

CORRECTED AGENDA
CITY OF CALEXICO
PLANNING COMMISSION
REGULAR MEETING AGENDA

June 28, 2021
6:30 P.M.

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

Planning Commissioners:

Bill Hodge, Chairperson
Daniela Flores, Vice-Chairperson
Marcos Dylan Castillo, Commissioner
Jose Alejos, Commissioner
Jose Hinojosa, Commissioner

City Council Members

Rosie Arreola-Fernandez, Mayor
Javier Moreno, Mayor Pro-Tem
Raul Ureña, Council Member
Gloria G. Romo, Council Member
Camilo Garcia, Council Member

City Manager

Miguel Figueroa

Planning Staff

Christopher Velasco, Contract Planner

AGENDA

CALL TO ORDER

Due to the Declaration of Emergency, this meeting is being held pursuant to authorization from the Governor's Executive Orders. Some or all of the Planning Commission members may participate in this meeting by teleconference as authorized by Executive Order N-29-20 issued by the Governor of California on March 17, 2020.

Imperial County Public Health Director Janette Angulo has provided the City with Orange-Moderate Tier guidelines issued by the State for indoor gatherings. Effective this date, Planning Commission meetings will be open for public attendance at 50% of capacity of the council chambers. All persons entering City Hall will be required to wear a facemask and observe social distancing guidelines.

Join Zoom Meeting Online:

<https://zoom.us/j/95922624863?pwd=QWZlXNThHU2NYTlVFcFJ6ZzVycHkzUT09>

By Phone: (669) 900-6833

Meeting ID: 959 2262 4863

Passcode: 722250

Members of the public will be able to make public comments in the following ways:

- 1) Submit public comments via email by 2:00 p.m. on Monday, June 28, 2021 to planning@calexico.ca.gov or via fax to (760) 357-7862. These comments will be read aloud during the meeting.
- 2) Make public comment live via Zoom by submitting the request via Zoom Chat. Persons should submit name and section of the agenda they wish to speak on such as “Public Comments” or state the “Agenda Item No.”
- 3) In person comments.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENTS - NON AGENDIZED ITEMS

NOTE: (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 of the Planning Commission. The Chairperson will recognize you and when you come to the microphone, please state your name and place of residence for the record. While members of the public are encouraged to participate, it is unlawful to disturb or delay the Planning Commission meeting with personal or slanderous remarks. If the item you wish to comment on is a closed session or consent item, please comment now. The Planning Commission is prohibited by State law from taking action or discussion items not included on the printed agenda. If the item you wish to comment on is on the public portion of the agenda, we will take your comment when we get to the item on the agenda. Please direct your questions and comments to the Planning Commission.

PUBLIC HEARINGS

1. The Planning Commission of the City of Calexico will be considering a Variance request to allow for a Carport in the R-1 – Residential Single-Family Zone. The location of the proposed Variance is 1001 Cabana Street, otherwise known as APN: 058-921-011. The applicant, Ivan Pacheco is seeking a Variance from the Side Yard and Front Yard setbacks for a proposed Carport listed in section 17.03.120 of the Calexico Municipal Code titled Development Standards – R Zones.

Presentation:	Christoper Velasco, Contract Planner
Recommendation:	Open public hearing, solicit public input, close public hearing and approve or deny a Resolution of the Planning Commission of the City of Calexico Variance request to allow for a Carport in the R-1 – Residential Single-Family Zone and adopting a Notice of Exemption in Accordance with the California Environmental Quality Act.

2. The Planning Commission of the City of Calexico will be considering the proposed revocation of Conditional Use Permit (CUP) UA 2019-29 located at 2421 Enterprise Blvd. otherwise known as APN: 059-343-018. The applicant, Trinity 341, LLC has failed to maintain valid state licensure for their approved commercial cannabis distribution facility. The applicant is in violation of section 5.96.220 of the Calexico Municipal Code and no. 10 and no. 29 of the Conditions of Approval for the CUP approved via CUP 2019-29. Should the Planning Commission approve this item the applicant's commercial cannabis distribution permit would be revoked and returned to the total no. of permits available for entitlement in the City of Calexico.

Presentation: Christopher Velasco, Contract Planner
Recommendation: Open public hearing, solicit public input, close public hearing and approve a Resolution of the Planning Commission of the City of Calexico revocation of Conditional Use Permit (CUP) UA 2019-29 and adopting a Notice of Exemption in Accordance with the California Environmental Quality Act.

INFORMATIONAL ITEMS

3. 6th Cycle of the RHNA Housing Element Update.
4. Development Fee Impact Study Update.

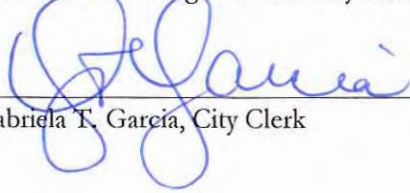
STAFF COMMENTS

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. Please advise us at the time whether you will require accommodations to participate in meetings on a regular basis. 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 6:00 p.m. Thursday, June 24, 2021


 Gabriela T. Garcia, City Clerk

6:00 p.m. June 24, 2021

AGENDA
ITEM

1




PLANNING COMMISSION STAFF REPORT

DATE: June 28, 2021

TO: Planning Commissioners

APPROVED BY: Miguel Figueroa, City Manager

PREPARED BY: Christopher Velasco, Contract Planner 

SUBJECT: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALEXICO, CALIFORNIA, APPROVING A VARIANCE REQUEST FOR REDUCED SIDE AND FRONT YARD SETBACKS THAT EXCEED MINIMUM ALLOWABLE SETBACKS IN THE R-1 ZONE LISTED IN SECTION 17.03.120 OF THE CALEXICO MUNICIPAL CODE FOR A CARPORT AT 1001 CABANA STREET, OTHERWISE KNOWN AS APN: 058-921-011

Recommendation:

The Planning division recommends that the Planning Commission approve or deny the following:

A Resolution of the Planning Commission of the City Of Calexico, California, Approving a Variance Request for Reduced Side and Front Yard Setbacks that Exceed Minimum Allowable Setbacks in the R-1 Zone Listed in Section 17.03.120 of the Calexico Municipal Code for a Carport at 1001 Cabana Street, Otherwise Known as APN: 058-921-011

Background:

On May 6, 2021 the Planning Division did receive a Uniform Application for a Variance on a proposed carport at 1001 Cabana Street. The project was given the following identifying no. UA2021-07. The applicant had previously been notified that the current site plan was incompatible with the front yard and side yard setbacks listed in section 17.03.120 of the Calexico Municipal Code. On June 9, 2021, the Planning Division determined that the application was complete and ready for consideration before the Planning Commission. On June 17, 2021, a Notice of Public Hearing was published in the Calexico Chronicle and the sent via mail to all parcels within 500' of the proposed carport location.

AGENDA ITEM 1

Discussion & Analysis:

If the Planning Commission were to approve the variance request, the applicant would be allowed the following:

- 1) The proposed carport would exceed minimum side yard setback as the proposed carport will have a side yard setback of 3' on the southwestern portion compared to the applicable side yard setback minimum of 5' for R-1 Zoned properties
- 2) The proposed carport to exceed minimum front yard setback as the proposed carport will have a front yard setback of 4'1" on the southern portion compared to the applicable front yard setback minimum of 25'

The following are the findings from the Planning Division:

1. There are special circumstances applicable to the property, and because of this, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.

The Planning Division has determined that the unique shape of the property precludes the applicant from placing the carport of a similar size.

2. There are special circumstances applicable to the property, (including but not limited to size, shape, topography, location or surroundings) or the intended use of the property, and because of this, the strict application of the zoning ordinance deprives the property of privileges by other properties in the vicinity under identical zoning.

The Planning Division has determined that the unique shape of the property precludes the applicant from placing the carport of a similar size. The strict application of zoning code 17.03.120 - Property development standards—R zones may deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning.

3. That granting the variance or its modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the variance is sought.

The granting of the Variance would allow the applicant to utilize the site in a reasonable manner consistent with the General Plan Land Use goals and policies. It would not result in a haphazard layout of land use, nor would it lend a haphazard quality or appearance to the surrounding area. Additionally, the conditions imposed on the proposed development would ensure the safety of the established community and not be conflicting to the essence of the requirement. The resulting setbacks would not compromise the intent of the ordinance.

4. That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvement in such vicinity and zone in which the property is located.

The granting of the Variance would allow the applicant to utilize the site in a reasonable manner consistent with the General Plan Land Use goals and policies. It would not result in a haphazard layout of land use, nor would it lend a haphazard quality or appearance to the surrounding area. Additionally, the conditions imposed on the proposed development will ensure the safety of the established community and not be conflicting to the essence of the requirement. The resulting setbacks would not compromise the intent of the Calexico Municipal Code.

5. The granting of this variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

Due to the unique shape of the parcel, strict application of the city's development standards in this case may place an undue hardship on the applicant to abide by setbacks listed in section 17.03.120 - Property development standards—. Furthermore, based on the lineal street frontage and street alignment, which create the unique physical characteristics, the requested deviations would not be contradictory to the intent of the ordinance. The resulting setbacks would not compromise the intent of the Calexico Municipal Code., and thereby the intent of the Code will still be satisfied.

6. The granting of this variance does not allow a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.

The proposed project is zoned for single-family residential uses, and the proposed carport would allow for single-family uses in compliance with the applicable development standards established in the City's Zoning Code and Ordinance.

7. That granting of the variance or its modification will not be incompatible with the City General Plan.

The proposed project complies with the City's General Plan Land Use designations and implements its goals, objectives and strategies by ensuring the continued use of the parcel as a space for low-density residential uses consistent with Single-Family zoning.

8. That the granting of the variance will not detract from the attractiveness or orderliness of the city's appearance or the surrounding neighborhood.

The proposed carport will be architecturally designed to complement the existing neighborhood thereby ensuring a harmonious and integrated appearance.

9. That the granting of the variance will not create a hazard to public safety.

The proposed carport will be reviewed by the City's Building Division for compliance with the 2019 California Building Code. Additionally, before the issuance of City development permits, the proposed carport will be required to comply with all conditions set forth in a resolution and the Building and Safety Division, Engineering/Public Works Division, and Fire Department requirements. The referenced agencies through the permit and inspection process will ensure that the proposed carport will not be detrimental to the public health, safety or welfare nor will it be materially injurious to the properties or improvements in the vicinity. Therefore, granting of the variance will not be detrimental to the public health or injurious to the property or injurious or improvements to such zones and facilities.

Fiscal Impact:

No impact on the General Fund.

Coordinated With:

Planning Division

Attachment(s):

1. Application UA 2021-07
2. A Resolution of the Planning Commission of the City Of Calexico, California, Approving a Variance Request for Reduced Side and Front Yard Setbacks that Exceed Minimum Allowable Setbacks in the R-1 Zone Listed in Section 17.03.120 of the Calexico Municipal Code for a Carport at 1001 Cabana Street, Otherwise Known as APN: 058-921-011



City of Calexico

Development Services Department - Planning Division

UNIFORM APPLICATION

608 Heber Avenue, Calexico, CA 92231

• Phone: (760) 768-2118 • Fax: (760) 357-7862 • Email: planning@calexico.ca.gov

www.calexico.ca.gov

Application Types (Please indicate all of the planning applications you wish to apply for:

- | | |
|---|--|
| <input type="checkbox"/> Lot Line Adjustment (4 lots or less) | <input type="checkbox"/> Conditional Use Permit (CUP) [Non-Cannabis] |
| <input type="checkbox"/> Subdivision (4 lots or less) | <input checked="" type="checkbox"/> Variance Request |
| <input type="checkbox"/> Tentative Parcel Map Project (TPM) | <input type="checkbox"/> Other Development Application Type |
- List Project Type: _____

PROJECT INFORMATION:

Project Address/Location: 1001 Cabana St. Calexico Ca. 92231

Assessor Parcel Number(s) 058-921-011

Proposed Project Description (*a detailed project description must be included as a separate attachment/letter*)

Current General Plan Designation: Carport

Current Zoning: Residential /single family home

Proposed General Plan Designation: Metal Carport

Proposed Zoning: Residential/single family home

APPLICANT INFORMATION:

Name: Ivan Pacheco

Address: 1001 Cabana St. Calexico Ca. 92231

Phone Number: [redacted] Email: pachecolily@aol.com

I hereby authorize this application and certify that all filling requirements have been satisfied for my application. I also acknowledge that any missing items may delay the processing of my application.

