

CITY OF CALEXICO
PLANNING COMMISSION
REGULAR MEETING AGENDA

February 26, 2024, at 6:30 P.M.

Calexico City Hall
Fernando "Nene" Torres Council Chambers
608 Heber Avenue
Calexico, CA 92231

Planning Commissioners

Jose Hinojosa, Vice Chairman
Jose Alejos, Secretary
Marcos Dylan Castillo, Commissioner
James Beaver, Commissioner
Ericka Veliz, Commissioner

City Manager

Esperanza Colio Warren

Development Services Director

Francisco Barba

AGENDA

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENTS - NON AGENDIZED ITEMS:

(Not to Exceed 3 Minutes) This is the time for the public to address the Planning Commission on any item not appearing on the agenda that is within the subject matter jurisdiction. The Chairperson will recognize you. When you come to the microphone, please state your name and place of residence for the record. It is unlawful to disturb or delay the Planning Commission meeting with personal or slanderous remarks. The Planning Commission is prohibited by State law from taking action or discussing items not included on the printed agenda. If the item you wish to comment on is on the Public Hearings portion of the agenda, we will take your comment once that item is reached.

CONSENT AGENDA

All matters listed under the Consent Agenda are to be considered routine by the Planning Commission and will be enacted by one motion in the form listed. Any item may be removed from the Consent Agenda and considered separately by the Commission.

1. Approval of Planning Commission Meeting Minutes for February 12, 2024.

PUBLIC HEARINGS

2. **CONDITIONAL USE PERMIT APPLICATION FOR A TYPE 70 ALCOHOL LICENSE FOR AN EXISTING HOTEL AT 2501 SCARONI AVENUE (APN 059-010-045)**
 - a. Staff Report by: Francisco Barba, Director of Planning and Building Services.
 - b. Open Public Hearing:
 - c. Close Public Hearing:

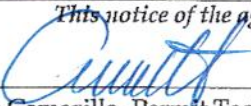
3. RECONSIDERATION OF ELECTION OF OFFICERS - CHAIR AND VICE CHAIR.

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

It is the intention of the City of Calexico to comply with the Americans with Disabilities Act in all respects. If you are a person with a disability who requires a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services please request such modification or accommodation from the City Clerk at (760)768-2102. Notification of at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting. Any person affected by any application on this agenda may submit their concerns in writing prior to the meeting or appear in person and be heard in support or opposition to the proposal at which time the matter is considered on the agenda. The staff reports, applications and environmental documents may be viewed at the office of the City Clerk, 608 Heber Avenue from 8:00 a.m. until 5:00 p.m. Monday through Thursday, except legal holidays. Telephone inquiries may be made at (760) 768-2102. If you challenge any agenda issue in court, you may be limited to raising only those issues that you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the City of Calexico at, or prior to, the public meeting.

This notice of the agenda is hereby certified to have been posted on or before 6:30 p.m. on February 22, 2024.



Annette Camarillo, Permit Technician

February 22, 2024



PLANNING COMMISSION STAFF REPORT

DATE: February 26, 2024
TO: Planning Commissioners
APPROVED BY: Francisco Barba, Development Services Department
PREPARED BY: Eva Lopez, Administrative Assistant
SUBJECT: Approval of Planning Commission Minutes for February 12, 2024.

AGENDA
ITEM

1

RECOMMENDATION:

Approval of Planning Commission Minutes for February 12, 2024.

BACKGROUND:

Planning Staff has prepared minutes for the Planning Commission meetings and presents them to the commission for consideration and approval.

DISCUSSION & ANALYSIS:

Planning Commission minutes for the meeting of February 12, 2024, have been prepared for review and approval by the commission.

FISCAL IMPACT:

None

COORDINATED WITH:

None

ATTACHMENTS(S):

1. Draft Planning Commission minutes for February 12, 2024.

THE PLANNING COMMISSION OF THE CITY OF CALEXICO MET IN A REGULAR SESSION ON THE 12TH OF FEBRUARY 2024 AT 6:30 P.M. AT THE FERNANDO "NENE" TORRES COUNCIL CHAMBERS, LOCATED AT 608 HEBER AVENUE, CALEXICO, CALIFORNIA.

CALL TO ORDER

Vice Chairman Hinojosa called the meeting to order at 6:35 p.m.

