- **Condition 10:** The anticipated traffic from the bar and grill is proposed to be supported by the existing eastern alleyway. Because alleyways are not meant to support such high levels of traffic, the owner/operator shall be responsible for a fair/share contribution for any grading or improvements necessary to the alleyway at any time maintenance is warranted as determined by the Public Works Manager.

This Condition of Approval is open-ended and does not indicate a timeline or a method by which fair-share is to be determined. In the 5 years since the approval of the CUP and the start of its operation, there has been no significant increase in vehicular traffic along the alley. Additionally, if the requirement for on-site parking is removed, alley-access is no longer necessary and therefore, there would be no impact to the alley.

- **Condition 13:** The on-site parking lot shall be paved with fifteen (15) parking spaces provided as shown, including the handicapped parking space.

Due to the COVID-19 pandemic, the Applicant states that Hot Rods and Beer parking lot had to become part of his outdoor patio services. Since the modification, the parking area was used for outdoor dining, graduation parties, birthday parties, high school reunions, skate nights, corn hole tournaments, concerts, receptions, the broadcast of Desert Pro Wrestling, and the Holtville Rib Cook-Off. Hot Rods and Beer has been operating without having to use its on-site parking spaces for approximately 4 years. The business currently consists of 5 off-site parking spaces that have been able to accommodate all guests. Staff can confirm that no official complaints have been filed to the City of Holtville in regard to noise, parking space, litter, or any harm on adjacent properties. Staff finds the removal of condition #13 not detrimental to the amendment of the Conditions of Approval.

- **Condition 26:** If and when an outdoor Patio Bar is approved by ABC, the following applicable requirements shall be strictly adhered to:
 - a. Permittee shall provide Security at all times in the Patio Bar Area, and
 - b. Amplified entertainment outdoors shall be prohibited, and
 - c. A reasonable barrier around the patio to restrict entry to minors shall be installed.

The Applicant is requesting to be able to provide outdoor amplified entertainment. The project site abuts a parcel utilized by the Imperial Irrigation District zoned Downtown A (D-A) to the north, and a 7/11 gas station zoned D-A to the east. Directly south across 5th Street is an empty lot and an empty building where the Carrot Carnival is held, both zoned D-A while to the west within a Downtown B (D-B) zone is a vacant lot with a few vehicles and trailers. The project site is not adjacent to any residential zones but is in close proximity (approximately 115 feet) to single-family homes on its northeast side. To prevent any future noise complaints and to ensure the general welfare of the Holtville residents, staff recommends outdoor amplified entertainment be restricted to face the opposite direction of the existing single-family homes on the northeast side.

Amplified outdoor events typically have a sound level of 85-100 decibels (dB). The Holtville General Plan and the California Office of Planning and Research (OPR) recommends that noise levels in single family residences not exceed 55 dB during any cumulative 30-minute period during daytime hours (7:00 AM to 10:00 PM) and 50 dB during nighttime hours (10:00 PM to 7:00 AM). Sound only decreases by 6 dB every 100 feet; therefore, amplified outdoor events would constitute noise intrusion onto the existing residences. As previously stated, the nearest residence is 115 feet to the northeast of the project site. No supporting evidence was found to prove that being behind amplified entertainment equipment may have a lower sound level and be less intrusive. However, most speakers have a directional pattern, meaning they project sound more effectively in a particular direction, typically towards the front. This means that the sound intensity is highest in front of the speakers and decreases as you move to the sides or behind. When standing behind the speakers, you are typically further away from the source of the sound, resulting in lower decibels levels compared to being in front of them.

Since Hot Rods and Beer has an active liquor license and plans to continue to provide distilled spirits, restrictions (a) and (c) mentioned above shall remain in the Conditions of Approval. It is imperative for the welfare of all for Hot Rods and Beer to provide security at all times in the Patio Bar Area and for the reasonable barrier around the patio to remain. The security and barrier are intended to restrict the entry to minors during the night club hours of operation.

Please note that these conditions are to ensure consistency for public health, safety, and general welfare.

It shall further be noted that the project must comply with all applicable State and Federal regulations.

PUBLIC REVIEW

The Planning Commission may approve the Conditional Use Permit after a Public Hearing is held and all of the required findings have been made pursuant to Government Code Section 65906. A Public Hearing Notice (**Attachment C – Public Hearing Notice**) for the proposed amendment was posted in the Holtville Tribune and mailed to all property owners within 300-feet on February 9, 2024 for Conditional Use Permit consideration.

