

# PROJECT REPORT

**TO: PLANNING COMMISSION**  
**FROM: PLANNING & DEVELOPMENT SERVICES**

**AGENDA DATE: June 11, 2025**  
**AGENDA TIME: 9:00 AM / No. 2**

PROJECT TYPE: Holtville Peaker, LLC / Apex Energy Solutions, LLC  
Amendment to Conditional Use Permit #22-0029 SUPERVISOR DIST # 5

LOCATION: 2275 Melon Road APN: 045-570-087-000

Holtville, CA PARCEL SIZE: 17.23-AC

GENERAL PLAN (existing) Urban Area GENERAL PLAN (proposed) N/A

ZONE (existing) M-1-U (Light Industrial, Urban Area Overlay) ZONE (proposed) N/A

GENERAL PLAN FINDINGS ☒ CONSISTENT ☐ INCONSISTENT ☐ MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 06-11-2025

☐ APPROVED ☐ DENIED ☐ OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: N/A

☐ APPROVED ☐ DENIED ☐ OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE:

INITIAL STUDY: N/A

☐ NEGATIVE DECLARATION ☐ MITIGATED NEG. DECLARATION ☐ EIR

## DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
AG	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
APCD	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
E.H.S.	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE / OES	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
SHERIFF	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
OTHER				

## REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING, THAT YOU HEAR ALL OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT, STAFF WOULD THEN RECOMMEND THAT YOU APPROVE AN AMENDMENT TO CONDITIONAL USE PERMIT #22-0029 BY TAKING THE FOLLOWING ACTION:

1. FIND THAT THE PROJECT IS EXEMPT FROM CEQA UNDER GOVERNMENT CODE, SECTIONS 15061(B)(3) AND 21082.2(A) AND THAT NO FURTHER ENVIRONMENTAL DOCUMENTATION IS NECESSARY; AND,
2. ADOPT THE ATTACHED RESOLUTIONS AND SUPPORTING FINDINGS FOR THE PROPOSED AMENDMENT ON PREVIOUSLY APPROVED CONDITIONAL USE PERMIT #22-0029; AND,
3. CONSIDER THE APPROVAL OF THE PROPOSED AMENDMENT FOR PREVIOUSLY APPROVED CONDITIONAL USE PERMIT #22-0029.

### Planning & Development Services

801 MAIN ST., EL CENTRO, CA, 92243 760-482-4236

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**STAFF REPORT**  
**Planning Commission Meeting**  
**June 11, 2025**  
**Conditional Use Permit (CUP) #22-0029**

**Applicant:** Holtville Peaker, LLC / Apex Energy Solutions, LLC  
c/o Jurg Heuberger  
604 Sutter Street, Suite 250  
Folsom, CA 95630

**Project Location:**

The previously approved project is situated at 2275 Melon Road, Holtville, CA 92250. The site is legally identified as Assessor's Parcel Number (APN) 045-570-087-000 and is further described as Parcel 1 per Lot Line Adjustment No. 234, located in Township 15 South, Range 15 East of the San Bernardino Base and Meridian (S.B.B.M.), as recorded in the Office of the County Recorder, County of Imperial (see Attachment "A" – Site Vicinity Map).

The project site is currently vacant and has been previously disturbed and developed for industrial-agricultural purposes. It lies immediately west of the City of Holtville boundary, within the City's designated Sphere of Influence, and is located approximately 8 miles north of Interstate 8 (I-8).

**Project Summary:**

The applicant, Holtville Peaker, LLC, proposes an amendment to General Condition G-10, "Time Limit," as stipulated on previously approved Conditional Use Permit (CUP) #22-0029, to extend the project's term from 15 years to 30 years due to project's viability, life cycle, and financing matters. Previously approved CUP #22-0029 authorized the construction and operation of a 100-megawatt (MW) Battery Energy Storage System (BESS) facility, designed to interconnect with the Imperial Irrigation District's existing 92-kilovolt (kV) 'E' Line, located immediately east of the project site along Melon Road.