ATTENDANCE

Vice-Chairman: Jose Hinojosa
Commissioner: Jose Alejos
Commissioner: Marcos D. Castillo
Commissioner: James Beaver
Commissioner: Ericka Veliz

PLEDGE OF ALLEGIANCE

Vice Chairman Hinojosa led those present in the Pledge of Allegiance.

APPROVAL OF AGENDA

A motion was made by Commissioner Castillo to advance item number 3 over item number 2. Commissioner Veliz seconded the motion, which was approved by a unanimous vote.

PUBLIC COMMENTS

CONSENT AGENDA

Commissioner Veliz made a motion to approve the consent agenda consisting of the Planning Commission Meeting Minutes of January 8, 2024. The motion was seconded by Commissioner Alejos and passed unanimously.

PUBLIC HEARINGS

ITEM NO. 2 ELECTION OF OFFICERS-CHAIR AND VICE CHAIR

Commissioner Beaver motioned to approve a secret ballot, have staff count the votes, and then declare which commissioner received the most votes. The motion was seconded by Commissioner Castillo and was approved unanimously.

Staff counted the votes and announced the results as follows:

With three votes in total, Marcos D. Castillo was chosen to be the new Chairman.

With four votes in total, Jose Hinojosa was re-elected as Vice Chairman.

A motion to approve the new chairman and vice chairman was made by Commissioner Alejos. The motion was seconded by Commissioner Veliz, and it passed unanimously.

ITEM NO. 3 APPLICANT OF THE GARAGE REQUIREMENT LISTED IN SECTION 17.03.120(11) OF THE ZONING ORDINANCE TO THE PLANNING COMMISSION FOR A BUILDING PERMIT APPLICATION AT 629 CANAL STREET

Francisco Barba, Development Services Director, presented the staff report for Item No. 3 to the Planning Commission. Director Barba explained that the purpose of this meeting was to present the appeal of the garage requirement to the Planning Commission so that they may review all pertinent information and vote to either uphold the decision made by the Planning Division or provide an alternative action on the appeal.

Vice Chairman Hinojosa opened the public hearing at 6:42 p.m.

Arturo Jaime, property owner of 629 Canal Street, gave a brief background on the property and spoke about his experience throughout the building permit process. Mr. Jaime explained the reasons why he should be exempt from the garage requirement listed in Section 17.03.120(11) of the zoning ordinance.

Daniela Flores, a city resident, presented herself as a supporter and spoke in favor of this project.

Vice Chairman Hinojosa inquired about alternative actions that could benefit Mr. Jaime and his project.

Director Barba explained the options presented in the staff report.

Vice Chairman Hinojosa closed the public hearing at 6:51 p.m.

Vice Chairman Hinojosa made a motion to approve Item No. 3 to remove the garage requirement, to recommend the removal of the grading plan requirement, and to revisit the city ordinance to update and modify legal nonconforming structures for residential properties. The motion was seconded by Commissioner Castillo, and it passed unanimously.

PLANNING COMMISSIONER COMMENTS- Commissioner Veliz congratulated the newly elected officials.

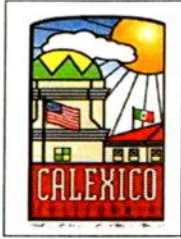
ADJOURNMENT

There being no further business, the meeting was adjourned at 7:22 p.m.

Jose Hinojosa, Vice Chairman

ATEST:

Eva Lopez, Administrative Assistant



PLANNING COMMISSION STAFF REPORT

AGENDA
ITEM

2

DATE: February 26, 2024

TO: Planning Commission

APPROVED BY: Esperanza Colio Warren, City Manager

PREPARED BY: Francisco Barba, Planning & Building Services Director

SUBJECT: **Conditional Use Permit Application for a Type 70 Alcohol License for an Existing Hotel at 2501 Scaroni Avenue (APN 059-010-045)**

INTRODUCTION

On January 30, 2024, the City of Calexico Development Services Department received a complete uniform application for a Conditional Use Permit (CUP) for the sale and/or furnishing of alcoholic beverages at an existing hotel located at 2501 Scaroni Avenue (APN 059-010-045) within a CH (Commercial Highway) zone. Per Section 17.05.120(B) of the City of Calexico Zoning Ordinance, the sale and/or furnishing of alcoholic beverages are conditionally permitted in CH zones subject to the approval of a CUP by the Planning Commission.