PLANNING COMMISSION PENDING ACTION

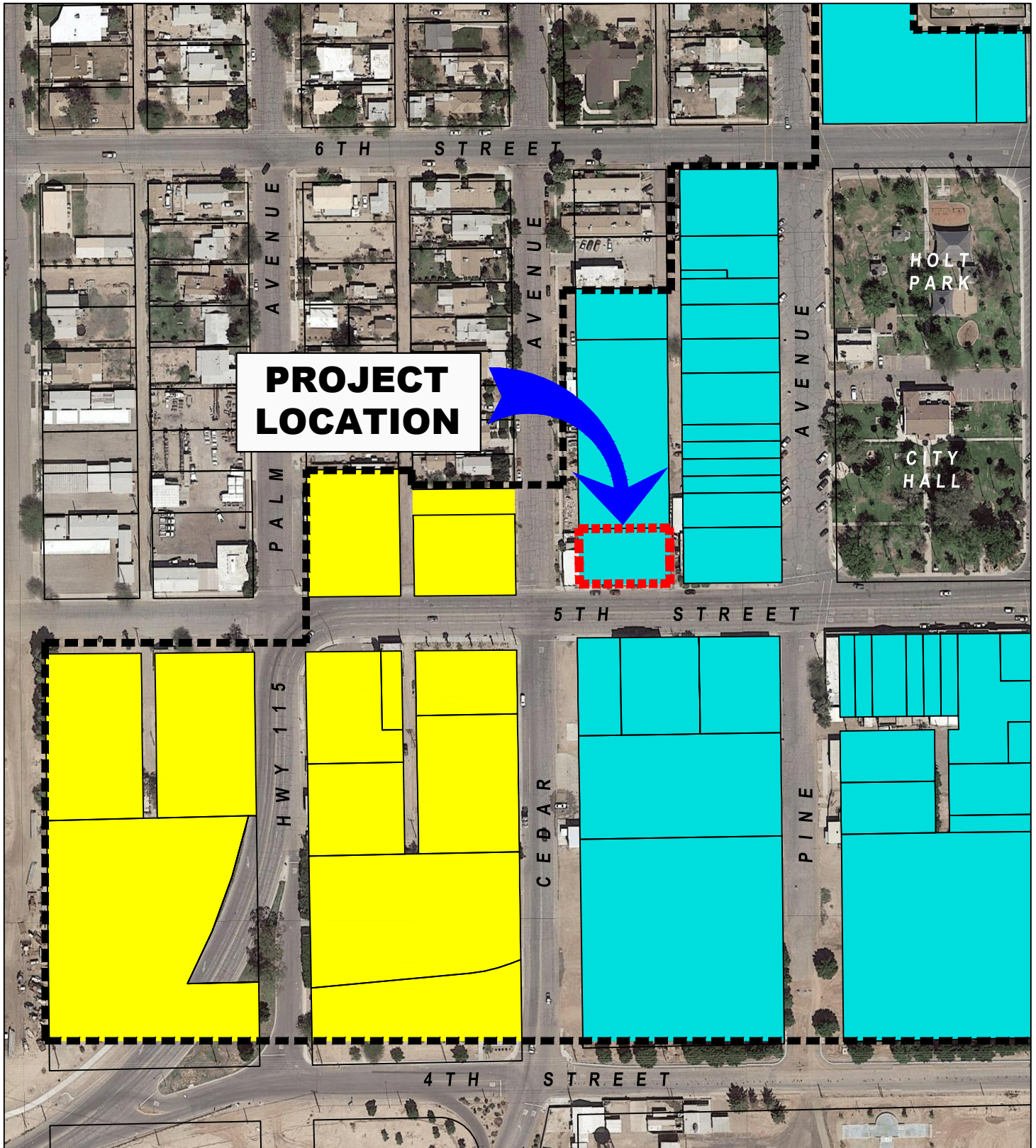
Staff recommends that the Planning Commission conduct the public hearing for the proposed Conditional Use Permit as required by Section 17.41.050 of the Zoning Ordinance. Upon listening to testimonies for and against and reviewing the applicant’s request, and attached support documentation, the Commission may wish to discuss and consider additional Conditions of Approval to ensure the safety and welfare of the community. Staff recommends the following action:

- Adopt Resolution 24-03 (**Attachment D – Resolution 24-03 & Conditions of Approval**) granting CUP 08-01 amended per Resolution 24-03 based on the above referenced findings with modifications and/or additional conditions as deemed appropriate by the Planning Commission.

Attachments: Attachment A – Project Location Map
Attachment B – Hot Rods & Beer Letter
Attachment C – Public Hearing Notice
Attachment D – Resolution 24-03

- Exhibit A – Conditions of Approval

Attachment A – Project Location Map



LEGEND:



PROJECT LOCATION



DOWNTOWN - A ZONE



DOWNTOWN - B ZONE

The Holt Group, Inc.
 ENGINEERING • PLANNING • SURVEYING
 1601 N. Imperial Ave. El Centro, California 92243

(760)337-3883

NOT TO SCALE

235 WEST 5TH STREET
 HOLTVILLE, CA 92250

PROJECT LOCATION

THG Project No. 116.232

Date: February 2024

Attachment B – Hot Rods & Beer Letter

CONDITIONAL USE PERMIT 08-01 as amended PER RESOLUTION PC 09-07
INDOOR BAR/NIGHTCLUB, PATIO BAR, AND GRILL AT
235 West Fifth Street, Holtville, California (APN 145-253-014)

I'm asking planning to relieve the following conditions.

ACCESS/ROADWAYS – Remove Condition/Restriction #9:

In 2010, due to misuse, unnecessary vehicle cross-traffic on private property, safety concerns, and property damage issues, the access/roadway was closed off; The back of my building and AC units were hit by cars and trucks.

PARKING/PARKING LOTS – Remove Condition/Restriction #10 & #13:

Due to the pandemic in 2020, my parking area was annexed, forcing my business (and all others of similar type (indoor dining)) to change how business is done. There were significant long-term fiscal impacts due to these enforcements which allowed us to be creative in the use of the area. Since the pandemic and restrictions were modified, the parking area has been used for outdoor dining, hosting Holtville graduation parties, birthday parties, high school reunions, skate nights, corn hole tournaments, concerts, receptions, Desert Pro Wrestling, and now the Holtville Rib Cook-Off, all while never charging a penny for its use because we wanted to bring business to Holtville while trying to survive this present financial environment!