Ivan Pacheco
Signature of Applicant

05/06/2021
Date

AUTHORIZED REPRESENTATIVE:

Name: _____

Phone Number: _____ Email: _____

OFFICIAL USE ONLY

Uniform Application No.
UA 2021-07
Project Planner:
Christopher Velasco



City of Calexico
Development Services Department - Planning Division
UNIFORM APPLICATION

PROPERTY OWNER INFORMATION AND PERMISSION:

Name: Ivan Pacheco

Address: 1001 Cabana St. Calexico Ca. 92231

Phone Number: Email: pachecoily@aol.com

I certify under penalty of the laws of the State of California that I am the property owner of the property that is the subject matter of this application and I am authorizing to and hereby consent to the filing of this application and acknowledge that the final approval by the City of Calexico, if any, may result in restrictions, limitations and construction obligations being imposed on the real property. *(If more properties or owners are involved please provide additional sheets.)*

Ivan Pacheco

Printed Name of Property Owner(s):

Ivan Pacheco

Signature of Property Owner(s)

Signature of Property Owner(s)

Check here if additional Property Owner Certifications are attached to this application.

APPLICANT BILLING ADDRESS:

Name: Ivan Pacheco

Address: 1001 Cabana St. Calexico Ca. 92231

Phone Number: Email: pachecoily@aol.com

ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY BY THE APPLICANT
(Project representative signatures will not be accepted.)

I acknowledge and certify that with this development application I am financially obligated to the City of Calexico for all expenses related to the time and effort spent by the employees, agents, consultants, and legal representatives that are used to process this/these applications. I understand that the City processes development applications on a deposit based fee system which requires an initial application processing deposit payment prior to beginning any process work. Further, I understand that once the project application deposit balance falls to \$2,500 an additional deposit, equal to the original application deposit fee amount, must be made within 10 days of notification from the City. I further acknowledge that if the additional application deposit fee payment is not been made within the required 10 days as required by the City, the City will discontinue all work on this/these applications and will not schedule the project for a hearing (if one is required). I also acknowledge that if I fail to replenish the application deposit account within six (6) months of notification from the City, I understand that this/these applications will be automatically deemed withdrawn by the City, and that a new development application and deposit fee will be required to restart the project processing.



City of Calexico
Development Services Department - Planning Division
UNIFORM APPLICATION

ACKNOWLEDGMENT OF INDEMNIFICATION RESPONSIBILITY BY THE APPLICANT
(Project representative signatures will not be accepted.)

The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. City shall promptly notify the applicant of any Action brought and request that applicant defend the City. It is expressly agreed that applicant may select legal counsel providing the applicant's defense and the City shall have the right to approve separate legal counsel providing the City's defense. The applicant shall reimburse City for any attorneys' fees, costs and expenses directly and necessarily incurred by the City in the course of the defense. Applicant agrees that City will forward monthly invoices to Applicant for attorneys' fees, costs and expenses it has incurred related to its defense of any Action and applicant agrees to timely payment within thirty (30) days of receipt of the invoice. Within fourteen (14) days of an Action being filed, applicant agrees to post adequate security or a cash deposit with City in an amount to cover the City's estimated attorneys' fees, costs and expenses incurred by City in the course of the defense in order to ensure timely payment of the City's invoices. The amount of the security or cash deposit shall be determined by the City. City shall cooperate with applicant in the defense of any Action

Ivan Pacheco

Applicant Printed Name

Ivan Pacheco

Signature

05-06-2021

Date Signed



City of Calexico
Development Services Department - Planning Division
UA Application Submittal Requirements for
Tentative Parcel Maps, Subdivisions & Lot Line Adjustments

PURPOSE:

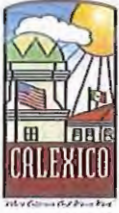
Both California State Law and the Calexico Municipal Code require that when any parcel of contiguous parcels in one ownership is proposed to be divided into less than five parts now, or in the future, a parcel map must be processed through the City.

II. SUBMITTAL REQUIREMENTS:

1. Application form completely filled out with all required signatures.
2. All required plans and exhibits as described in the application.

III. PROCEDURE:

1. Schedule a time to discuss preliminary project plans and zoning with Planning & Engineering Division staff, other City Departments for project requirements, including necessary application submittals. The General Plan should be consulted for land use and street improvements.
2. Submit a complete application with all required signatures, application fee, environmental assessment form (if necessary) and any other applications (i.e. Encroachment Permit, Conditional Use Permit).
3. Staff will review the application and determine if it is complete within 10 days from the date the project is submitted. The application will not be processed if it is deemed incomplete. After the application is deemed complete, the project is circulated to other City departments and local agencies for comments and conditions.
4. After the project has received preliminary approval from the Planning and Engineering Division, staff will prepare a written staff report and the project is scheduled for Planning Commission (meetings held on the 2nd and 4th Mondays of each month) and a legal notice and advertising is published and circulated in a local newspaper least 10-days prior to the meeting. Adjacent property owners are also notified at least 10 days before the meeting, advertising the public hearing. There is a 15-day appeal from the day of a decision taken by the Planning Commission.
5. If the project involves a change of zone, general plan amendment, development agreement, exceptions, or if the project is appealed or called up for review, it will be scheduled for a public hearing with the City Council (meetings held on the 2nd and 4th Thursdays of each month). Staff will prepare a written report and a legal notice is published and mailed to adjacent property owners/tenants 10-21 days before the meeting. This process is approximately 2 to 4 weeks after the Planning Commission decision and approximately 8 to 12 weeks after the project has been submitted.
6. Once the project has been approved and entitled, final conditions of approval will be mailed to the applicant/property owner.
7. Once final plans and conditions of approval have been prepared, final maps, grading and improvement plans may be processed through the Development Services Department.



City of Calexico
Development Services Department - Planning Division
**UA Application Submittal Requirements for
Development Agreements and Hazardous Waste
Statement**

- Two (2) copies of the current Preliminary Title Report of all properties covered by the application that is not more than six months old at time of application filing and a copy of all legal documents (deed, easement, etc.) mentioned in the Preliminary Title Report.

HAZARDOUS WASTE SITE DISCLOSURE STATEMENT: Government Code Section 65962.5 requires the applicant for any development project to consult specified state-prepared lists of hazardous waste sites and submit a signed statement to the local agency indicating whether the project is located on or near an identified site. Under the statute, no application shall be accepted as complete without this signed statement. I (we) certify that I (we) have investigated our project with respect to its location on or near an identified hazardous waste site and that my (our) answers are true and correct to the best of my (our) knowledge. My (Our) investigation has shown that:

- The project is not located on or near an identified hazardous waste site.
- The project is located on or near an identified hazardous waste site.

- Please list the location of the hazardous waste sites(s) on an attached sheet.

Owner Representative (1)

Date

Owner Representative (2)

Date



City of Calexico
Development Services Department - Planning Division
UA Application Environmental Assessment Form

The State of California requires cities to assess the environmental impact of all development projects before permits for such action are issued. The attached form will assist you in presenting the environmental effects of your project. The form includes information about the project and an assessment of the potential environmental impacts. You may be asked to answer other questions and submit additional information to determine the level of environmental review required for the project.

Developer or Applicant: California All Steel Carport

Contact Person: Maria T. or Lucy

Address: P.O.Box 6137 City: Fresno State: CA Zip: 93703

Telephone: 1-844-800-5413 Email: info@californiaallsteel.com

Address/ APN(s) of Project: _____

Identify any other related permits and other public approvals required for this project including those required by the City, regional, State, Federal agencies, not including approvals from the City of Calexico's Fire & Police departments: N/A

Proposed Use of Site (project described in this form): Carport

Surrounding Land Uses: N/A

Site Size (Square Feet or Acres): _____ Number of Floors of Construction: _____

For Residential Development:

Number of Units: _____ Unit Sizes: _____

Units per Acre: _____ Lot Sizes: _____

No. of Required Parking Spaces, required & proposed: _____ EV Charging Spaces: _____

For Commercial, Industrial and Other Development:

Type of Development: _____

Green House Gas Mitigation Measures: _____

Number of Buildings: _____ Size of Buildings: _____

No. of Required Parking Spaces, required & proposed: _____ EV Charging Spaces: _____



City of Calexico
Development Services Department - Planning Division
UA Application Environmental Assessment Form
(continued from previous page, please use additional sheets
as necessary)

Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural or scenic aspects.

Describe any existing structures onsite, and use of these structures.

Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects.

Describe the typed of surrounding land use, intensity of land use, and sale of development.

Discuss all items checked "yes" (attach additional sheets as necessary):

	YES	NO
(1) Change existing features of the lake or substantial alteration to hills or of ground contours?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Change scenic views or vistas from existing residential areas or public lands or roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Change pattern, scale or character of general area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Increase air emissions or ground water or any stream?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(5) Alter water quality or quantity of lake or ground Water or any stream?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(6) Increase existing noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(7) Is site on filled land or on slopes of 10 percent or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(8) Use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(9) Change in demand for public services and utilities (police, fire, water, sewer etc...)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Ivan Pacheco
Signature

05-06-2021
Date

Ivan Pacheco
Name of Form Preparer

[Redacted]
Phone

pachecoily@aol.com
Email

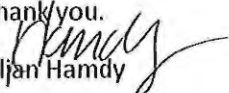
Hello Christopher,

Please let me know if I can attend the public hearing taking place on May 24, 2021 at 6: 30 PM.

I would like to be there. Again, thank you very much for sending me the application for the variance.

Please call me or email me when the application is submitted to pay the fee necessary to reach the Board of Adjusters.

Thank you.