It is important to note that all businesses looking to conduct alcohol sales in the State of California must apply for an alcohol license from the State Department of Alcoholic Beverage Control (ABC). Per the submitted application, the Applicant is looking to apply for a type 70 license which authorizes the sale and/or furnishing of beer, wine, and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees.

The purpose of this item is to present the CUP application to the Planning Commission where upon reviewing all relevant findings for and against the application, they will vote to approve, conditionally approve, or deny said application.

CURRENT SITE INFORMATION

- Address: 2501 Scaroni Road
- Site Size: 55,722.49 sq. ft./1.38 acres
- General Plan Designation: CH – Commercial Highway
- Zoning Designation: CH – Commercial Highway
- Existing Use: Developed/Hotel

SURROUNDING ZONING

- North: Commercial Highway (Developed/Restaurant)
- East: Commercial Highway (Developed/Commercial Plaza)
- South: Commercial Highway (Developed/Movie Theater)
- West: Commercial Highway (Undeveloped/Vacant)

DISCUSSION & ANALYSIS

The existing hotel is located within a CH zone which is intended for highway-oriented retail service and wholesale commercial activities. While the existing hotel is currently in business, it was originally approved without the provision of alcoholic beverages. Upon inquiring about the requirements for the sale and/or furnishing of alcohol to hotel guests, city staff informed the applicant that per Section 17.05.120(B) of the City of Calexico Zoning Ordinance, restaurants and bars with alcoholic beverages are conditionally allowed within CH zones subject to a CUP granted by the Planning Commission.

Apart from approval of the CUP by the City of Calexico Planning Commission, the Applicant will also require an alcohol license from ABC which is charged with the regulation of alcoholic beverages in the State of California. The Applicants stated in the submitted uniform application that they will apply for a type 70 ABC license. The type 70 ABC license is intended for hotels to provide complimentary happy hour services. The license type is subject to Responsible Beverage Service (RBS) requirements and requires servers and managers of alcohol servers to be RBS certified.

Prior to the issuance of a license, ABC will contact the City of Calexico to confirm that the Applicant has followed all local requirements. Compliance with ABC requirements has been included as a condition of approval.

CUP Findings. The following findings must be made by the Planning Commission in accordance with the adopted procedures of Article V under Chapter 17.01 of the City of Calexico Zoning Ordinance:

- A. That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the title and purpose of this zoning title, the purpose of the zone in which the site is located, the Calexico general plan, and the development policies and standards of the city; and**

The subject CUP is for the sale and/or furnishing of alcoholic beverages to guests of an existing hotel. The hotel was developed to meet the intended purpose of the Zoning Ordinance and General Plan which is to provide highway oriented commercial services. Furthermore, the subject hotel was reviewed during the building permit process to ensure compliance with the development policies and standards of the City of Calexico prior to commencing business operations.

- B. That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources; and**

The subject hotel is located within an existing commercial zone which was designed to complement the surrounding commercial developments. Rather than be materially detrimental, the provision of alcohol will provide greater commercial services to the convenience of hotel patrons. Furthermore, alcohol sales will only be provided for hotel patrons and compliance with the City of Calexico Municipal Code with regard to alcohol consumption has been included as a condition of approval.

- C. That the proposed location size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and**

Prior to the sale of any alcoholic beverage, the Applicant is required to apply for and obtain an alcohol license from ABC. ABC regularly inspects licensees at random to ensure compliance with all State and local laws. Furthermore, safety can be further ensured through conditions of approval which require compliance with the City of Calexico Municipal Code with regard to alcohol consumption. The Planning Commission may also add or remove conditions on the attached conditions of approval as necessary.

- D. That the proposed conditional use will comply with each of the applicable provisions of this title, except for an approved variance.**

The proposed CUP is only for the sale of alcoholic beverages within an existing hotel restaurant. The subject use is consistent with the standards and intent of both the Zoning Ordinance and General Plan. Compliance is further ensured through the implementation of conditions of approval which the Planning Commission can modify as necessary.

ENVIRONMENTAL

CEQA (California Environmental Quality Act) is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. A public agency must comply with CEQA when a project "receives some discretionary approval from a government agency which may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment." Compliance can be met by determining whether a project is exempt from CEQA or preparing an environmental analysis, typically a negative declaration (ND), mitigated negative declaration (MND) or environmental impact report (EIR).

