

PROJECT REPORT

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

AGENDA DATE: July 23, 2025
AGENDA TIME: 9:00 AM / No. 3

Alba Peaker BESS Project / Apex Energy Solutions, LLC
PROJECT TYPE: Amendment to Conditional Use Permit #23-0025 SUPERVISOR DIST #3

LOCATION: 1884 Drew Road APN: 051-420-042-000

Seeley, CA 92273 PARCEL SIZE: 6.30-AC

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

ZONE (existing) M-2 (Medium Industrial) ZONE (proposed) N/A

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

PLANNING COMMISSION DECISION:

HEARING DATE: 07-23-2025

☐ APPROVED ☐ DENIED ☐ OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: N/A

☐ APPROVED ☐ DENIED ☐ OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION:

HEARING DATE: N/A

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 | <input type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |

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 #23-0025 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) APPROVE THE ATTACHED RESOLUTION FOR THE PROPOSED AMENDMENT TO THE PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (CUP) #23-0025.

Planning & Development Services

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

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STAFF REPORT
Planning Commission Meeting
July 23, 2025
Amendment to Conditional Use Permit (CUP) #23-0025

Applicant: **Alba Peaker BESS Project**
 Apex Energy Solutions, LLC
 604 Sutter Street, Suite 250
 Folsom, CA 95630

Project Location:

The previously approved project is situated at 1884 Drew Road within the Seeley Urban Area Plan, Seeley, CA. The site is legally identified as Assessor's Parcel Number (APN) 051-420-042-000 and is further described as That Part of the East Half of Tract 65, Township 16 South, Range 12 East of the San Bernardino Base and Meridian (S.B.B.M.).

The project site is currently vacant and is bordered by active agricultural operations to the west and south, disturbed residential areas and the San Diego–Arizona Railroad to the north, and a combination of an agricultural facility and actively cultivated fields to the east.

Project Summary:

The Applicant, Apex Energy Solutions, LLC, proposes an amendment to General Condition G-10, "Time Limit," as stipulated on previously approved Conditional Use Permit (CUP) #23-0025, 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 #23-0025 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) 'LW' Line.

Should approved, Conditional Use Permit (CUP) #23-0025 would remain subject to all original conditions of approval as adopted by the Planning Commission at its December 11, 2024, hearing and recorded under Document No. 2025009455, dated June 26, 2025.

Project's Background:

- CUP #23-0025 was approved by the Imperial County Planning Commission on December 11, 2024, for a (15) fifteen-year term.
- CUP #23-0025 was recorded on June 26, 2025, under Document #2025009455.
- On June 4, 2025, ICPDS received a request from Apex Energy Solutions, LLC, proposing an amendment (Amendment #1) to previously approved Conditional Use Permit (CUP) #23-0025, 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-2 (Medium Industrial) per Zoning Map #9A of the Imperial County Title 9 Land Use Ordinance. Per County's Land Use Ordinance (Title 9), Division 5, Section 90516.02, Subsection (g), battery storage facilities are allowed in an M-2

(Medium Industrial) 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:

| DIRECTION | CURRENT LAND USE | ZONING | GENERAL PLAN |
|---------------------|--|---|------------------------|
| Project Site | Vacant Industrial Land | M-2 (Medium Industrial) | Seeley Urban Area Plan |
| North | Railroad/Residential | M-2 (Medium Industrial) / C-1 (Light Commercial) / R-1 (Low Density Residential) / R-4 (High Density Residential) | Seeley Urban Area Plan |
| West | Residential/Industrial Agricultural | M-1 (Light Industrial) / M-2 (Medium Industrial) | Seeley Urban Area Plan |
| East | Agricultural Fields | M-1 (Light Industrial) / M-2 (Medium Industrial) | Seeley Urban Area Plan |
| South | Agricultural Fields | R-1 (Low Density Residential) | Seeley Urban Area Plan |

Environmental Review:

On October 10, 2024, the Environmental Evaluation Committee (EEC) determined that Conditional Use Permit (CUP#23-0025) for the for the construction and operation of a 100-Megawatt (MW) Battery Energy Storage System (BESS) facility in the M-2 (Medium Industrial) zone would not have a significant effect on the environment and recommended a Mitigated Negative Declaration (MND) to be prepared.