Furthermore, Hot Rods has demonstrated during the above-mentioned events that the parking on Fifth & Cedar Street and in the surrounding area is sufficient for the needs of the business. I am requesting that the condition/restriction be lifted.

Remove Condition/Restriction #26:

We are asking to not only remove parking restrictions but to include amplified entertainment outdoors as well. We have proven not to be a nuisance to the community but an asset. Our location is surrounded by closed or vacant commercial property. So, parking or noise is not an issue. Desert Pro Wrestling is one of these such events and one of the biggest kid's events held in Holtville next to the Carrot Carnival. This area is also used by parents after a local football game when they enjoy dinner at the beach bar while letting their kids play safely by throwing the ball to each other in our lit, fenced & secure area. I'm asking you to remove the condition so we can continue the use of our property as described.

Post-pandemic reality- as you can see in areas such as the San Diego Gaslamp Quarter, the businesses were relieved of their parking requirements to include city streets (5th Street total closure) as well as sidewalks for their business use only. Once they were forced outside, the businesses kept this expansion, becoming their new business footprint. This business footprint is found throughout indoor dining businesses throughout Southern California.

I hope to get a positive response soon,

Thank you,
JOHN-HR&B

Attachment C – Public Hearing Notice

PUBLIC NOTICE



Notice of Public Hearings

City of Holtville

Notice is hereby given that public hearings will be held by the City of Holtville Planning Commission at the date, time, and place indicated below. The purpose of the public hearings will be to hear comments from the public regarding the following subjects:

Project: Labor Housing Similar Use Determination, Conditional Use Permit, Variance, and Design Review	Location: Northeast Corner of Fifth Street (State Route 115) and Chestnut Avenue (APN 045-272-007)
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Peri & Sons Farms of California LLC. and California Desert Properties LLC. submitted a Similar Use Determination, Conditional Use Permit, Variance, and Design Review application for the development of a new labor housing project on a 2.06-acre site located at the northeast corner of Fifth Street and Chestnut Avenue. The parcel is located within the Downtown B (D-B) zone which does not indicate whether or not labor housing projects are allowed, but does allow multifamily residential projects, which may be considered a similar use with similar impacts upon issuance of a Conditional Use Permit (CUP). Due to labor housing projects being an unlisted use in the City of Holtville Zoning Ordinance, the Applicant is requesting a Similar Use Determination, Conditional Use Permit, and multiple Variances from the adopted standards of the Downtown Code. A Design Review is also necessary for all projects located within both Downtown Zones. The purpose of this meeting is to present the proposed conceptual site plan and design specifications to the Planning Commission for compliance with the Holtville Municipal Code and Downtown Code. The proposed project is exempt from CEQA review per section 15332, Infill Development Projects.

Project: Hot Rods & Beer - Conditional Use Permit Amendment	Location: 235 West Fifth Street (APN 045-253-014)
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Hot Rods & Beer (John Prock, Applicant) submitted a request to amend its Conditional Use Permit which was previously approved on September 15, 2008. The Applicant is requesting to remove the previously required Conditions of Approval related to on-site parking spaces, driveway locations, and an owner's contribution to provide future improvements to the adjacent alleyway. The subject property is located within a Downtown A (D-A) zone and has been in operation for approximately 14 years. The existing site consists of a 2,300 square foot indoor bar, night club, grill and outdoor patio bar. The purpose of the public hearing is to receive input from the community related to the proposed amendment. The proposed project is exempt from CEQA review per section, 15301, Existing Facilities.

Planning Commission Hearing Date: February 20, 2024
Hearing Time: 5:30 PM
Hearing Location: Holtville City Hall
121 W. 5th Street

Copies of pertinent information are available for review at City Hall during regular business hours. If you would like to know more about the proposed projects prior to the public hearing, please contact Alan Molina, Assistant Planner or Melany Amarillas, Assistant Planner at The Holt Group, at (760) 337-3883 or almolina@theholtgroup.net and mamarillas@theholtgroup.net.

Any person desiring to comment on the above projects may do so in writing or may appear in person at the public hearing. Written comments should be directed to the Holtville City Clerk, 121 W. 5th Street, Holtville, CA 92250 and be delivered prior to the Public Hearing date. Please reference the project name in all written correspondence.