Should the request be approved, Conditional Use Permit (CUP) #22-0029 would remain subject to all original conditions of approval as outlined in the recorded Document #2024002111, dated February 13, 2024.

**Project's Background:**

- CUP #22-0029 was approved by the Imperial County Planning Commission on January 10, 2024, for a (15) fifteen-year term.
- CUP #22-0029 was recorded on February 13, 2024, under Document #2024002111.
- On March 22, 2024, a Minor Amendment (Amendment #1) to CUP #22-0029 was approved by the Planning Director to update the project's ownership, from Apex Energy Solutions, LLC to Holtville Peaker, LLC, a California limited liability company. Such amendment was recorded on May 21, 2024, under Document #2024007901.

- On April 17, 2025, ICPDS received a request from Holtville Peaker, LLC, proposing a second amendment (Amendment #2) to previously approved Conditional Use Permit (CUP) #22-0029, to extend the project's term (Condition G-10 - Time Limit), from 15 years to 30 years.

### **Land Use Analysis:**

Per Imperial County's General Plan, the land use designation for this project is "Urban Area" and is zoned as M-1-U (Light Industrial within Urban Boundaries) per Zoning Map #4 of the Imperial County Title 9 Land Use Ordinance. Per County's Land Use Ordinance (Title 9), Division 5, Section 90515.02, Subsection (i), battery storage facilities are allowed in an M-1-U (Light Industrial within Urban Boundaries) zone with an approved Conditional Use Permit (CUP). The proposed project is consistent with the County's General Plan and County's Land Use Ordinances (Title 9).

### **Surrounding Land Use Ordinance:**

<b>DIRECTION</b>	<b>CURRENT LAND USE</b>	<b>ZONING</b>	<b>GENERAL PLAN</b>
<b>Project Site</b>	Vacant Industrial Land	<b>M-1-U</b> (Light Industrial within Urban Boundaries)	Urban Area
<b>North</b>	Agricultural/Residential	<b>A-1-U</b> (Light Agricultural within Urban Boundaries) / <b>R-1-U</b> (Low Density Residential within Urban Boundaries)	Urban Area
<b>West</b>	Residential	<b>A-1-U</b> (Light Agricultural within Urban Boundaries)	Urban Area
<b>East</b>	Residential/City of Holtville	<b>City of Holtville</b>	Urban Area
<b>South</b>	Industrial	<b>M-1-U</b> (Light Industrial within Urban Boundaries)	Urban Area

### **Environmental Review:**

On November 16, 2023, the Environmental Evaluation Committee (EEC) determined that Conditional Use Permit (CUP #22-0029) for the for the construction and operation of a 100-Megawatt (MW) Battery Energy Storage System (BESS) facility in the M-1-U (Light Industrial within Urban Boundaries) zone would not have a significant effect on the environment and recommended a Mitigated Negative Declaration (MND) to be prepared. The project was publicly posted and circulated from November 21, 2023, through December 26, 2023, all comments were received, reviewed and made part of this project. Subsequently, on January 10, 2024, the Planning Commission adopted the MND for CUP #24-0029, and nothing further is required.

### **Staff Recommendation:**

It is recommended that you conduct a public hearing, that you hear all opponents and proponents of the proposed project, staff would then recommend that you approve an amendment to Conditional Use Permit #22-0029 by taking the following action:

1. Find that the project is exempt from CEQA under Government Code, Sections 15061(b)(3) and 21082.2(a) and that no further environmental documentation is necessary; and,
2. Adopt the attached Resolutions and Supporting Findings for the proposed amendment on previously approved Conditional Use Permit #22-0029; and,
3. Consider the approval of the proposed amendment for previously approved Conditional Use Permit #22-0029.