Liljan Hamdy



pacheolily@aol.com

May 6, 2021

City of Calexico

608 Heber Avenue

Calexico, CA 92231

Development Services Department

Building & Safety Division

RE: Variance Request

Project Address: 1001 Cabana St. Calexico Ca. 92243

Parcel # 058-921-011

Property Owner: Ivan Pacheco

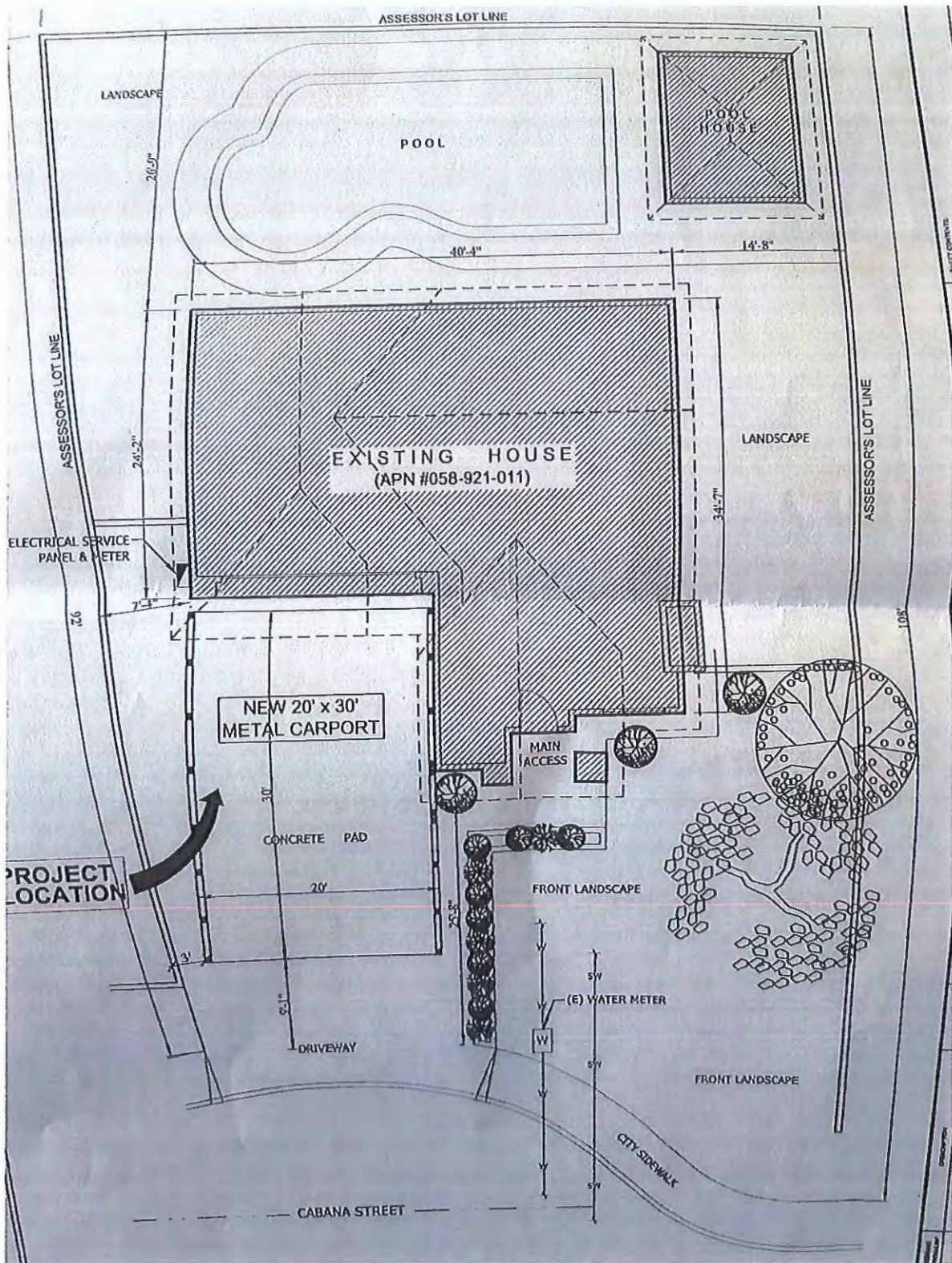
Dear Board of Adjustment Planning & Zoning Members,

I am requesting a variance for a carport for the property mentioned above. The carport measurements are width 20 feet, length 30 ft, height 9 feet. The property in which the house was built is in a semi cul-de-sac creating an uneven squared shape. The building permit was denied due to not meeting the setback required which are the following according to the response of the denial letter: Front Setback 25 feet, side setback is 5 feet. The side setback falls short 2 feet, and the front setback is 5 feet over the city's ordinance for approval. I am willing to comply with the city's ordinance by shortening the carport. However, this is creating a hardship because the engineer charges 700 dollars for re-designing the carport to submit the entire redesigned structure plan to the city of Calexico.

Below are the R-1 residential setbacks the city of Calexico provided me. The allowed front setback is 25 ft, and the side is 5 ft.

Provided by the City of Calexico code of ordinances.

	<i>R-1 (Residential, Single Family) Zone</i>
4. Lot depth (in feet)	100
5. Front yard setback	25
6. Side yard setback each side (in feet)	5
7. Side yard setback street side (in feet)	10
8. Rear setback (in feet)	20



The uneven-shaped property takes away equality from the rest of the houses nearby. This air view picture best describes the burden of proof. This circumstance and condition were not created by the current owner of this property. The home ended up in an awkward lot location created by the original construction company that was allowed to built this residence as is. If the variance is grant-based on the hardship it is creating me due to the unique lot, the carport will not encroach any adjacent, conforming property. Furthermore, the variance will not alter the character of the district in which it is located. The variance, if granted, is the minimum variance and the least modification that will afford the relief sought. I am committed to working together to comply with all necessary arrangements to be granted the permit. The variance will be in harmony with the spirit of the ordinance and will not adversely affect the public's health, safety, or welfare.

Please consider my petition.

Respectfully submitted,

Lilian Handy



IVAN PACHECO

1001 CABANA STREET CALEXICO, CA 92231

20' X 30' X 9'

DESIGN NOTES

- ALL CONSTRUCTION SHALL BE PROVIDED IN ACCORDANCE WITH CBC 2019, IBC 2018, ASCE7-16, OSHA, AISC 360, AISI 100, AWS D1.3 CODES AND ALL APPLICABLE LOCAL REQUIREMENTS.
- BASE CONNECTIONS SHALL BE PROVIDED AS SHOWN ON FOUNDATION DETAILS SHEET.
- ALL MATERIALS IDENTIFIED BY MANUFACTURER NAME MAY BE SUBSTITUTED WITH MATERIAL EQUAL OR EXCEEDING ORIGINAL.
- ALL SHOP CONNECTIONS SHALL BE WELDED CONNECTIONS. NO FIELD WELDING IS REQUIRED.
- ALL FIELD CONNECTIONS SHALL BE #12 (1/4"x1") (ESR-2196) OR APPROVED EQUAL.
- STEEL SHEATHING SHALL BE 29GA, CORRUGATED GALV, OR PAINTED STEEL - MAIN RIB HT. 3/4" (FY=80KSI) OR EQ.
- ALL STRUCTURAL LIGHT GAUGE TUBING AND CHANNELS SHALL BE GRADE 50 GALV. STEEL (FY = 50 KSI, FU = 65 KSI) PER RELEVANT ASTM.
- STRUCTURAL TUBE TS 2 1/2" X 2 1/2" - 14GA. IS EQUIVALENT TO TS 2 1/2" X 2 1/2" - 12GA AND EITHER ONE MAY BE USED IN LIEU OF THE OTHER.
- 12GA IS DEFINED AS 0.109" THICKNESS. 14GA IS DEFINED AS 0.089" THICKNESS. 26GA IS DEFINED AS 0.019" THICKNESS. 29GA IS DEFINED AS 0.015" THICKNESS.
- GYPSUM BOARD OR DRYWALL FINISH OR ANY BRITTLE BASE MATERIAL IS NOT CONSIDERED OR ACCOUNTED FOR ON THE DESIGN CRITERIA OF THIS STRUCTURE U.N.O.

DESIGN CRITERIA

PREVAILING CODE:	CBC 2019 (IBC 2018)
USE GROUP:	U (CARPORTS, BARNS)
CONSTRUCTION TYPE:	II - B
RISK CATEGORY:	I
BUILDING FOOTAGE:	600 SQ.FT
1. DEAD LOAD (D)	D = 2.0 PSF
2. ROOF LIVE LOAD (Lr)	Lr = 20 PSF
3. SNOW LOAD (S)	
GROUND SNOW LOAD	Pg = 0 PSF
IMPORTANCE FACTOR	Is = 0.80
THERMAL FACTOR	Ct = 1.2
EXPOSURE FACTOR	Ce = 1.0
ROOF SLOPE FACTOR	Cs = 1.0
FLAT ROOF SNOW LOAD	Pf = 0 PSF
SLOPED ROOF SNOW LOAD	Ps = 0 PSF
4. WIND LOAD (W)	
DESIGN WIND SPEED	Vult = 105 MPH
EXPOSURE	C
5. SEISMIC LOAD (E)	
Ss / S1	1.5/0.6
SDs / SD1	1.2/NULL
DESIGN CATEGORY	
SITE CLASS	D (DEFAULT)
IMPORTANCE FACTOR	Ie = 1.00

ASD LOAD COMBINATIONS:

- D + (Lr OR S)
- D + (0.6W OR ±0.7E)
- D + 0.75 (0.6W OR ±0.7E) + 0.75 (Lr OR S)
- 0.6D + (0.6W OR ±0.7E)

SCOPE OF WORK

- THIS PLAN SET IS LIMITED IN SCOPE TO THE FIELD OF STRUC. ENGINEERING PER THE SPECIFIED DESIGN LOADS AND APPLICABLE BUILDING CODES. ANY DISCREPANCIES IN DESIGN LOADS SHALL BE BROUGHT TO THE ATTN. OF THE ENGINEER OF RECORD.
- ALL WORKS RELATED BUT NOT LIMITED TO ARCH. / SITE / HVAC / ELEC. / MECH. / ZONING AND EXIST. FOUNDATIONS, ARE BEYOND THE SCOPE OF THIS PLANS SET, AND MUST BE ADDRESSED BY RESPONSIBLE PROFESSIONALS IN CHARGE.

DRAWING INDEX



- COVER SHEET
- ELEVATIONS
- FOUNDATION PLAN
- FOUNDATION DETAILS
- FLOOR PLAN & DETAILS
- FRAME SECTION & DETAILS
- SIDE WALL FRAMING
- SIDE WALL DETAILS
- END WALL FRAMING & DETAILS

SPECIAL INSPECTIONS

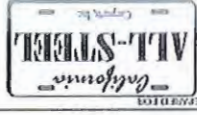
NO SPECIAL INSPECTIONS ARE REQUIRED FOR THIS STRUCTURE, AS IT MEETS THE EXCEPTIONS OF SECTION 1704 PER CBC 2019 (IBC 2018), UNLESS EXPLICITLY REQUIRED BY THE BUILDING OFFICIAL.

REVISIONS

MARK	COMMENTS	DATE
-	ISSUED FOR PERMIT & CONST.	APR 15 2021

BE ADVISED THAT THE PROFESSIONAL ENGINEER'S SEAL AND SIGNATURE ARE REQUIRED ON ALL DRAWINGS AND PERMITS. THE PROFESSIONAL ENGINEER'S SEAL AND SIGNATURE ARE REQUIRED ON ALL DRAWINGS AND PERMITS. THE PROFESSIONAL ENGINEER'S SEAL AND SIGNATURE ARE REQUIRED ON ALL DRAWINGS AND PERMITS. THE PROFESSIONAL ENGINEER'S SEAL AND SIGNATURE ARE REQUIRED ON ALL DRAWINGS AND PERMITS.	FOR RECORD ONLY. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION. THE PROFESSIONAL ENGINEER'S SEAL AND SIGNATURE ARE REQUIRED ON ALL DRAWINGS AND PERMITS. THE PROFESSIONAL ENGINEER'S SEAL AND SIGNATURE ARE REQUIRED ON ALL DRAWINGS AND PERMITS.	COVER SHEET	COVER SHEET
OWNER: IVAN PACHECO LOCATION: 1001 CABANA STREET CALEXICO, CA 92231	PROJECT NO.: 130-21-0767 CHECKED BY: JJA SHEET NO.: 1 OF 7	DRAWING NO.: ABD-MAC-451 DRAWN BY: JJA DATE: 4/15/2021	EXPIRES: 12/31/2022 DATE SIGNED: APR 15 2021
			