Attachment D – Resolution 24-03

**HOLTVILLE PLANNING COMMISSION
RESOLUTION NO. PC 24-03**

**A RESOLUTION OF THE HOLTVILLE PLANNING COMMISSION APPROVING
AN AMENDMENT TO CONDITIONAL USE PERMIT 08-01 AT
235 WEST FIFTH STREET (APN 045-253-014)**

WHEREAS, a Conditional Use Permit was approved for the operation of a bar and grill at 235 West Fifth Street, in the City of Holtville (APN 045-253-014) and granted by the Holtville Planning Commission on September 15, 2008 under certain conditions; and

WHEREAS, the Permittee, John Prock, submitted a request to amend said Conditional Use Permit (08-01), in January 2024 to further his business venture; and

WHEREAS, the Holtville Planning Commission held a duly noticed Public Hearing to consider his request on February 20, 2024, for the proposed amendments to Conditional Use Permit (08-01); and

WHEREAS, all property owners within 300 feet of the affected property and land use received a mailed notice of the Permittee's intent to remove on-site parking spaces and provide outdoor amplified entertainment; 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 proposed amendment of Conditional Use Permit 08-01 affecting the operation at 235 West Fifth Street, in the City of Holtville (APN 045-253-014) and approved said amendment as attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Holtville determines as follows:

- 1. That the project has been reviewed in accordance with the requirements set forth by the City of Holtville for Conditional Use Permit procedures and Special Conditions under CUP PC 08-01; and**
 - a) That the Permittee will comply with the original conditions of approval on the date of consideration, unless otherwise noted in the amended and attached Conditional Use Permit 08-01.**
 - b) That the proposed project is consistent with the adopted policies and most codes of the Holtville Zoning Ordinance and has proven to be fair for 14 years Conditional Use Permit 08-01.**
- 2. That based on the evidence presented at the public hearing, the Planning Commission hereby APPROVES an amendment to Conditional Use Permit 08-01 for 235 West Fifth Street.**
- 3. That the foregoing is true, correct and adopted.**

PASSED, APPROVED AND ADOPTED by Holtville Planning Commission at a regularly scheduled meeting held on this 20th day of February, 2024, by the following roll call vote:

Exhibit A – Conditions of Approval

Recording Requested by:

City of Holtville

When Recorded Mail to:

City of Holtville, City Clerk
121 West 5th Street
Holtville, CA 92250

Reference: Prock CUP 08-01

Space above this line for recorders use

**CONDITIONAL USE PERMIT 08-01 as amended PER RESOLUTION PC 24-03
INDOOR BAR/NIGHT CLUB, PATIO BAR, & GRILL AT
235 West Fifth Street, Holtville, California (APN 045-253-014)**

This Conditional Use Permit is granted to John P. Prock (Permittee(s)), by the Holtville Planning Commission (Commission), for the operation of "Hot Rods & Beer" proposed to be located at 235 West Fifth Street on Assessor's Parcel Number 045-253-014.

- A. Whereas, the Permittee is the owner of certain real property situated in the City of Holtville as referenced above.
- B. Whereas, the Permittee desires to operate a land use permitted by the Holtville Zoning Ordinance only under certain conditions.
- C. Whereas, the Commission grants to the Permittee a Conditional Use Permit, subject to the terms and conditions under this agreement.

LAND USE AND PLANNING

- 1. The approved project shall consist of a indoor bar/night club, outdoor patio bar and grill at the above referenced location which is zoned D-A Zone.
- 2. The approved project shall consist of an indoor bar/night club, with seating areas, a dance floor and stage, and an outdoor patio bar and grill, as shown on the accompanying Site Plan.
- 3. The conditional approval of the Conditional Use Permit (CUP) 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.

BUILDING(S)

- 4. A building permit shall be obtained from the Imperial County Building Department for all building modifications and on-site improvements.
- 5. The maximum building height shall be 35' and all buildings shall be in accordance with the Uniform Building Code.
- 6. All mechanical equipment such as HVAC equipment shall be screened for visual and noise attenuation.

7. All exterior amplified entertainment equipment shall be facing south to 5th Street and/or the opposite direction of the northeast single-family homes. Added per Resolution 24-03.
8. Entrances to buildings, patio bar, and restroom facilities shall comply with current A.D.A requirements.
9. A Certificate of Occupancy shall be obtained prior to opening the business operation out to the public.

ACCESS/ROADWAYS

10. ~~The western most driveway off of Cedar Avenue shall be entrance only and the eastern driveway onto alleyway shall be exit only; the project proponent shall install signage indicating the restriction. Removed per Resolution 24-03.~~
11. ~~The anticipated traffic from the bar and grill is proposed to be supported by the existing eastern alleyway. Because alleyways are not meant to support such high levels of traffic, the owner/operator shall be responsible for a fair/share contribution for any grading or improvements necessary to the alleyway at any time maintenance is warranted as determined by the Public Works Manager. Removed per Resolution 24-03.~~

PARKING/PARKING LOTS

12. The bar and grill will require thirty-five (35) parking spaces. The required parking spaces are determined in accordance to City Ordinance Standards. The total floor area of the bar and grill is 1,750 square feet within the existing building and 750 of open patio for a total floor area of 2,500 square feet. However, the bar and grill site shall comply with the maximum occupancy rate for fire safety of the enclosed structure and parking has been determined for only the floor area within the existing building as follows:

- Restaurants, Bars, & Nightclubs require 1/space per 50 sq ft of floor area=35 spaces

The site can only accommodate fifteen (15) on-site spaces and an additional seven spaces along abutting public street for a total of twenty-two (22) convenient parking spaces.

The bar and grill will necessitate a Planning Commission Variance from the adopted parking standards. The operation of the bar and grill will create an after-hours demand of the City's public parking accessed via the shared alleyway, north of the project site where an additional twenty-two spaces are available. Proponent shall place directional signage of reasonably accessible public parking.