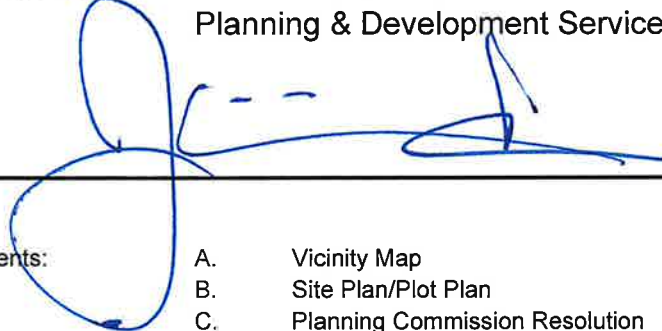
**Prepared By:** Gerardo A. Quero, County Planner  
Planning & Development Services



**Reviewed By:** Michael Abraham, AICP, Assistant Director  
Planning & Development Services



**Approved By:** Jim Minnick, Director  
Planning & Development Services



**Attachments:**

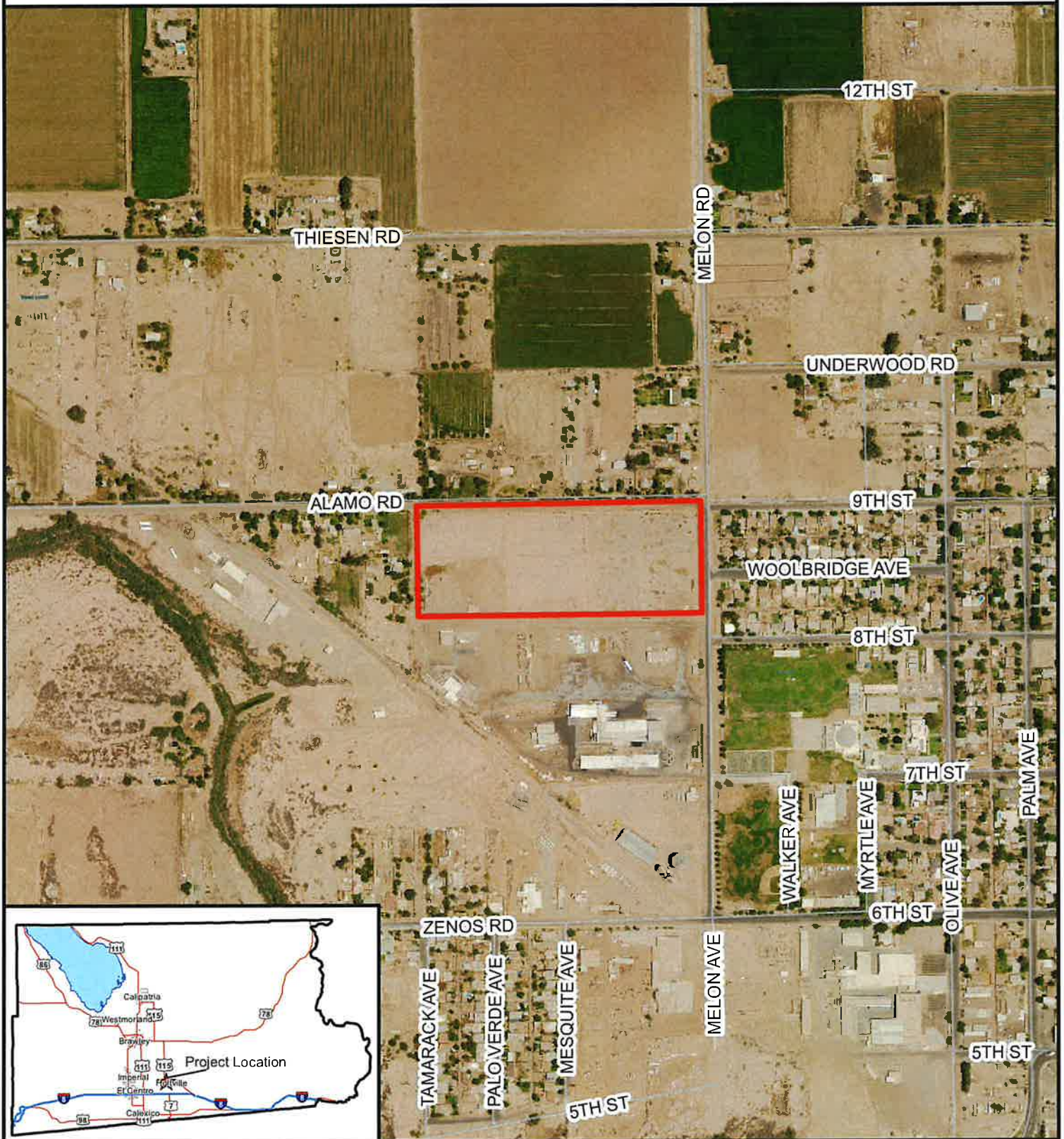
- A. Vicinity Map
- B. Site Plan/Plot Plan
- C. Planning Commission Resolution
- D. Amendment for Conditional Use Permit #22-0029
- E. Request Documentation for Amendment on CUP #22-0029