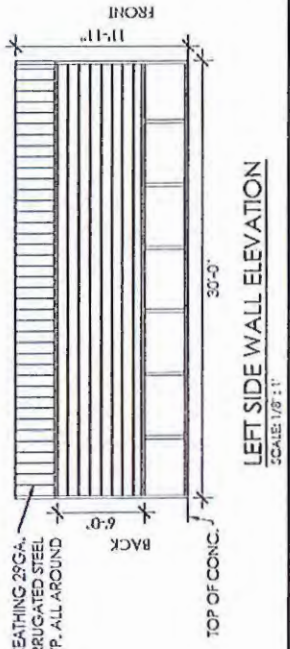
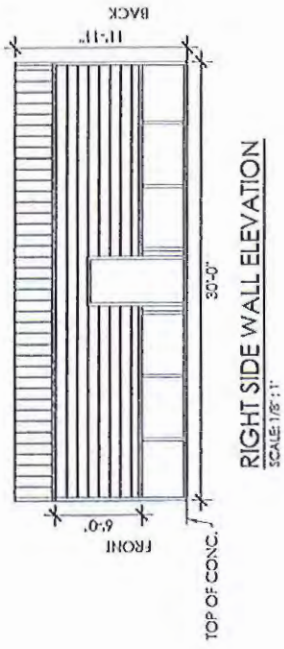
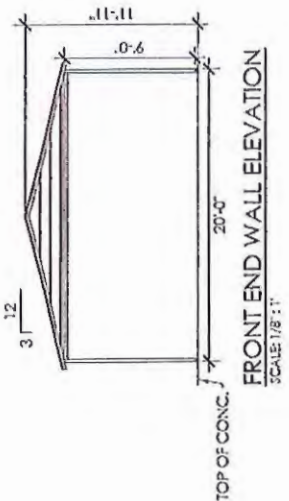
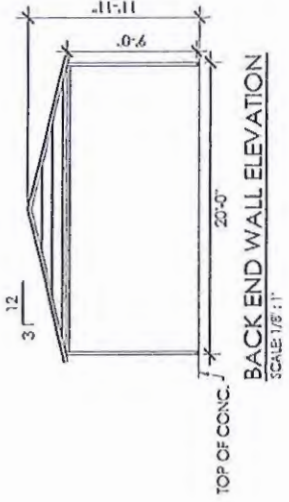
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LOCATION: 1001 CABANA SIREE CALEXICO, CA 92231		OWNER: IVAN PACHECO		PROJECT NO.: 130-21-0267		CHECKED BY: JM		DRAWING NO.: MBD4A6CA454		DATE: 4/15/2021	
1001 CABANA SIREE CALEXICO, CA 92231		OWNER: IVAN PACHECO		PROJECT NO.: 130-21-0267		CHECKED BY: JM		DRAWING NO.: MBD4A6CA454		DATE: 4/15/2021	



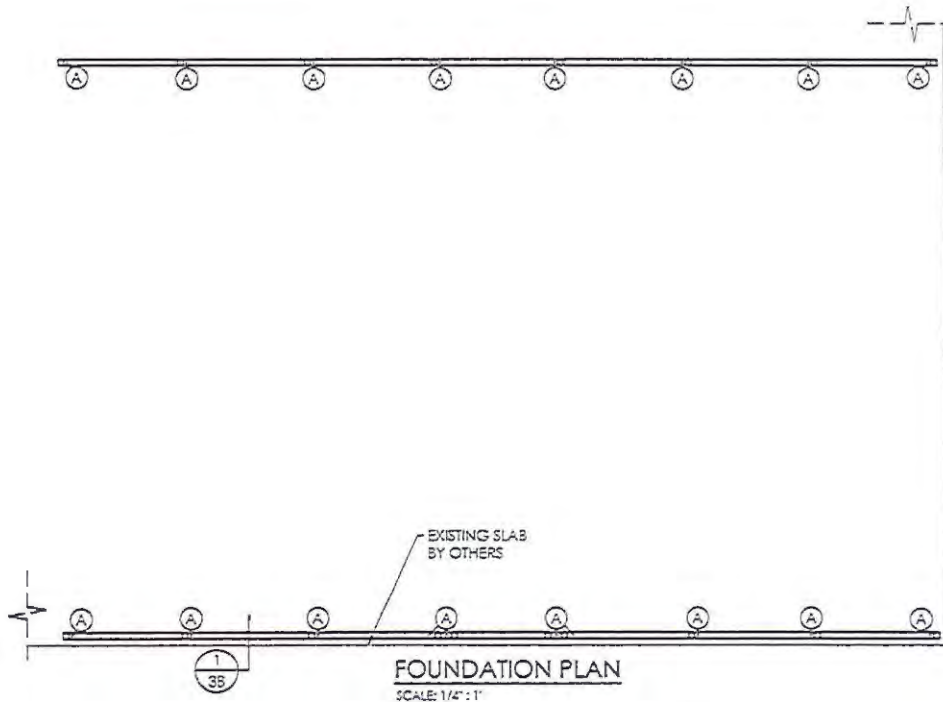
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 Fresno, CA 93703
 Tel: 1-811-800-5113
 Fax: 1-559-351-6721



EXPIRES: 12/31/2022
 DATE SIGNED: APR 15 2021



SHEATHING 29GA.
 CORRUGATED STEEL
 TYP. ALL AROUND



MEMBER PROPERTIES	
BASE RAIL	2 1/2" SQ. X 14GA TUBE
COLUMN POST	2 1/2" SQ. X 14GA TUBE
CONCRETE SLAB	
ANCHOR 'A'	1/20" X 6" LG. TITEN HD SCREW ANCHOR (PER ESR 2713)

EXISTING FOUNDATION NOTES:

- EXISTING SLAB DESIGN AND REINFORCEMENT IS BY OTHERS. MIN. SLAB SIZE SHALL BE 20'-5 1/2" X 30'-5 1/2" TO ALLOW A MIN. OF 4" ANCHOR-TO-CONCRETE EDGE DISTANCE.
- CONCRETE ANCHORS SHALL BE LOCATED AS SHOWN ON THE FOUNDATION PLAN WITH A MINIMUM OF (1) ANCHOR PER POST.
- ASSUMED SOIL BEARING CAPACITY IS TO BE A MIN. OF 1,500 PSF.
- ASSUMED CONCRETE STRENGTH TO BE A MIN OF 2500 PSI @ 28 DAYS.

OWNER:	IVAN PACHECO	LOCATION:	1001 CABANA STREET CALEXICO, CA 92231
SHEET TITLE:	FOUNDATION PLAN: EXISTING CONCRETE SLAB		
DRAWING NO.:	M8D1A6CA454	PROJECT NO.:	130-21-0967
DRAWN BY:	J.M.	CHECKED BY:	
DATE:	4/15/2021	SHEET NO.:	3A OF 7



P.O. Box 6137
Fresno, CA 93703
Tel: 1-814-806-5113
Fax: 1-559-354-6721

SEAL:

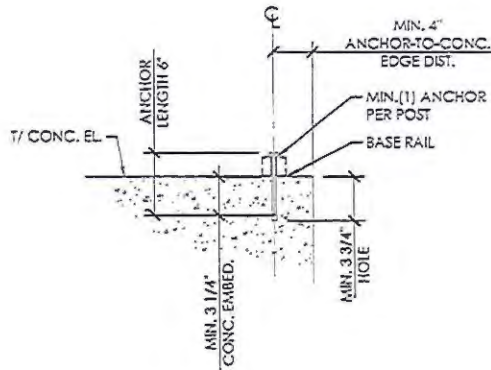
EXPIRES: 12/31/2022

DATE SIGNED: APR 15 2021

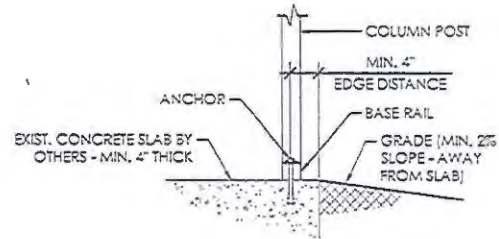
MEMBER PROPERTIES	
BASE RAIL	2 1/2" SQ. X 14GA TUBE
COLUMN POST	2 1/2" SQ. X 14GA TUBE
CONCRETE SLAB	
ANCHOR 'A'	1/20" X 6" LG. TITEN HD SCREW ANCHOR (PER ESR 2713)

ANCHORAGE NOTES:

- ANCHOR INSTALLATION REQUIREMENTS:
 - MIN. ANCHOR EDGE DISTANCE: 4.00"
 - MIN. ANCHOR HOLE DEPTH: 3.75"
 - MIN. CONCRETE EMBEDMENT DEPTH: 3.25"
 - MIN. EFFECTIVE EMBEDMENT: 2.35"
 - MIN. SPACING BETWEEN (2) ANCHORS: 3.00"
- ANCHORS TO BE SPACED NO MORE THAN 6" FROM POSTS.
- ALL ANCHORS TO BE A307 EQUIVALENT OR BETTER. ANCHORS TO BE INSTALLED PER MANUFACTURER'S REQ.
- CONCRETE STRENGTH TO BE A MIN OF 2500 PSI @ 28 DAYS.



ANCHORAGE DETAIL
SCALE: 1" = 1'

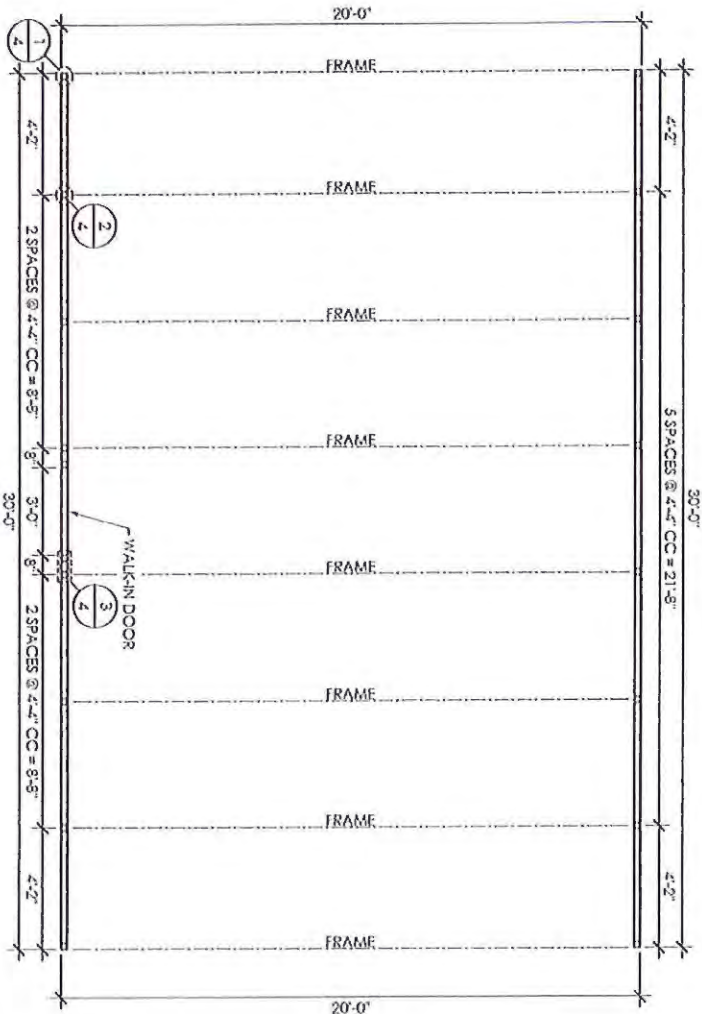


FOUNDATION DETAIL 1
SCALE: 3/4" = 1'

OWNER: IVAN PACHECO	LOCATION: 1001 CABANA STREET CALEXICO, CA 92231
FOUNDATION DETAILS: EXISTING CONCRETE SLAB	
DRAWING NO.: ABD/AC/CA/154	PROJECT NO.: 130-21-0967
DRAWN BY: JIM	CHECKED BY:
DATE: 4/15/2021	SHEET NO.: 38 OF 7

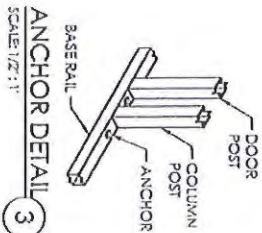
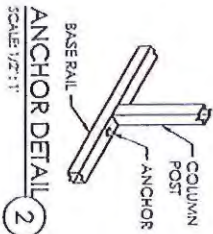
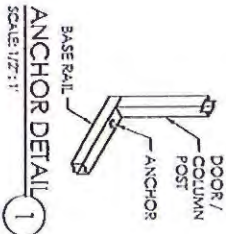
	P.O. Box 6137 Fresno, CA 93703 Tel: 1-844-800-5413 Fax: 1-559-351-6721
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EXPIRES: 12/31/2022 DATE SIGNED: APR 13 2021