13. It shall be the responsibility of the bar and grill owner/operator to ensure that the public parking lot is kept free of debris following each morning after usage, prior to 8:00 a.m.
14. ~~The on-site parking lot shall be paved with fifteen (15) parking spaces provided as shown, including the handicapped parking space. Removed per Resolution 24-03.~~
15. A grading plan shall be submitted for the parking lot for review and approved by the Holtville Public Works manager.
16. During construction of the parking lot, 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.

LANDSCAPING & FENCING

17. The parking facilities abutting Fifth Street shall be separated from such streets by a permanently maintained compact hedge, berm or combination thereof, between 30 inches and 36 inches in height. The view obscuring hedge shall be in place prior to July 24, 2009.
18. Landscaping shall be provided in all areas that are left unused when paving the parking lot and shall be irrigated with an automatic system.
19. The project proponent shall provide landscaping along Cedar Avenue of a decorative nature as depicted in the attached map. Landscaping within City right-of-way shall require approval by the Public Works Manager. Landscaping within the Caltrans right-of-way shall require an encroachment permit from Caltrans.
20. A six foot minimum masonry wall shall be constructed on the north end of the project site to ensure noise levels do not intrude into residential uses northwest of the project site. The wall shall have an anti-graffiti coating. In lieu of a masonry wall, the Permittee shall submit to the planning department a statement from a qualified acoustical engineer documenting that the use of any alternate material will deflect noise levels at the nearest residence to the acceptable standards.
21. Any fencing, as required by the Department of Alcoholic Beverage Control, or for other screening purposes, shall be designed in accordance with the Downtown Code and the material shall be consistent with the main building to prevent a fragmented design that may result from the use of too many materials and textures.

LIGHTING

22. The Permittee 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 Holtville Public Works Department and County of Imperial Building Department as the contracted agency.
23. All lighted signs shall require the review and approval of the Project Review Committee.

UTILITY & SERVICE SYSTEMS

24. New utility services for the bars and grill shall be in accordance with the providers development standards and placed below ground.
25. The proponent shall place a solid waste receptacle and a recycling receptacle within the project site within a six (6) foot masonry enclosure. The walls shall be coated with an anti-graffiti treatment. The masonry enclosure shall be in place prior to July 24, 2009.

OPERATION RESTRICTIONS

26. The Permittee proposes to operate the bars and grill up to seven (7) days a week. The proposed project shall have business hours that end no later than 2:00 A.M. daily. Due to parking limitations, the bar/night club use at the enclosed building/shop house would be restricted from operating 2:00

a.m. and 11:00 a.m. The Permittee may operate the bars, grill, and nightclub from 11:00 a.m. to 2:00 a.m. and is permitted to sell beer, wine and distilled spirits during this time period.

FEDERAL AND STATE REGULATIONS AND REQUIREMENTS AS CONCURRENT PROVISIONS

27. If and when an outdoor Patio Bar is approved by ABC, the following applicable requirements shall be strictly adhered to:

- Permittee shall provide Security at all times in the Patio Bar Area, and
- ~~Amplified entertainment outdoors shall be prohibited, and~~
- A reasonable barrier around the patio to restrict entry to minors shall be installed.

Modified per Resolution 24-03.

28. Permittee 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

- Permittee shall comply with the American Disabilities Act requirements
- Permittee shall comply with CCR §6404.5, regulating smoking

GENERAL REQUIREMENTS AND PROVISIONS

29. This approval is under the condition that the buildings will remain at the proportional land use distributions indicated. If at any time the circumstances surrounding the granting of a conditional use permit substantially change, thereby causing a nuisance, the Planning Commission may, on a vote of not less than four-fifths of its members, revoke the conditional use permit.

30. The Permittee shall pay all impact fees as required by the city.

31. All applicable Conditions of Approval shall be completed prior to opening for business, except for the enclosed trash container and compact hedge requirements which have been given an extension through July 24, 2009 via Planning Commission approval on May 19, 2009.

32. 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.

33. If the Planning 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.

34. If Planning Commission deems the establishment a nuisance, and should the Planning Commission consider the revocation of the Conditional Use Permit, the Permittee and California's Alcohol and Beverage Control Department will be informed via certified mail.

35. 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.

36. 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 new business.

Holtville Planning Commission Chair

Ross Daniels

Date _____

Permittee acknowledging receipt and consent:


John P. Prock

Date _____

City of Holtville

REPORT TO COUNCIL

DATE ISSUED: February 9, 2024
FROM: Nick Wells, City Manager
SUBJECT: City Manager Update

MEETING DATE:	<u>02/20/24</u>
ITEM NUMBER	<u>5 a</u>
Approvals	CITY MANAGER 
	FINANCE MANAGER
	CITY ATTORNEY

INFORMATION ONLY – NO ACTION REQUIRED AT THIS TIME

WATER ENTERPRISE

Rate Study – The profitability of the Water Enterprise has been problematic in recent years. Coupled with the debt covenant to budget a net revenue of 120% of the annual debt service, a rate adjustment has been explored. A formal Water Rate Study must be completed, which will be brought back for discussion soon.