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**ATTACHMENT “A”**  
**VICINITY MAP**



# PROJECT LOCATION MAP



**HOLTVILLE PEAKER BESS FACILITY  
CONDITIONAL USE PERMIT #22-0029  
APN #045-570-087-000**

 Project Parcel  
 Centerline



**ATTACHMENT “B”**  
**SITE PLAN/PLOT PLAN**







**ATTACHMENT “C”**  
**PLANNING COMMISSION**  
**RESOLUTION**

## **RESOLUTION NO.**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, RECOMMENDING APPROVAL FOR “AMENDMENT #2 TO CONDITIONAL USE PERMIT # 22-0029” FOR THE HOLTVILLE PEAKER BATTERY ENERGY STORAGE SYSTEM (BESS) PROJECT.**

**WHEREAS**, Holtville Peaker, LLC/ Apex Energy Solutions, LLC has submitted a request for a second amendment (Amendment #2) to modify General Condition G-10, “Time Limit,” as stipulated on previously approved Conditional Use Permit (CUP) #22-0029, to extend the project’s term from 15 years to 30 years; and,

**WHEREAS**, a Mitigated Negative Declaration and Findings have been prepared in accordance with the requirements of the California Environmental Quality Act, the State Guidelines, and the County’s “Rules and Regulations to Implement CEQA, as Amended”; and,

**WHEREAS**, the Planning Commission of the County of Imperial has been delegated with the responsibility of CEQA determinations, and adoptions and certifications of CEQA documents; and,

**WHEREAS**, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on June 11, 2025; and,

**NOW, THEREFORE**, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

**SECTION 1.** The Planning Commission has considered the proposed Amendment to Conditional Use Permit #22-0029 prior to approval. The Planning Commission finds and determines that the Amendment to Conditional Use Permit is adequate and prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance and the California Environmental Quality Act (CEQA) which analyses environmental effects, based upon the following findings and determinations.

**SECTION 2.** That in accordance with State Planning and Zoning law and the County of Imperial regulations, the following findings for approving the Amendment to Conditional Use Permit #22-0029 have been made as follows:

#### **A. The proposed use is consistent with goals and policies of the adopted County General Plan.**

Per Imperial County’s General Plan, the land use designation for the previously approved project site is “Urban Area” and is zoned as Light Industrial within Urban Boundaries (M-1-U) per Zoning Map # 4 of the Imperial County Title 9 Land Use Ordinance. Pursuant to Title 9, Division 5, Section 90515.02, Subsection (i), battery storage facilities are allowed in the M-1-U (Light Industrial within Urban Boundaries) zone with an approved Conditional Use Permit (CUP). The proposed Amendment would exclusively modify General Condition G-10, “Time Limit,” as stipulated on previously approved Conditional Use Permit (CUP) #22-0029, to extend the project’s term from 15 years to 30 years.

- B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be used.**

The proposed Amendment would exclusively modify General Condition G-10, "Time Limit," as stipulated on previously approved Conditional Use Permit (CUP) #22-0029, to extend the project's term from 15 years to 30 years. The purpose of the previously approved project is for the construction and operation of a 100-Megawatt (MW) Battery Energy Storage System (BESS) facility. The project is zoned as M-1-U (Light Industrial within Urban Boundaries). Pursuant to Title 9, Division 5, Section 90515.02, Subsection (l); battery storage facilities are a permitted use with the approval of a Conditional Use Permit and, therefore, the continued use is consistent with the purpose of the M-1-U zoning district.