FLOOR PLAN
SCALE: 1/8" = 1'

NOTE: SEE SHEETS FOR ANCHOR TYPE & ANCHOR PROPERTIES



SCALE: 1/2" = 1'

REGISTERED PROFESSIONAL ENGINEER
CIVIL
OMAR A. ABU-YASEIN
C773389
STATE OF CALIFORNIA

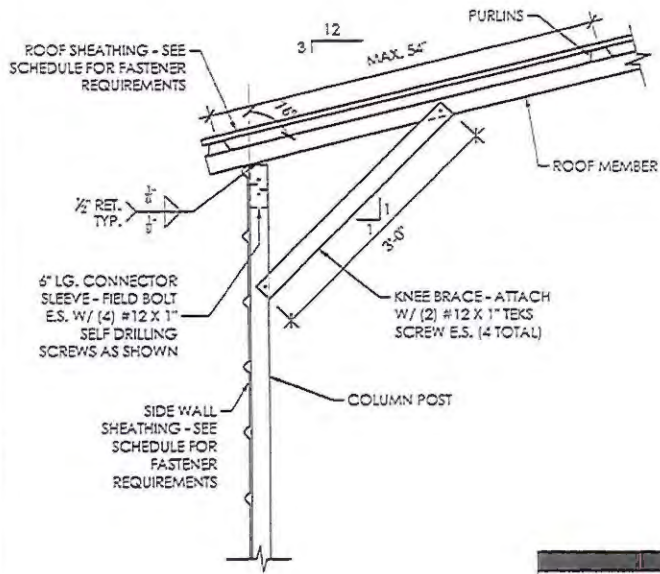
EXPIRES: 12/31/2022
DATE SIGNED: APR 15 2021

PREPARED BY

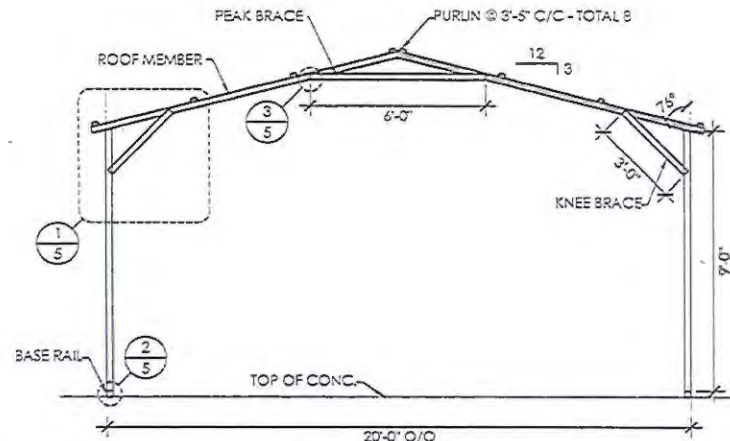
California ALL-STEEL
Company, Inc.

P.O. Box 6137
Fresno, CA 93703
Tel: 1-811-800-5413
Fax: 1-559-354-6721

OWNER: IVAN PACHECO	LOCATION: 1001 CABANA STREET CALEXICO, CA 92231
SHEET TITLE: FLOOR PLAN & ANCHORS	
DRAWING NO.: MBD4A6CA454	PROJECT NO.: 130-21-0967
DRAWN BY: JAM	CHECKED BY:
DATE: 4/15/2021	SHEET NO.: 4 OF 7



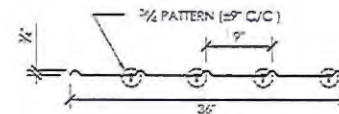
FRAME DETAIL 1
SCALE: 3/4" = 1"



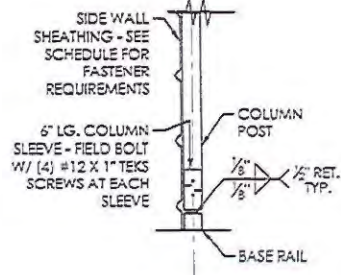
FRAME SECTION
SCALE: 1/4" = 1"

MEMBER PROPERTIES			
COLUMN POST	2 1/2" SQ. X 14GA TUBE		
ROOF MEMBER	2 1/2" SQ. X 14GA TUBE		
BASE RAIL	2 1/2" SQ. X 14GA TUBE		
PEAK BRACE	2 1/2" X 14GA CHANNEL		
KNEE BRACE	2 1/2" X 14GA CHANNEL		
CONNECTOR SLEEVE	2 1/4" SQ. X 12GA TUBE		
PURLINS	4" X 14GA HAT CHANNEL		
SHEATHING FASTENER SCHEDULE			
LOCATION	CORNER PANEL	SIDE LAPS	EDGE LAPS ELSEWHERE
SPACING	9" CC	MIN. 1	4" CC 9" CC

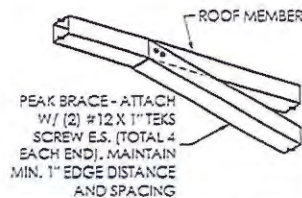
FASTENER TYPE: # 12x1" SELF-DRILL SCREWS (ESR-2196) W/ NEOPRENE/STEEL WASHER



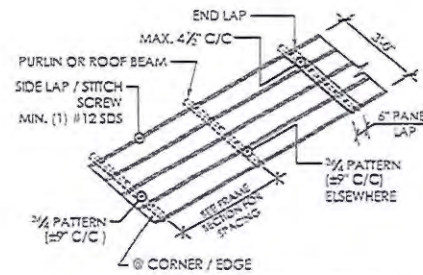
29GA. - 3/4" RIB - CORRUGATED SHEET
SCALE: 3/4" = 1"



BASE DETAIL 2
SCALE: 3/4" = 1"



PEAK BRACE DETAIL 3
SCALE: 3/4" = 1"

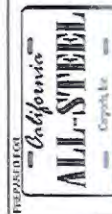


SHEATHING FASTENER PATTERN
SCALE: 3/16" = 1"

LOCATION: 1001 CABANA STREET
CALEXICO, CA 92231

OWNER: IVAN PACHECO
SHEET TITLE: FRAME SECTION & DETAILS

DRAWING NO.: ABD046CA154
PROJECT NO.: 130-21-0967
DRAWN BY: JJA
CHECKED BY:
DATE: 4/15/2021
SHEET NO.: 5 OF 7



P.O. Box 6137
Fresno, CA 93703
Tel: 1-541-800-5113
Fax: 1-559-351-6721



EXPIRES: 12/31/2022

DATE SIGNED: APR 15 2021

OWNER: IVAN PACHECO	LOCATION: 1001 CABALITA STREET CALEXICO, CA 92231	SHEET TITLE: SIDE WALL FRAMING
DRAWING NO.: MBDA6CA454	PROJECT NO.: 130-21-0767	CHECKED BY: JJA
DATE: 4/15/2021	SHEET NO.: 6A OF 7	

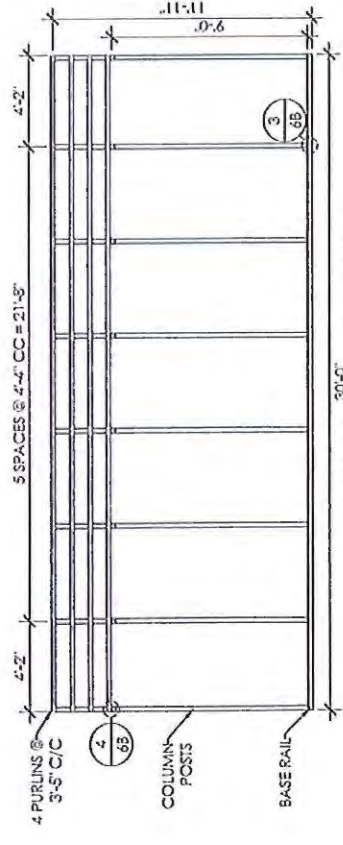
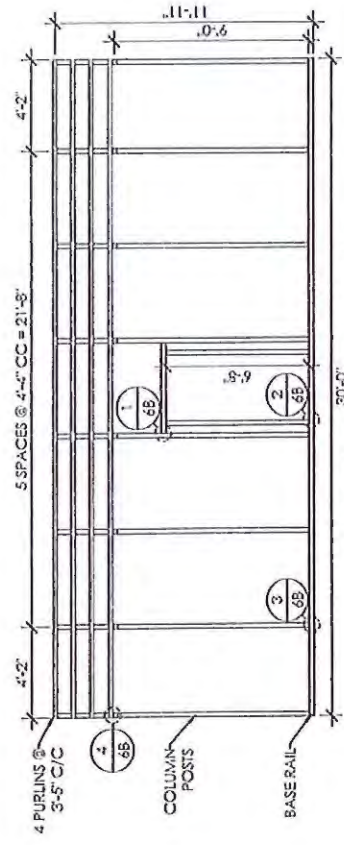


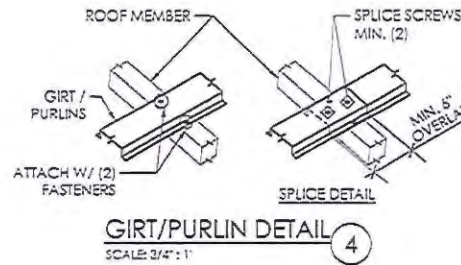
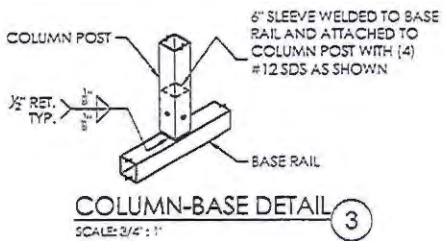
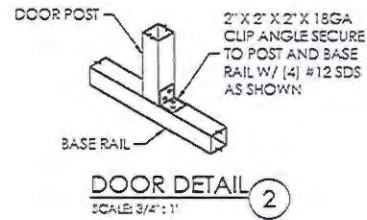
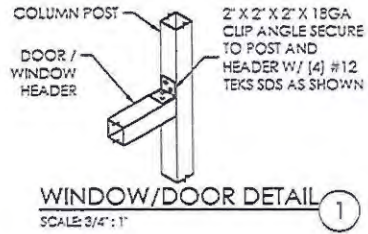
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Fresno, CA 93703
Tel: 1-814-800-5113
Fax: 1-559-351-6721



EXPIRES: 12/31/2022
DATE SIGNED: APR 13 2021

MEMBER PROPERTIES	
SIDE WALL POST	2 1/2" SQ. X 14GA TUBE
BASE RAIL	2 1/2" SQ. X 14GA TUBE
CONNECTOR SLEEVE	2 1/4" SQ. X 12GA TUBE
PURLINS	4" X 14GA HAT CHANNEL
DOOR POST	2 1/2" SQ. X 14GA TUBE





1001 CABANA STREET
CALIFORNIA, CA 92231

LOCATION:

OWNER:
IVAN PACHECO

SHEET TITLE:
SIDE WALL FRAMING DETAILS

PROJECT NO.: 130-21-0967

DRAWING NO.: 1-800-46-CA-154

CHECKED BY:

J.M.