PUBLIC WORKS

TRANSPORTATION PROJECTS

East Ninth Street Sidewalk Improvements – The Holt Group has completed design on the project. Staff has worked with LAFCo, the County and a private landowner to finalize jurisdiction and easements in the project area. SB1 funding was allocated to this and the West Ninth project at the July, 2023, meeting. Information on the project was input to the State’s tracking system and it was approved for utilization of the funding. Advertising to procure contractors was approved in November. *A preferred contractor has been selected and is on the agenda for this meeting for approval. Additionally, construction bids will be opened on Tuesday, February 13, 2024.*

Pear Canal Undergrounding/Ninth Street Improvements (Olive to Melon) – this project has been discussed for some time. Initial action to proceed was taken in early 2021. A deposit was forwarded to IID to begin design and multiple site visits with staff, the IID and City Engineer took place to discuss issues that need to be addressed in design. Undergrounding work was scheduled to take place in December 2021, however, delays were discussed in those meetings from the IID side which eventually led to construction work being pushed back. The City has been awarded funding through ICTC for the resulting necessary sidewalk and roadway improvements, however that funding will not be available until at least October, 2023, so this is not an issue from our standpoint. A conversation with Mr. Hawk revealed that he is waiting for this project to take place to begin construction of his adjacent housing project.

A construction challenge for IID existed for this project, as it would make it difficult to continue to service several nearby County-area residences served by surface water. It was determined that incentivizing these properties to convert to City water would be in the best interest of the project. Staff worked with IID on companion communication to those residents to encourage them to switch. At one point, IID had identified that only two properties remained that needed conversion, but staff met with them in July, 2023, and they agreed to convert to City service! City staff has worked with IID staff to double check total compliance (2 more residences were discovered that need to be contacted) and is working with a local contractor to estimate the cost of installation. The ad to procure a Design Engineer was recently run in the Holtville Tribune with a 30-day response window. *Some issues are being cleared up in the bidding process, so proposed action will be forthcoming later in February.*

Pine Avenue Sidewalks – Subsequent to the awards of funding for streets projects utilizing Federal Highways dollars through ICTC in early 2022, another year of projects was quickly requested to be added. Holtville submitted a project to capture CMAQ dollars to add sidewalks to either side of Pine Avenue between Fourth and Fifth Streets. Action to approve was taken in October, 2023.

PARKS

Holtville Wetlands Project – In late 2016, approximately \$3 million was granted to the City through the US Bureau of Reclamation (BoR). THG was selected for Grant Administration tasks and George Cairo Engineering (GCE) for design services. GCE was significantly behind schedule from the outset, but finally produced a Record of Survey that was first filed with the County in 2018. The plan check process proved to be extremely slow with holdups by both the County and GCE. THG and staff applied pressure throughout the process, with an eventual approval in 2021.

Authorization was given to release a construction RFP in August, 2021 and was advertised in early 2022. Only one bid was submitted, which was significantly over (+/- \$1.4 million) the construction budget. A status conference was held with BoR to strategize and discuss options, as staff began working on potential solutions, such as augmented grant funds from other sources and “value engineering” to trim the cost of the project. The contractor has committed to holding their bid for a few more months.

The BoR representative, Jeremy Brooks, has been extremely helpful in moving the project along. In September, he was able to secure funding to bridge the gap to pay for construction. That funding was officially awarded in early February. Action to officially award the construction contract was taken in March and a pre-con meeting was held in early May, with the contractor onsite performing various activities simultaneously.

The site has now been fully constituted with regard to major earth work, with finish grading and piping remaining to be completed. Additionally, the access roadway needs to be completed. A minor holdup with a permit from the state is currently pausing progress temporarily, but is in process. The October site tour with BoR representatives was rescheduled, however, a conversation notifying them of a potential extension received positive feedback to demonstrated progress. The BoR rep also offered to intervene in speeding up the latest hiccup in the permitting process. He made some calls and one permit with the state was approved, the other with the Army Corps of Engineers (ACE) was returned for further revision. Much of the piping between cells has been completed, as has the headworks for the inlet area. We await approval to tap into the River and begin the process of populating the beds with plant species. Although the ACE permit seems to be imminent, the project grant end date was looming on January 30. BoR was aware of the issue, but staff ***officially requested an extension in January, which was granted. The new completion deadline has been pushed to September, 2024.***

Railroad Trestle Repair – A grant was secured from the California Natural Resources Agency to repair the railroad trestle burned in a river bottom fire several years ago. This is necessary to connect the Trail to east side of the river and eventually the future Wetlands area. After over a decade and a half of being somewhat unsightly and unusable, the trestle will soon be fixed cosmetically and usable for pedestrian and non-motorized traffic. Documentation was finally signed for this grant in late October, 2021. The City Engineer completed the technical specification for the Scope of Work in June 2022 for the RFP. A decision was made to forestall the bid process a bit to allow construction costs to stabilize. An extension was secured in early October from the funding agency to allow this extra time. Kleinfelder, Inc., was selected for Design services in April. A meeting with the design team was held in early May wherein various facets of the project were discussed. Mayor Ward volunteered to sit in on meetings for this project when possible, so she and staff met with the design team via Zoom to discuss preliminary design concepts. Multiple ideas to control costs and stretch the project dollars were decided upon. Staff has continued to meet with the design team. Mayor Ward and the CM have proceeded with the general direction of keeping the original character of the structure, while making concessions to keep costs under control.