- C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed or similar conditional use according to the procedures of Section 90203.00.**

The proposed Amendment would exclusively modify General Condition G-10, "Time Limit," as stipulated on previously approved Conditional Use Permit (CUP) #22-0029, to extend the project's term from 15 years to 30 years. The previously approved project is for the construction and operation of a 100-Megawatt (MW) Battery Energy Storage System (BESS) facility is listed as a use subject to a Conditional Use Permit in Imperial County Land Use Ordinance, Section 90515.02.

- D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulation of the County of Imperial and the State of California.**

The previously approved Project complies with the minimum requirements of Title 9 by obtaining a CUP pursuant to Title 9, Division 5, and Section 90515.02, Subsection (i). The Conditions of Approval will further ensure that the project complies with all applicable regulations of the County of Imperial and the State of California. The proposed Amendment would exclusively modify General Condition G-10, "Time Limit," as stipulated on previously approved Conditional Use Permit (CUP) #22-0029, to extend the project's term from 15 years to 30 years.

- E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.**

The previously approved project is designated "Urban Area" by the Imperial County General Plan and its site is surrounded by other parcels zoned as A-1-U (Light Agricultural within Urban Boundaries) & R-1-U (Low Density Residential within Urban Boundaries) on the North; M-1-U (Light Industrial within Urban Boundaries) on the South; the City of Holtville on the East, and A-1-U (Light Agricultural within Urban Boundaries) zoned parcels on the West. The proposed battery storage facility will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity. The proposed Amendment would exclusively modify General Condition G-10, "Time Limit," as stipulated on previously approved Conditional Use Permit (CUP) #22-0029, to extend the project's term from 15 years to 30 years.

- F. The proposed use does not violate any other law or ordinance.**

The previously approved project is subject to the Conditional Use Permit conditions of approval; and current Federal, State, and Local regulations. The proposed use does not violate any law or ordinance. Additionally, the proposed Amendment would exclusively modify General Condition G-10, "Time Limit," as stipulated on previously approved Conditional Use Permit (CUP) #22-0029, to extend the project's term from 15 years to 30 years.

**G. The proposed use is not granting a special privilege.**

The proposed Amendment would exclusively modify General Condition G-10, "Time Limit," as stipulated on previously approved Conditional Use Permit (CUP) #22-0029, to extend the project's term from 15 years to 30 years. Additionally, the previously approved project is a permitted use subject to approval of Conditional Use Permit #22-0029 under the Land Use Ordinance, Section 90515.02, Subsection (i), and will not grant a special privilege.

**NOW, THEREFORE**, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Amendment #2 to Conditional Use Permit #22-0029 subject to previously approved Conditions of Approval.

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**Rudy Schaffner, Chairperson**  
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on **June 11, 2025** by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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**Jim Minnick Director of Planning & Development Services**  
Secretary to the Planning Commission



**ATTACHMENT “D”**  
**AMENDMENT FOR**  
**CONDITIONAL USE PERMIT**  
**#22-0029**

1 When Recorded Return To:

2 Imperial County  
3 Planning & Development Services  
4 801 Main Street  
5 El Centro, California 92243

6 **AMENDMENT #2 TO**  
7 **CONDITIONAL USE PERMIT #22-0029**  
8 **HOLTVILLE PEAKER ENERGY STORAGE SYSTEM (BESS) PROJECT**  
9 **APN 045-570-087-000**  
10 **JUNE 2025**

11 **WHEREAS;** Amendment #2 is being made to modify General Condition G-10,  
12 "Time Limit," as stipulated on previously approved Conditional Use Permit (CUP) #22-  
13 0029, extending the project's term from 15 years to 30 years.

14 **WHEREAS;** CUP #22-0029 is fully described and conditioned under originally  
15 recorded Document #2024002111 dated February 13, 2024.

16 **WHEREAS;** CUP #22-0029 entails the proposed 100-megawatt (MW) Battery  
17 Energy Storage System (BESS) facility, on-site switching station, transmission line, 92-kV  
18 gen-tie interconnection to the existing Holtville substation, a paved access road, a water  
19 tank for fire suppression operations, and associated facilities fenced in the south-central  
20 portion of a privately-owned parcel within Imperial County.