SHEET NO.:

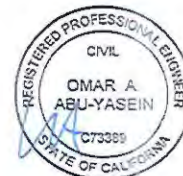
4/15/2021

6B OF 7



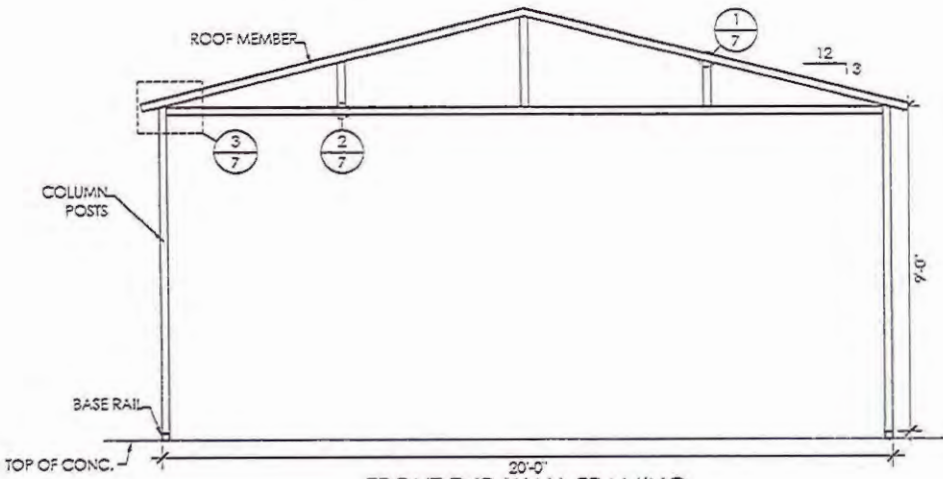
P.O. Box 6137
Fremont, CA 93703
Tel: 1-811-800-5113
Fax: 1-559-351-6721

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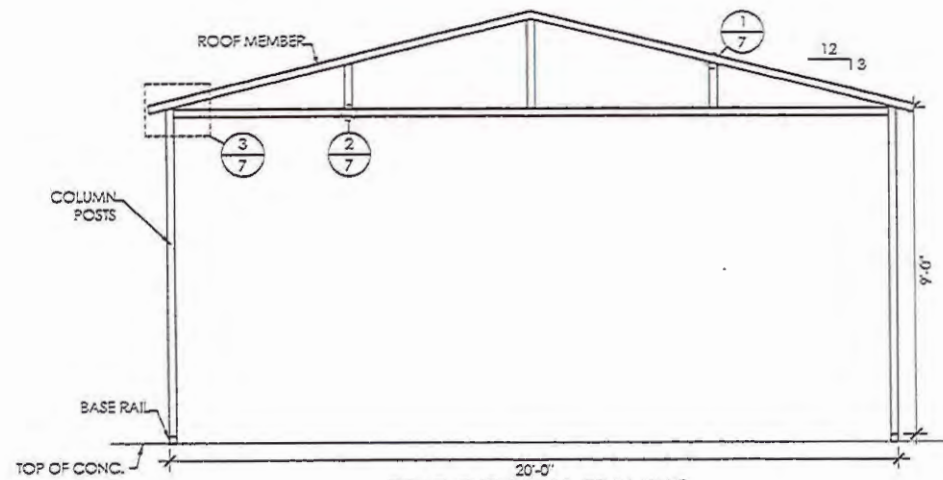


EXPIRES: 12/31/2022

DATE SIGNED: APR 15 2021

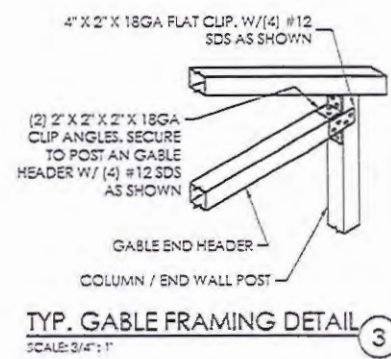
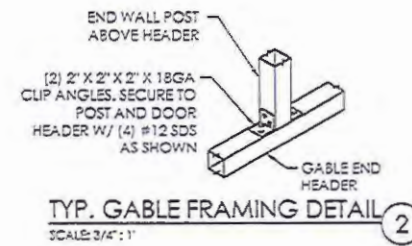
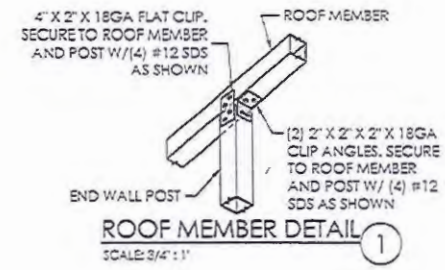


FRONT END WALL FRAMING
SCALE: 5/16" : 1"



REAR END WALL FRAMING
SCALE: 5/16" : 1"

MEMBER PROPERTIES	
CORNER POST	2 1/2" SQ. X 14GA TUBE
ROOF MEMBER	2 1/2" SQ. X 14GA TUBE
BASE RAIL	2 1/2" SQ. X 14GA TUBE
END WALL POSTS	2 1/2" SQ. X 14GA TUBE
GABLE HEADER	2 1/2" SQ. X 14GA TUBE



LOCATION:	1001 CABANA STREET CALEXICO, CA 92231		
OWNER:	IVAN PACHICO		
SHEET TITLE:	END WALL FRAMING & DETAILS		
DRAWING NO.:	ABD04AGCA454	PROJECT NO.:	130-21-0767
DRAWN BY:	J.M.	CHECKED BY:	
DATE:	4/15/2021	SHEET NO.:	7 OF 7



SEAL

REGISTERED PROFESSIONAL ENGINEER
CIVIL
OMAR A. ABU-YASEIN
C73389
STATE OF CALIFORNIA

EXPIRES: 12/31/2022

DATE SIGNED: APR 15 2021

RESOLUTION NO. 2021-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALEXICO, CALIFORNIA, APPROVING A VARIANCE REQUEST FOR REDUCED SIDE AND FRONT YARD SETBACKS THAT EXCEED MINIMUM ALLOWABLE SETBACKS IN THE R-1 ZONE LISTED IN SECTION 17.03.120 OF THE CALEXICO MUNICIPAL CODE FOR A CARPORT AT 1001 CABANA STREET, OTHERWISE KNOWN AS APN: 058-921-011

WHEREAS, Ivan Pacheco, the owner on record for 1001 Cabana Street in the City of Calexico ("Applicant") is requesting approval of carport, proposed to be located on the southern portion of the property over an existing driveway, otherwise known as APN: 058-921-011; and

WHEREAS, the Applicant has filed a variance application with the City of Calexico for the following purposes: 1) to allow for the proposed carport to exceed minimum side yard setback as the proposed carport will have a side yard setback of 3' on the southwestern portion compared to the applicable side yard setback minimum of 5' for R-1 Zoned properties 2) to allow for the proposed carport to exceed minimum front yard setback as the proposed carport will have a front yard setback of 4'1" on the southern portion compared to the applicable front yard setback minimum of 25'

WHEREAS, the granting of a variance is governed by the standards set forth in Government Code section 65906 and Calexico Municipal Code Chapter 17.01; and

WHEREAS, public notice of said application has been given;

NOW THEREFORE, the Planning Commission of the City of Calexico DOES HEREBY RESOLVE as follows:

SECTION 1. The Planning Commission has reviewed the associated Staff Report and supporting documents project prior to making a decision to approve the proposed Variance. The Planning Commission finds and determines that the project does qualify for a categorical exemption under requirements of the California Environmental Quality Act (CEQA) per 14 CCR § 15303 Class 3, New Construction or Conversion of Small Structures, Part E, Accessory Structures and directs the Planning Division to file a Notice of Exemption with the Imperial County Clerk Recorder within five (5) working days of the passing of this resolution.

SECTION 2. That in accordance with State Planning and Zoning law and the City of Calexico, the findings for approving the proposed Variance have been made as follows:

- 1. There are special circumstances applicable to the property, and because of this, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.**

The Planning Division has determined that the unique shape of the property precludes the applicant from placing the carport of a similar size.

- 2. There are special circumstances applicable to the property, (including but not limited to size, shape, topography, location or surroundings) or the intended use of the property, and because of this, the strict application of the zoning ordinance deprives the property of privileges by other properties in the vicinity under identical zoning.**

The Planning Division has determined that the unique shape of the property precludes the applicant from placing the carport of a similar size. The strict application of zoning code 17.03.120 - Property development standards—R zones may deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning.

- 3. That granting the variance or its modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the variance is sought.**

The granting of the Variance would allow the applicant to utilize the site in a reasonable manner consistent with the General Plan Land Use goals and policies. It would not result in a haphazard layout of land use, nor would it lend a haphazard quality or appearance to the surrounding area. Additionally, the conditions imposed on the proposed development would ensure the safety of the established community and not be conflicting to the essence of the requirement. The resulting setbacks would not compromise the intent of the ordinance.

- 4. That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvement in such vicinity and zone in which the property is located.**

The granting of the Variance would allow the applicant to utilize the site in a reasonable manner consistent with the General Plan Land Use goals and policies. It would not result in a haphazard layout of land use, nor would it lend a haphazard quality or appearance to the surrounding area. Additionally, the conditions imposed on the proposed development will ensure the safety of the established community and not be conflicting to the essence of the requirement. The resulting setbacks would not compromise the intent of the Calexico Municipal Code.

- 5. The granting of this variance does not constitute a special privilege inconsistent which the limitations upon other properties in the vicinity and zone in which such property is situated.**

Due to the unique shape of the parcel, strict application of the city's development standards in this case may place an undue hardship on the applicant to abide by set backs listed in section 17.03.120 - Property development standards—. Furthermore,

based on the lineal street frontage and street alignment, which create the unique physical characteristics, the requested deviations would not be contradictory to the intent of the ordinance. The resulting setbacks would not compromise the intent of the Calexico Municipal Code., and thereby the intent of the Code will still be satisfied

6. The granting of this variance does not allow a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.

The proposed project is zoned for single-family residential uses, and the proposed carport would allow for single-family uses in compliance with the applicable development standards established in the City's Zoning Code and Ordinance.

7. That granting of the variance or its modification will not be incompatible with the City General Plan.

The proposed project complies with the City's General Plan Land Use designations and implements its goals, objectives and strategies by ensuring the continued use of the parcel as a space for low-density residential uses consistent with Single-Family zoning.

8. That the granting of the variance will not detract from the attractiveness or orderliness of the city's appearance or the surrounding neighborhood.

The proposed carport will be architecturally designed to complement the existing neighborhood thereby ensuring a harmonious and integrated appearance.

9. That the granting of the variance will not create a hazard to public safety.

The proposed carport will be reviewed by the City's Building Division for compliance with the 2019 California Building Code. Additionally, before the issuance of City development permits, the proposed carport will be required to comply with all conditions set forth in a resolution and the Building and Safety Division, Engineering/Public Works Division, and Fire Department requirements. The referenced agencies through the permit and inspection process will ensure that the proposed carport will not be detrimental to the public health, safety or welfare nor will it be materially injurious to the properties or improvements in the vicinity. Therefore, granting of the variance will not be detrimental to the public health or injurious to the property or injurious or improvements to such zones and facilities.

SECTION 5. This Resolution shall become effective immediately upon its passage and adoption.