Staff checked in with the Design Engineer in late December. At this point, most of the structural work has been completed, with additional work needed on ancillary elements such as landscaping and the proposed picnic area. ***A January update meeting between the Design team, the City Planner and the CM revealed that the project had stalled due to a needed topographical study that the consultant thought the City would provide. After discussion, Kleinfelder engaged a local consultant to produce the document and the project is back in motion.***

At the SCAG event in May, 2022, the City Manager had multiple discussions about a Trail extension from the Trestle to the Country Club area, then to the UC Research station and eventually to Hwy 111 for easier access to IVC with active transportation funding options. The idea was well-received and staff will be meeting with other agencies about the concept in the future. Subsequently, the head of Public Works for the County was brought in and he was enthusiastically supportive. This will be explored in a future Active Transportation funding cycle.

Mellinger Alamo River Trail - A grant application through River Partners, a non-profit that deals in habitat restoration, for a project that would be a good complement to our Wetlands trail spur, was unsuccessful in 2022. RP has recently contacted staff to discuss another potential submission.

Staff has begun to look at another grant opportunity through State Parks for the spur line to the Wetlands. As the Trestle Improvements and Wetlands projects are about to begin, the need for the Trail extension will soon be crucial.

ADMINISTRATION

Public Safety Lot/New Construction – Rubio Medina of Irvine, California was engaged in April to perform Architecture services to design Phase I (Fire Apparatus Bay) and Phase II (PS Administration & Fire Dormitories) of this project. Staff met with Mr. Medina multiple times in early May and iterative documents are already being discussed and revised. Pursuant to discussions between Chief Silva, the CM and Mr. Medina, regarding configuration a plan for constructing a 3-bay apparatus section and a 2-story administration/residence area was developed. Further discussion also clarified the placement of the building on the site. Chief Silva continues work with Mr. Medina on design elements. Council had discussion regarding the external motif of the building, which moved on to the subcommittee for the project. Feedback was provided to the architect and he was very open to incorporating ideas presented. A meeting was recently held to present updated design palettes to the subcommittee last week. Mr. Medina has some exciting ideas and is welcoming input as the project progresses. ***Staff met with Mr. Medina this week and more formal site plan drawings were presented, which will be shown to Council at this meeting. Mr. Medina is now moving forward with subconsultants for plumbing, electrical, HVAC. Etc.***

BUILDING DEPT - The City issued **15** building permits in 2024. A list of permits pulled by month is available on the City's website at <http://holtville.ca.gov/section.php?id=73>.

Melon, LLC Housing Project (± 50) – A project has been in the works for some time at the northeast corner of Ninth and Melon, just outside the City limits. After years of confusion regarding the process, the project's ownership group, led by John Hawk, engaged Development Design & Engineering in 2016 to assist in shepherding the project along. DD&E completed CEQA compliance and a Mitigated Negative Declaration was adopted by the Planning Commission and City Council in late 2020.

The project was presented at Planning Commission in October 2020 and drew a good deal of public opposition. PC action pushed the project forward with a designation of allowing R-1 or R-2 development, with Council accepting the PC recommendation in November, 2020. The more dense R-2 zoning designation

would allow up to 8 units per acre or approximately 65 units. The annexation was approved by LAFCo in February, 2021. We await further submission from the project proponent.

Mr. Hawk has vacillated between engaging a contractor to begin construction and selling off this project. The CM met with a developer in the Spring that was highly interested in acquiring the project, but that may have cooled somewhat.

Staff recently spoke with Mr. Hawk and reminded him that there are still several requirements to move his project forward, which he could be doing concurrently with the preparation and construction of the IID and City improvements. He said he will be speaking to his partners. As the undergrounding and street work are imminent, he still needs to produce a site plan, building plans, pull permits, etc. The City's project should now have no bearing on his timeline. This was reiterated to Mr. Hawk again in January.

AMG Sunset Rose Senior Apartments (± 33) – In July, 2022, the City was granted HOME funding for this AMG & Associates apartment project, proposed in the area of Third and Grape. This will create some long-term oversight by the City, but it does continue to add housing. A subdivision map was approved for the property. A consultant to administer this grant was engaged in May, 2022, and an application for additional subsidized financing was approved by the City in late November.

A pre-submittal meeting was held in early November to discuss necessary aspects to the construction with the project proponent, including offsite improvements. Much of the discussion centered on handling stormwater. Final map and the necessary proposed lot split were approved in late February as well. Since the closing of the financing, several paperwork/compliance issues cropped up that the City was left to work on. This was not the “deal” as originally presented, so staff sought assistance. Staff met with HCD representatives on this project in October. We are hoping they will assist in working with the contractor to get the project running more smoothly.

Start was delayed as construction bids came in significantly over projections. The developer has now made a draw down on funding, so construction is imminent.

BESS Project – A proposed battery storage project near Melon and Sixth was proposed several months ago and had a flurry of meetings, submissions and communications in the past month. After much consternation, a permit for initial site work was granted in July. Staff continues to work with the contractor on submissions. Interaction continues as the project develops. Discussions has continued to revise requirements and continue the project moving forward.

Capital Improvements Project Listing – a meeting was held in November with staff, including the City Manager, City Engineer, City Planner and Water/Wastewater Lead Operator to discuss long term capital improvements needed in the City. Water system improvements, sewer system upgrades, streets projects and other issues were discussed and expected to be further explored. A more complete detailing of the discussion will be presented to the Council in the near future.

EVENTS

Carrot Festival – See you all there!