21 **NOW THEREFORE,** County hereby issues the Amendment #2 to Conditional Use  
22 Permit #22-0029, and Permittee hereby accepts such permit upon the terms and  
23 conditions set forth herein.  
24  
25  
26  
27  
28

1           **IN WITNESS THEREOF**, the parties hereto have executed this Agreement the day  
2 and year first written.

3           **PERMITTEE:**

4           Holtville Peaker, LLC  
5           604 Sutter Street, Suite 250  
6           Folsom, CA 95630

7  
8           \_\_\_\_\_  
9           Ziad Alaywan, President

\_\_\_\_\_  
Date

10  
11           **COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA**

12  
13           \_\_\_\_\_  
14           James A. Minnick,  
15           Director, Planning & Development Services  
16           Department

\_\_\_\_\_  
Date

1 **PERMITTEE NOTARIZATION**

2 A notary public or other officer completing this certificate verifies only the identity of the individual who  
3 signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that  
4 document.

5 STATE OF CALIFORNIA

6 COUNTY OF \_\_\_\_\_ } S.S.

7  
8 On \_\_\_\_\_ before me, \_\_\_\_\_ a Notary  
9 Public in and for said County and State, personally appeared  
10 \_\_\_\_\_, who proved to on the basis of  
11 satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument  
12 and acknowledged to me that he/she/they executed the same in his/her/their authorized  
13 capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity  
14 upon behalf of which the person(s) acted, executed the instrument.

15 I certify under PENALTY OF PERJURY under the laws of the State of California that the  
16 foregoing paragraph is true and correct.

17 WITNESS my hand and official seal

18 Signature \_\_\_\_\_

19 ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could  
20 prevent fraudulent attachment of this certificate to unauthorized document.

21 \_\_\_\_\_  
22 Title or Type of Document \_\_\_\_\_

23 Number of Pages \_\_\_\_\_ Date of Document \_\_\_\_\_

24 Signer(s) Other Than Named Above \_\_\_\_\_

25  
26 Dated \_\_\_\_\_  
27  
28



**COUNTY NOTARIZATION**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF IMPERIAL } S.S.

On \_\_\_\_\_ before me, \_\_\_\_\_ a Notary  
Public in and for said County and State, personally appeared  
\_\_\_\_\_, who proved to me on the basis of  
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument  
and acknowledged to me that he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity  
upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature \_\_\_\_\_

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could  
prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document \_\_\_\_\_

Number of Pages \_\_\_\_\_ Date of Document \_\_\_\_\_

Signer(s) Other Than Named Above \_\_\_\_\_

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**ATTACHMENT “E”**  
**REQUEST DOCUMENTATION**  
**FOR AMENDMENT ON CUP**  
**#22-0029**



604 Sutter Street, Suite 250, Folsom, CA 95630

April 17, 2025

Imperial County Planning & Development Services  
801 W. Main Street  
El Centro, CA 92243

ATTN: Jim Minnick, Director  
Gerardo Quero, Planner

RE: Amendment to CUP 22-0029 (Holtville Peaker)

Gentlemen:

On behalf of Apex Energy, we respectfully submit this formal request to amend Condition G-10 of Conditional Use Permit (CUP) 22-0029 to extend the project term from 15 years to 30 years.

It appears that we missed this during the final adoption phase. However, now that we are ready to proceed with the construction and financing phase, the lenders have notified us that it is impossible to finance a project of this type and cost with a term of 15 years when the project has a 30-year life capacity.

We kindly request that this amendment be processed as expeditiously as possible, as we are in the final stages of securing project financing, with a target completion date by the end of June.

We sincerely appreciate all your efforts to get this approved promptly. If you have any questions, please refer them to Jurg Heuberger, who is coordinating this request on our behalf.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ziad Alaywan".

Ziad Alaywan, President

CC: Jurg Heuberger, Consultant to Apex Energy  
Ramon Gonzalez, Project Manager