The proposed CUP is exempt from CEQA review via Section 15061(b)(3) of the CEQA Guidelines for Implementation of the California Code of Regulations which states the following:

"The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." (California Code of Regulations).

As a CUP only for the allowed sale and/or furnishing of alcoholic beverages at an existing hotel, it can be seen with certainty that there is no possibility that the proposed CUP may have a significant effect on the environment.

PUBLIC HEARING

A Public Hearing Notice for the proposed CUP was sent to the newspaper for posting on February 13, 2024, subsequently posted at City Hall, and sent to properties within a 500-foot radius.

PENDING ACTION

Staff Recommendation. City staff recommends that the Planning Commission review the above referenced findings and vote to adopt a Resolution allowing the sale and/or furnishing of alcoholic beverages at an existing hotel located at 2501 Scaroni Road (APN 059-010-045) subject to the attached conditions of approval.

Alternative Actions

Upon reviewing all pertinent information and opening the floor for public comments, the Planning Commission votes to not adopt a Resolution for the allowed sale and/or furnishing of alcoholic beverages at an existing hotel located at 2501 Scaroni Road (APN 059-010-045).

Attachments: Attachment A – Posted Public Hearing Notice
Attachment B – PC Resolution
Exhibit A – Conditions of Approval

Attachment A – Posted Public Hearing Notice



LEGEND:

 PROJECT AREA

CALEXICO *California*
WE BUILD CALIFORNIA'S FUTURE TODAY

608 Heber Avenue, Calexico, CA 92231



(760) 768-2105



NOT TO SCALE

2501 Scaroni Road
 APN 059-010-045

**PROJECT LOCATION
 MAP**

Building Permit Application
 DATE : 2/26/2024

Attachment B – PC Resolution
Exhibit A – Conditions of Approval

RESOLUTION NO. 2024- [REDACTED]

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALEXICO
APPROVING A CONDITIONAL USE PERMIT FOR THE SALE AND/OR
FURNISHING OF ALCOHOLIC BEVERAGES AT AN EXISTING HOTEL LOCATED
AT 2501 SCARONI ROAD (APN 059-010-045) UNDER UNIFORM APPLICATION 24-01**

WHEREAS, On January 30, 2024, Green Orchards LLC (Applicants) submitted a uniform application for a Conditional Use Permit for the sale and/or furnishing of alcoholic beverages at an existing hotel located at 2501 Scaroni Road (APN 059-010-045); and

WHEREAS, commercial businesses with alcoholic beverages are listed as a conditional use in CH (Commercial Highway) zones by Section 17.05.120(B) of the City of Calexico Zoning Ordinance; and

WHEREAS, Section 17.01.510 of the Zoning Ordinance grants the Planning Commission the authority to approve, conditionally approve or deny any Conditional Use Permit;

WHEREAS, a public hearing notice was posted in the local newspaper on February 13, 2024, and physical copies of the notice were posted at City Hall and subsequently sent to property owners within a 500-foot radius of the project site; and

WHEREAS, a Planning Commission meeting was held on February 26, 2024, by the City of Calexico Planning Commission and upon hearing and considering all findings for and against, and analyzing the information submitted by staff and considering any written comments received regarding the proposed project, the Planning Commission took action.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Calexico as follows:

- a) That the foregoing recitations are true and correct; and
- b) That the proposed improvements are categorically exempt from further CEQA review via Section 15061(b)(3) of the CEQA Guidelines for Implementation of the California Code of Regulations; and
- c) That the proposed location size, design, and operating characteristics of the proposed use is in accord with the title and purpose of the Zoning Ordinance, the purpose of the zone in which the site is located, the Calexico general plan, and the development policies and standards of the city; and
- d) That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources; and
- e) That the proposed location size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and

- f) That the proposed conditional use will comply with each of the applicable provisions of this title, except for an approved variance; and
- g) That the Planning Commission hereby approves a Conditional Use Permit allowing the sale and/or furnishing of alcoholic beverages at an existing hotel located at 2501 Scaroni Road (APN 059-010-045) subject to the conditions of approval attached hereto as Exhibit A.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Calexico at a regularly scheduled meeting held on this 26th day of February 21, 2024, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Jose Hinojosa, Vice Chairman

ATTEST:

Eva Lopez, Administrative Assistant

"Exhibit A"
PC RESOLUTION 24-__
CONDITIONS OF APPROVAL
FOR THE SALE AND/OR FURNISHING OF ALCOHOLIC BEVERAGES AT AN
EXISTING HOTEL
2501 Scaroni Avenue, Calexico, California

The City of Calexico has reviewed a uniform application for a Conditional Use Permit (CUP) for the sale and/or furnishing of alcoholic beverages at an existing hotel located at 2501 Scaroni Avenue (APN 059-010-045). The existing hotel is located within a Commercial Highway (CH) zone which conditionally allows the sale and/or furnishing of alcoholic beverages subject to a CUP. The Applicants must comply with the following conditions of approval:

LAND USE AND PLANNING

1. **Location.** The CUP is for an existing hotel located at 2501 Scaroni Avenue, (APN 059-010-045).

REQUIRED PERMITS AND AUTHORIZATIONS

2. **State License.** The Applicant shall obtain and maintain a valid type 70 license, as stated in the submitted application, from the State Department of Alcoholic Beverage Control (ABC) and provide a copy of the same license to the City of Calexico Development Services Department Planning Division. A change in the license type will require an amendment to the CUP.
3. **City of Calexico Permits.** The Applicant shall acquire and/or maintain an active business license from the City of Calexico for all activities related to the established hotel located at 2501 Scaroni Avenue, (APN 059-010-045).

GENERAL NOTES & PROVISIONS

4. Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to the sale and/or furnishing of alcoholic beverages, whether specified herein or not. These conditions of approval 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 an exemption or variance.
5. The Developer/Applicant shall agree to defend, indemnify and hold harmless the City of Calexico and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the CUP. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys' fees, or expert witness costs that may be asserted by any person or entity, including the Developer/Applicant arising out of or in connection with the approval of the CUP, including any claim for private attorney general fees claimed by or awarded to any party from the City.

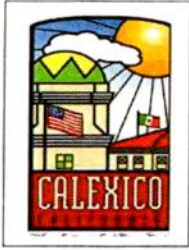
PERMITTEE ACKNOWLEDGING RECEIPT AND CONSENT:

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of Approval outlined above and promises to perform each and every obligation of Owner/Permittee hereunder.

Name of Property Owner/Permittee

Date

Signature of Property Owner/Permittee



PLANNING COMMISSION STAFF REPORT

AGENDA
ITEM

3

DATE: February 26, 2024

TO: Planning Commission

APPROVED BY: Esperanza Colio Warren, City Manager

PREPARED BY: Francisco Barba, Planning & Building Services Director

SUBJECT: **RECONSIDERATION OF ELECTION OF OFFICERS – CHAIR AND VICE CHAIR**

INTRODUCTION

On the 12th of February 2024, the Planning Commission of the City of Calexico conducted their officer elections for the position of Chairman and Vice Chairman. The election was to be conducted via a nomination by the Commissioners and confirmed via a majority vote. During the Planning Commission discussion, a motion to conduct the officer elections via anonymous vote was made and unanimously approved by the Planning Commission. Upon tallying the votes, city staff mistakenly announced that Commissioner Marcos D. Castillo was elected as Chairman with three total votes in favor, and Commissioner Jose Hinojosa was re-elected as Vice Chairman with four total votes in favor. A motion was subsequently made and passed unanimously to confirm the election results. Upon reviewing the votes after the meeting, city staff realized that the announced results were wrong and the actual tally's for Chairman are three votes for Commissioner Jose Hinojosa, and two votes for Commissioner Dylan D. Castillo while the actual tally for Vice Chairman are two votes for Commissioner Jose Hinojosa, one vote for Commissioner Marcos D. Castillo, one vote for Commissioner Ericka Veliz, and one vote for Commissioner Jose Alejos.

Upon consulting the mistake with both the City Manager's Office and City Attorney's Office, the City Attorney determined that the anonymous voting method carried out by the Planning Commission went against the City of Calexico Municipal Code which calls for all election votes to be done by voice, roll call, or voting device. Anonymous ballots are not permitted. Furthermore, the results mistakenly announced by staff further necessitates the reconsideration of the February 12th Planning Commission Chairman and Vice Chairman election results.

RECOMMENDED ACTION

Planning Commission should conduct a second election for the position of Chairman and Vice Chairman where votes are cast by voice, roll call, or voting device as mandated by the Municipal Code.