NOW, THEREFORE, based on the above findings, the Planning Commission of the City of Calexico DOES HEREBY approve the proposed Variance to 1) to allow for the proposed carport to exceed minimum side yard setback as the proposed carport will have a side yard setback of 3' on the southwestern portion compared to the applicable side yard setback minimum of 5' for R-1 Zoned properties 2) to allow for the proposed carport to exceed minimum front yard setback

as the proposed carport will have a front yard setback of 4' 1" on the southern portion compared to the applicable front yard setback minimum of 25'

PASSED, APPROVED AND ADOPTED this 28th day of June, 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

Bill Hodge, Chairperson of the Planning Commission

ATTEST:

Gabriela T. Garcia, City Clerk

**AGENDA
ITEM**

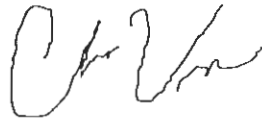
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PLANNING COMMISSION STAFF REPORT

DATE: June 28, 2021

TO: Planning Commissioners

APPROVED BY: Miguel Figueroa, City Manager 

PREPARED BY: Christopher Velasco, Contract Planner

SUBJECT: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALEXICO, CALIFORNIA, REVOKING AN APPROVED CONDITIONAL USE PERMIT NO. UA2019-28 FOR A COMMERCIAL CANNABIS DISTRIBUTION FACILITY AT 2421 ENTERPRISE BOULEVARD

Recommendation:

The Planning division recommends that the Planning Commission approve or deny the following:

A Resolution of the Planning Commission of the City Of Calexico, California, Revoking an Approved Conditional Use Permit No. UA2019-28 for a Commercial Cannabis Distribution Facility at 2421 Enterprise Boulevard

Background:

On October 28th, 2019, the Planning Commission approved resolution 2019-29, granting Trinity 341, LLC a Conditional Use Permit for a commercial cannabis distribution. During a meeting held on July 31, 2020, the compliance officer for the applicant indicated that some licenses would be abandoned. On February 9, 2021, the Bureau of Cannabis Control (BCC) notified the City of Calexico that distribution commercial cannabis distribution license expired effective 08/18/20. On May 26, 2021, the Planning Division did inform that applicant that it would seek to revoke Conditional Use Permits associated with distribution, cultivation and manufacturing. The Planning Division was only able to draft the resolution for the revocation of the distribution license for which it is known that the license issued by the State of California had expired.

At our meeting held on July 29, 2020 your team indicated that the Cultivation, Distribution and Manufacturing licenses would be abandoned.

**AGENDA
ITEM**

2

Let this letter serve to notify you that the Planning Division will formally request that the Planning Commission revoke your Conditional Use Permits related to Cultivation, Manufacturing and Distribution Licenses at the regularly scheduled Planning Commission meeting of June 28, 2021.

Discussion & Analysis:

The applicant, Trinity 341, LLC has failed to maintain valid state licensure for their approved commercial cannabis distribution facility. The applicant is in violation of section 5.96.220 of the Calexico Municipal Code and no. 10 and no. 29 of the Conditions of Approval for the CUP approved via CUP 2019-29. Should the Planning Commission approve this item the applicant's commercial cannabis distribution permit would be revoked and returned to the total no. of permits available for entitlement in the City of Calexico for this use.

5.96.220 - Compliance with state law.

All commercial cannabis activity shall comply fully with all of the applicable restrictions and mandates set forth in state law, including without limitation the Compassionate Use Act of 1996, the Medical Marijuana Program Act, the 2008 Attorney General Guidelines, and the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA").

Conditions of Approval for Resolution 2019-29

10. The applicant shall comply with all applicable provisions of Chapter 5.96 Commercial Cannabis Activity Regulatory Permit.

29. The applicant shall be responsible for procuring any necessary permits or approvals from regulatory and/or resource agencies

The applicant has failed to comply with state law by not maintaining a valid state license, in doing so, the applicant has failed to comply with section 5.96.220 of the Calexico Municipal Code as well as sections no. 10 and no. 29 of the Conditions of Approval for Resolution 2019-29.

Fiscal Impact:

No impact on the General Fund.

Coordinated With:

Planning Division

Attachment(s):

1. Resolution 2019-29
2. Resolution 2021-_____

RESOLUTION NO. 2019-29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALEXICO, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (UA 2019-28) FOR A CANNABIS DISTRIBUTION FACILITY, LOCATED AT 2421 ENTERPRISE BOULEVARD , CALEXICO, CA 92231.

WHEREAS, the Planning Commission of the City of Calexico ("Planning Commission") did on the 28th day of October, 2019 hold a duly noticed public hearing to consider the request by the applicant, Trinity 341, LLC, for approval of the above-noted conditional use permit ("CUP"), and

WHEREAS, the City Council of the City of Calexico ("City Council") adopted Ordinance No. 1191 allowing commercial cannabis businesses, including cannabis manufacturing and distribution; and

WHEREAS, Trinity 341, LLC has submitted one CUP and one commercial cannabis activity regulatory permit ("Regulatory Permit") application for a cannabis Distribution ("Project"); and

WHEREAS, the proposed cannabis Distribution business is located at 2421 Enterprise Boulevard , Calexico, California 92231 ("Property"); and

WHEREAS, the Property is currently designated as Industrial in the City's General Plan and as Commercial Highway (CH) and Industrial (I) within in Cannabis Overlay Zone as described in the City Zoning Code; and

WHEREAS, the applicant has provided all required information, including a business plan, security plan, neighborhood and community outreach plans, and background information, in accordance with the City's commercial cannabis business requirements; and

WHEREAS, nuisance issues, including, but not limited to, odor and security, are mitigated in accordance with the City's cannabis regulations and the Project is conditioned to respond to any issues immediately or be subject to revocation of the CUP and/or Regulatory Permit; and

WHEREAS, the Project complies with the goals and polices contained in the City's General Plan that promote a diverse, growing, and resilient local economy; and

WHEREAS, pursuant to California Public Resources Code section 21067, California Code of Regulations ("State California Environmental Quality Act ("CEQA") Guidelines"), and the City of Calexico's CEQA Guidelines, the City is the lead agency for the Project; and

**PLANNING COMMISSION RESOLUTION FOR CONDITIONAL USE PERMIT NO.
2019-29 UA 2019-28, TRINITY 341, LLC** **Page 2 of 11**

WHEREAS, as the lead agency, the City has reviewed the proposed Project and determined that, a full Environmental Impact Report and the associated Mitigation Strategies have been completed and adopted by the City; and

WHEREAS, the City agreed to consider a CUP for the Project to secure the Property Owner's rights to develop the Property in accordance with the Project entitlements; and

WHEREAS, the CUP will facilitate development of the Property in a manner which the Parties intend to be consistent with and beneficial to other approved adjacent land uses, thereby generating benefits to the City and its residents. Consequently, granting a CUP is acknowledged to be the mutual benefit of the Parties; and

WHEREAS, to strengthen the public planning process encourage private participation in comprehensive planning and reduce the economic risk of development, pursuant to Article V – Conditional Use Permit regulations of the Calexico Municipal Code and Zoning Ordinance, which authorize the City to enter into a CUP with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain rights and obligations related to such development; and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the proposed cannabis Distribution business; and

WHEREAS, all of the findings and conclusions made by the City pursuant to this Resolution are based upon the oral and written evidence before it as a whole; and

WHEREAS, at the public hearing considering the CUP, upon hearing and considering all testimony and arguments, if any, of all interested persons desiring to be heard, the Planning Commission did make the findings below to justify the approval of said request; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, the Planning Commission of the City of Calexico DOES HEREBY RESOLVE as follows:

SECTION 1. Recitals. The Planning Commission of the City of Calexico hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution.

SECTION 2. Compliance with CEQA. As the approving authority for the Project, the Planning Commission has reviewed and considered the information contained in the applications and administrative record on file with the City and available for review at 608 Heber Avenue, Calexico, California 92231. The Planning Commission finds that the applicant is in full compliance with CEQA as a full EIR and Mitigation strategies have been adopted by the City Council of the City of Calexico.

SECTION 3. Findings for Conditional Use Permit. In approving this Project, the Planning Commission makes the following findings in accordance with Calexico Municipal Code Section 17.01.540:

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 purpose of the IR Industrial Rail Served Zone, CH Commercial Highway Zone, and I Industrial Zone, which underlie the Cannabis Overlay Zone, is to allow the development of traditional business parks that allow for manufacturing, distribution, research, and distribution and commercial centers along Highway 86. The proposal to establish a cannabis Distribution facility at this location complies with the City's goals and the objectives of the zoning designation, and the City's Cannabis Zoning Ordinance and Commercial Cannabis Regulatory Permit Ordinance by providing a detailed business plan, security plan, odor control plan, neighborhood and community outreach plans, and background check information. The conditional allowance of this use at this site complies with the objectives and purpose of the IR, CH, and I zoning districts.

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

1. Harmony in scale, bulk, coverage, and density,

The proposed conditional use is a part of the land use plan and has been located and designed to be compatible with scale, bulk, coverage and density of the proposed adjacent uses. The uses will be subject to the development standards of the same zone as the proposed conditional use.

2. The availability of public facilities, services and utilities,

The proposed conditional use is a part of the land use plan that will provide public facilities, services and utilities needed for this conditional use.

3. The harmful effect, if any, upon desirable neighborhood character,

The proposed conditional use is a part of the land use plan and has been designed and located to be compatible with the existing and proposed neighborhood character. All future buildings and uses will be subject to the development standards of the same zone as the proposed conditional use.

4. The generation of traffic and the capacity and physical character of surrounding streets,

The proposed conditional use is a part of the land use plan that will provide adequate streets and access for this conditional use.

5. The suitability of the site for the type and intensity of use or development which is proposed,

The project site is level and physically unconstrained by vegetation or topographic features.

6. The harmful effect, if any, upon environmental quality and natural resources, and to

The proposed conditional use will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment.

7. Any other relevant impact of the proposed use; and

Any other relevant impact of the proposed conditional use has been considered as a part of the larger project.

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

Voters of the State of California did in November 2016, vote and approve Proposition 64 – the Control, Regulate and Tax Adult Use of Marijuana Act, to allow the adult use of cannabis subject to local ordinances. The City of Calexico, in response to the voter-approved law, established a committee to evaluate cannabis business potential in the City and found that cannabis businesses are compatible with other general industrial and commercial uses subject to conditions to mitigate nuisances, such as odor and security. As designed, and as conditioned, the establishment of a cannabis Distribution facility at this location will not be detrimental to the public health, safety, or welfare, as the use is designed to include on-site security personnel, video surveillance, UV filtration, negative air pressure, and charcoal air filters, to mitigate security and odor nuisance concerns.

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

The proposed use complies with the development and use standards of the IR, CH, and I zoning districts and the requirements listed in the City's comprehensive cannabis regulation. No adjustments of variances are proposed for this use.

SECTION 4. Approval. The Planning Commission hereby approves the CUP and regulatory permit applications for the Project.

SECTION 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are location at Calexico City Hall at 608 Heber Avenue, Calexico, California 92231.


PASSED, APPROVED, and ADOPTED by the Planning Commission of the City of Calexico, California, at its regular meeting held on the 28th day of October, 2019, by the following vote to wit:

AYES: SALAZAR, MAYNE, ZARATE, COTA, ZAMARRIPA

NOES:

ABSENT:

ABSTAIN:


Mary Salazar, Chairwoman

ATTEST:


Monica Silva, Deputy Clerk

CONDITIONS OF APPROVAL

DEVELOPMENT SERVICES DEPARTMENT

Planning Division

1. The Project shall include the development of a cannabis Distribution facility located at the 2421 Enterprise Boulevard, Calexico, California 92231.
2. The Project's development shall conform substantially with exhibits on file with the City's Development Services Department, as modified by the conditions, below.
3. The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees and costs incurred by the City and any claim for private attorney general fees and costs claimed by or awarded to any party, against the City or its agents, officers, or employees, relating to the approval of the Trinity 341, LLC Project including, but not limited to, any action to attack, set aside, void, challenge, or annul the development approvals (including the Conditional Use Permit and plan review) and any related environmental document or decision (collectively "Development Approvals"). The City will promptly notify applicant of any claim, action or proceeding concerning the Conditional Use Permit. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs incurred by the City. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation-related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform a settlement unless such settlement is approved by Applicant. Within ten (10) days of the filing of any action against the City covered by this Condition 3, the Applicant shall submit a One Hundred Thousand Dollar (\$100,000) cash deposit or irrevocable letter of credit in favor of the City in a form acceptable to the City, to pay the City's fees and costs in connection with the potential defense of any such action, and the satisfaction of any judgment obtained therein, and shall thereafter replenish the funds in increments of Twenty Thousand Dollars (\$20,000) when requested by the City. Failure to provide funds sufficient to satisfy this indemnification obligation shall constitute grounds for the City to take action to nullify the Conditional Use Permit Approvals associated with the Trinity 341, LLC Project. In the event that excess defense funds are in the possession of the City after any action is concluded, the City shall refund the excess funds to Applicant. In the event any action covered by this Condition 3 is filed after expiration of the applicable statute of limitations period and the City's refund or release of the letter of credit provided above, Applicant shall submit a Twenty Thousand Dollar (\$20,000) cash deposit, to pay the City's fees and costs in connection with defense of such action, within ten (10) days of the service of any petition or complaint on the City in such action and

shall thereafter replenish the funds in increments of Ten Thousand Dollars (\$10,000) within ten (10) days of the City's request for such replenishment. The City shall refund any remaining funds to Applicant within ten (10) days after such action is concluded.