City of Holtville
REPORT TO CITY COUNCIL

MEETING DATE:	<u>02/20/24</u>
ITEM NUMBER	<u>5 d</u>
Approvals	CITY MANAGER
	FINANCE MANAGER
	CITY ATTORNEY

DATE ISSUED: January 1, 2024

FROM: Raylene Tapiceria

SUBJECT: Building Inspections Quarterly Report 10/01/23 to 12/31/23

**THIS REPORT IS PROVIDED TO THE CITY COUNCIL FOR THEIR INFORMATION
NO ACTION IS REQUIRED AT THIS TIME**

The purpose of this report is to inform Council of Building Inspection activities during the period of October through December, 2023.

2 Current Commercial Inspections:

- 235 W Fifth Street (*Violations / working on getting the proper building permits*)
- 440 W Sixth Street (*Church Demo from structure fire*)

106 Minor & Partial Inspections

<u>TYPE</u>	<u>#</u>	<u>TYPE</u>	<u>#</u>	<u>TYPE</u>	<u>#</u>	<u>TYPE</u>	<u>#</u>
Set Back	4	Underlyment Paper	13	Windows	16	Water Heater	2
Fence	0	Roof Nailing	15	Electrical	12	Solar Panels	2
Signs	0	Roofing	15	Plumbing	3	Pool Demo	0
Rebar	4	Insulation	1	Gas	1	Rood Collapse	0
Concrete	1	Drywall Nail	2	Lath	2	Replace A/C	1
Footing	4	Courtesy Inspection	1	Pool	2	Fire Sprinklers	1
Framing	6	Fire Restoration	0			Church Signs	

20 Permits received Final Inspections

(for Windows, Upgraded Electrical Panels, Pool Demos, Solar Panels and A/C Units.)

- | | |
|---|--|
| <ul style="list-style-type: none"> • 422 W Ninth Street - <i>Demo Reroof</i> • 530 Palo Verde Avenue - <i>Patio</i> • 570 Holt Avenue - <i>Demo Reroof</i> • 621 Maple Avenue - <i>ADU</i> • 701 Cirlce Drive - <i>Solar Panels</i> • 727 Walnut Avenue - <i>Demo Reroof</i> • 746 Fern Avenue - <i>Demo Reroof</i> • 773 Walnut Avenue - <i>Solar Panels</i> • 805 Oak Avenue - <i>Swimming Pool</i> • 505 Mesquite Avenue - <i>2 Pergulas</i> | <ul style="list-style-type: none"> • 705 Beale Avenue - <i>Demo Reroof</i> • 805 Orange Avenue - <i>Patio</i> • 814 Holt Avenue - <i>Electrical panel upgrade</i> • 814 Holt Avenue - <i>Replace windows</i> • 829 E Seventh Street - <i>Demo Reroof</i> • 850 Circle Drive - <i>Demo Reroof</i> • 862 Holt Avenue - <i>Demo Reroof</i> • 915 B Chestnut Avenue - <i>ADU</i> • 950 Holt Avenue - <i>Carport</i> • 1405 E Ninth Street - <i>Swimming Pool</i> |
|---|--|

35 Plan Review / Building Permits

- 371 Fern Avenue - *Electrical panel upgrade*
- 422 W. Ninth Street - *Demo Reroof*
- 440 W. Sixth Street - *Demo Church*
- 440 W. Sixth Street - *New electrical panel*
- 503 Chestnut Avenue - *Demo Reoof*
- 522 Walnut Avenue - *Replace 4 A/C Units*
- 561 Palm Avenue - *Electical panel upgrade*
- 622 Walnut Ave - *Electrical panel upgrade*
- 651 Maple Avenue - *Electrical panel upgrade*
- 689 Holt Avenue - *Replace existing stairs*
- 704 Maple Avenue - *Electrical panel upgrade*
- 761 Palm Avenue - *Electrical panel upgrade*
- 762 Maple Avenue - *Electrical panel upgrade*
- 811 Walnut Avenue - *Electrical panel ugrade*
- 814 Holt Avenue - *Electrical panel upgrade*
- 814 Holt Avenue - *Replace windows*
- 816 Holt Avenue - *Replace water heater*
- 870 Fern Avenue - *Electrical panel upgrade*
- 625 E. 5th St. - *Demo Reroof*
- 646 Walnut Avenue - *New ADU*
- 705 Beale Avenue - *Demo Reroof*
- 722 E. Sixth Street - *Replace windows*
- 731 Cedar Avenue - *Demo Reroof*
- 731 Cedar Avenue - *Solar Panles*
- 746 Fern Avenue - *Demo Reroof*
- 761 Brentwood Avenue - *Demo Reroof*
- 762 Olive Avenue - *Demo Reroof*
- 767 Brentwood Avenue - *Demo Reroof*
- 570 Holt Avenue - *Demo Reroof*
- 829 Oak Avenue - *Solar Panels*
- 862 Holt Avenue - *Demo Reroof*
- 897 Elm Avenue - *Demo Reroof*
- 950 Holt Avenue - *New Carport*
- 610 E. Fourth Street - *Demo Reroof*
- 622 Fern Avenue - *Demo Reroof*

1 Red Tags

- 440 W Sixth Street 10/02/23 *Unsafe do to structure fire*

Respectfully Submitted,

Raylene Tapiceria
Building Inspector