4. In accepting this Conditional Use Permit and operating a business pursuant thereto, the applicant acknowledges that the regulation of the sale of cannabis remains in flux due to the relative novelty of these uses and conflicts with federal law. Applicant agrees that the applicant remains at risk and subject to all changes in federal, state, and Calexico regulations, including the possibility of the discontinuance of such uses or the imposition of additional requirements that render continuing operations infeasible, and does not gain a vested right to continue to operate in any particular manner, in any particular place, or at all.
5. The cannabis Distribution use is limited to this location and the use described herein shall be subject to the restrictions and limitations set forth herein which are in addition to the approved use standards listed in the Calexico Municipal Code, and state statutes now in force, or which hereafter may be in force.
6. Continued use of the Property for cannabis purposes is subject to the Applicant maintaining a valid license from the State Bureau of Cannabis Control and providing a copy of same to the City upon issuance and renewal and a valid regulatory permit from the City as provided in Calexico Municipal Code Chapter 5.96.
7. The premises shall be equipped with an odor absorbing ventilation and exhaust system so that odors generated inside the cannabis business are not detected outside of the business, anywhere on adjacent properties, public right-of-way, or in any exterior or interior common areas or tenant spaces. As such, the applicant shall install odor mitigation equipment in accordance with the plans on file as part of this application, and to the satisfaction of the Building Official. Should odor issues arise, the Development Services Department may require additional odor control measures to be employed. At a minimum the Applicant shall install the following:
 - a. Air filtration system with odor control that prevents internal odors from being emitted externally.
 - b. Air systems that create negative air pressure between the cannabis business and the exterior.
8. Security features shall be installed within the Project in accordance with the plans on file as part of this application. All security features shall be installed and maintained as specified in the City's Commercial Cannabis Activity Regulatory Permit Chapter 5.96.
9. The Applicant is required to have on-site security personnel during business hours. Security personnel shall be licensed with the State Bureau of Security and Investigative Services.
10. The Applicant shall comply with all applicable provisions of Chapter 5.96 *Commercial Cannabis Activity Regulatory Permit*.

11. From the public right-of-way, no exterior evidence, other than a building sign to identify the operations, of cannabis products is permitted.
12. All mechanical equipment, either roof or ground mounted, shall be screened from public view. All such equipment shall be fully screened by the roof structure, parapet wall, ground mounted walls, berming and/or landscape.
13. Any window and door security devices such as metal bars, gates, and shutters, shall be installed within the interior of the building and screened from public view.
14. The Applicant shall comply with and pay all applicable fees associated with the attached Conditional Use Permit.
15. Cannabis Distribution is not subject to additional business tax in accordance with the rate set by the Calexico City Council.
16. Prior to issuance of any building permits, the Applicant shall sign and complete an "Acknowledgement of Conditions" form and shall return the executed original to the Planning Division for inclusion in the case records.
17. The Project shall be approved for only the uses described and agreed upon within the Conditional Use Permit.
18. The Project shall be developed in accordance with the development standards, design guidelines and land uses, as provided for under the adopted Calexico Municipal Code.
19. Operation of the cannabis business outside of these approvals and conditions shall constitute a violation of the Calexico Municipal Code and shall be enforced pursuant to the provisions in the Calexico Municipal Code. On-going violations, which are not remedied within a timeframe established by the Community Development Director, may result in revocation of the CUP and Commercial Cannabis Regulatory Permit.

Building Division

20. The Project shall comply with the latest adopted edition of the following codes:
 - a. 2016 California Building Code and its appendices and standards.
 - b. 2016 California Plumbing Code and its appendices and standards.
 - c. 2016 California Mechanical Code and its appendices and standards.
 - d. 2016 California Electrical Code.
 - e. 2016 California Energy Code.
 - f. 2016 California Green Building Standards Code.
 - g. 2016 California Administrative Code.
 - h. 2016 California Fire Code and its appendices and standards.

21. All site improvements approved with this request shall be constructed as indicated on the approved site plan. Revisions to approved site plans shall be subject to the review of the Development Services Department. All plans submitted for Building Division Plan Check shall conform to the submitted plans as modified by Conditions of Approval, or the Planning Commission through subsequent action.
22. Prior to the commencement of grading operations, the Applicant shall provide a map of all proposed haul routes to be used for movement of dirt material. Such routes shall be subject to the review and approval of the City Engineer. A bond may be required to pay for damages to the public right-of-way, subject to the approval of the City Engineer.
23. Applicant shall comply with the requirements of the Imperial Irrigation District ("IID") for any work proposed within the IID's jurisdiction. Proof of compliance shall be submitted to the Development Services Department prior to issuance of building permits and final approval.
24. Prior to issuance of building permits, Applicant shall provide assurance that all requirements of the City of Calexico Fire, Police, Community Services/Recreation, Utility Services and Administrations Services Departments have been met.

Engineering Division

General

25. The Applicant shall dedicate all required rights-of-way and easements for the Project.
26. Utilities shall be provided in accordance with the City's Master Water/Sewer Plan.

Street Improvements and Traffic Circulation

27. The Applicant shall be responsible for any costs associated with right-of-way acquisition, if necessary. In the event the acquisition of right-of-way is needed, Applicant shall enter into an agreement with the City prior to the approval of the certificate of occupancy to pay for the costs of acquiring off-site real property interests and to complete the improvements required herein at such time as the City acquires an interest in the real property that will permit the improvements to be made by the Applicant.
28. The Applicant shall retain a qualified California registered civil engineer for design services in accordance with the City Standards.

Other Pertinent Conditions

**PLANNING COMMISSION RESOLUTION FOR CONDITIONAL USE PERMIT NO.
2019-29 UA 2019-28, TRINITY 341, LLC**

Page 10 of 11

29. The Applicant shall be responsible for procuring any necessary permits or approvals from regulatory and/or resource agencies.
30. The Conditional Use Permit and Regulatory Agreement shall be deemed void if the developer fails to submit construction plans for review and approval or commence construction within six (6) months of the execution of this Resolution.

**PLANNING COMMISSION RESOLUTION FOR CONDITIONAL USE PERMIT NO.
2019-29 UA 2019-28, TRINITY 341, LLC**

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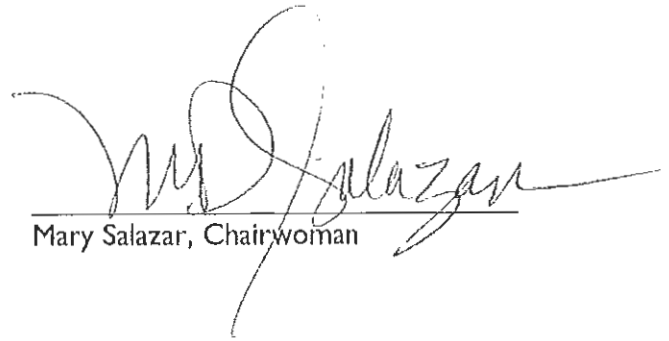
PASSED, APPROVED, and ADOPTED by the Planning Commission of the City of Calexico, California, at its regular meeting held on the 28th day of October, 2019, by the following vote to wit:

AYES: SALAZAR, MAYNE, ZARATE, COTA, ZAMARRIPA

NOES:

ABSENT:

ABSTAIN:



Mary Salazar, Chairwoman

ATTEST:



Monica Silva, Deputy Clerk

RESOLUTION NO. 2021-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALEXICO, CALIFORNIA, REVOKING AN APPROVED CONDITIONAL USE PERMIT NO. UA2019-28 FOR A COMMERCIAL CANNABIS DISTRIBUTION FACILITY AT 2421 ENTERPRISE BOULEVARD

WHEREAS, on October 28, 2019 , the Planning Commission approved Resolution No. 2019-29 approving Conditional Use Permit No. UA 2019-28 in accordance with the provisions of Chapter 17.11 and Chapter 5.96 of the Calexico Municipal Code; and

WHEREAS, the City Council of the City of Calexico ("City Council") adopted Ordinance No. 1191 allowing commercial cannabis businesses, including commercial cannabis distribution facilities; and

WHEREAS, approved Conditional Use Permit No. UA 2019-28 permitted the applicant to operate a distribution facility in conjunction with a Commercial Cannabis Activity Regulatory Permit issued by the City Manager of the City of Calexico on March 25, 2019; and

WHEREAS, Section 17.01.520 of the Calexico Municipal Code sets fourth both the requirement and the manner in which a public hearing must be conducted for a conditional use permit; and

WHEREAS, Section 17.11.1040 of the Calexico Municipal Code establishes the requirement that an applicant obtain either a conditional use permit or development agreement to operate a commercial cannabis facility within the City of Calexico; and

WHEREAS, Section 17.01.565 of the Calexico Municipal Code allows the Planning Commission to set a public hearing to consider a revocation of a conditional use permit; and

WHEREAS, notice of intention to hold a public hearing to consider the revocation of Conditional Use Permit No. UA 2019-28 was given as required in Chapter 17.01.565 and Section 17.01.230 of the Calexico Municipal Code; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended revocation of Conditional Use Permit No. UA 2019-28 based upon the available evidence; and

WHEREAS, public notice was provided as required by law and a public hearing was held on June 28, 2021; and

WHEREAS, this Commission hereby adopts the following findings in support of the revocation of Conditional Use Permit No. UA 2019-28, based upon the referenced in the prepared staff report attached hereto and incorporated herein as part of Resolution No 2019-29.

PLANNING COMMISSION RESOLUTION FOR TRINTY 341, LLC REVOCATION OF
Conditional Use Permit No. UA 2019-28

- I. The applicant violated sections 10 and 29 of the Conditions of Approval for the applicant's Conditional Use Permit No. UA 2019-28 approved on October 28, 2019 under Planning Commission Resolution No. 2019-29.
- II. The Planning Division did receive notice from the Bureau of Cannabis Control that the applicant's licensure has expired on February 9, 2021.
- III. The Planning Division did send a notice to the applicant on May 25, 2021 informing the applicant that action would be taken to revoke Conditional Use Permit No. UA 2019-28 for violations of the Conditions of Approval and section 5.96.220 of the Calexico Municipal Code
- IV. The Planning Division is recommending that the Planning Commission formally revoke Conditional Use Permit No. UA 2019-28.

NOW, THEREFORE, BE IT RESOLVED:

This Commission based on the evidence presented and the findings contained herein, hereby revokes Conditional Use Permit No. UA 2019-28, effective upon the approval of this resolution and attesting of such a vote by the Chairperson of the Planning Commission of the City of Calexico and the Deputy Clerk of the City of Calexico pursuant to section 17.01.565 of the Calexico Municipal Code.

PASSED, APPROVED, and ADOPTED by the Planning Commission of the City of Calexico, California, at its regular meeting held on the 28th day of June, 2021, by the following vote to wit:

AYES:

NOES:

ABSENT:

Bill Hodge, Chairperson

ATTEST:

Gabriela T. Garcia, City Clerk