The EEC Committee consists of seven (7) member panel, integrated by the Director of Environmental Health Services, Imperial County Fire Chief, Agricultural Commissioner, Air Pollution Control Officer, Director of the Department of Public Works, Imperial County Sheriff, and the Director of Planning and Development Services.

On October 18, 2024, the public notice for the Mitigated Negative Declaration was filed with the Imperial County Clerk-Recorders and was posted and circulated for 35 days: a comment period from October 18, 2024, through November 22, 2024. All comments were received, reviewed and made part of this project.

Staff Recommendation:

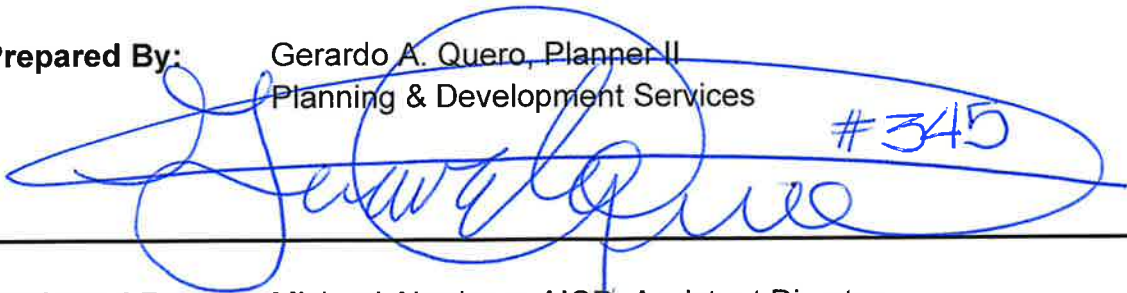
It is recommended that the Planning Commission conduct a public hearing and hear all opponents and proponents of the proposed project, staff would then recommend that you approve an amendment to Conditional Use Permit #23-0025 by taking the following action:

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. Approve the attached Resolution for the proposed amendment to the previously approved Conditional Use Permit (CUP) #23-0025.

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



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



Approved By: Jim Minnick, Director
Planning & Development Services



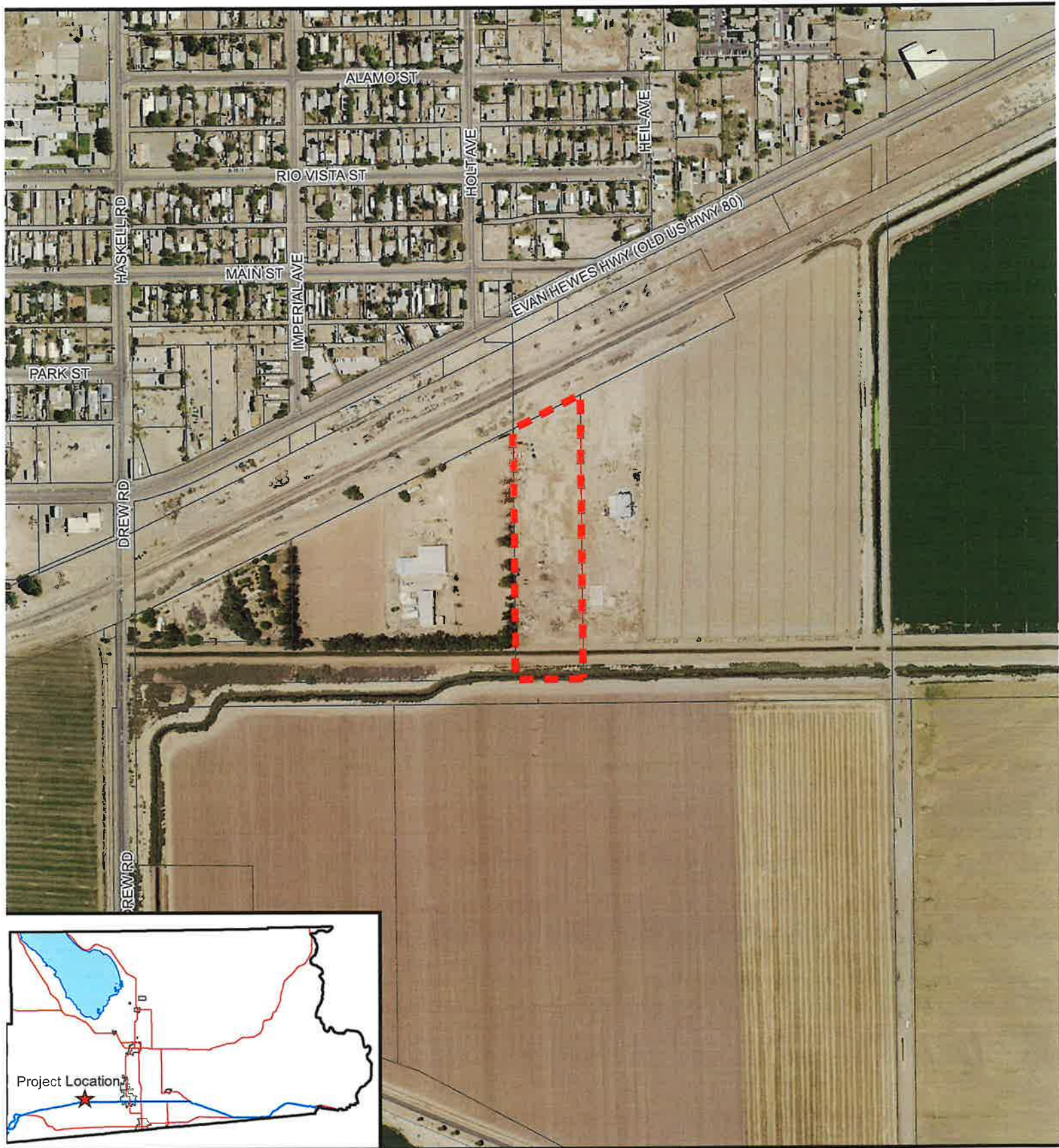
Attachments:

- A. Vicinity Map
- B. Site Plan/Plot Plan
- C. Planning Commission Resolution
- D. Amendment for Conditional Use Permit #23-0025
- E. Request Documentation for Amendment on CUP #23-0025




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ATTACHMENT “A”
VICINITY MAP

PROJECT LOCATION MAP



ALBA PEAKER BESS PROJECT
CUP 23-0025 / IS 23-0030
APN 051-420-042-000

-  Project Location
-  Centerline
-  Parcels

N



ATTACHMENT “B”
SITE PLAN/PLOT PLAN

CONFIDENTIAL DOCUMENTS
THE INFORMATION EMBODIED ON THIS DRAWING IS
STRICTLY CONFIDENTIAL AND IS SUPPLIED WITH THE
UNDERSTANDING THAT IT WILL BE HELD CONFIDENTIAL AND
NOT DISCLOSED TO THIRD PARTIES WITHOUT THE PRIOR
WRITTEN CONSENT OF ECOLAB, INC.

| REV. | BY | DESCRIPTION | DATE | APP'D | DATE |
|------|----|-------------|------------|-------|------|
| 1 | SD | | 06/05/2023 | SD | |
| 2 | MP | | 06/04/24 | MP | |

ZGLOBAL
Power Engineering & Energy Solutions

604 SUTTER ST., STE 250
FOLSOM, CA 95630
Phone : 916.985.9461
Fax : 916.985.9467

THESE DRAWINGS AND SPECIFICATIONS HAVE BEEN PREPARED BY ZGLOBAL INC. FOR THEIR EXCLUSIVE USE IN ACCORD WITH SEC. 6737.3 OF THE 2012 PROFESSIONAL ENGINEERS ACT OF THE STATE OF CALIFORNIA.

| | | | | | | | | | |
|------|--------|-------|---------|---------|----|-----|--------------|---------|---|
| DATE | ADJ NO | SCALE | CHECKED | GRAND E | NO | BIN | DOCUMENT No. | REV No. | 1 |
| | | | | | | | | | |



| | |
|------------------|---------|
| AC SYSTEM SIZE : | 100MW |
| DC CAPACITY: | 800MWh |
| DC VOLTAGE : | 1,500 V |
| MV VOLTAGE : | 69 KV |

BATTERY UNITS

| | |
|----------------------|-----------------|
| MANUFACTURER: | SUNGROW |
| MODEL: | ST2752UX-US |
| TYPE: | LI-ION / 280 AH |
| CAPACITY: | 2752 KWH |
| UNITS PER CONTAINER: | 48 |
| TOTAL CONTAINERS: | 290 |

| Indio Summary | | | | | |
|-----------------|----------|--------------|----|---------------------|-------------------------|
| DC system | NA | Pitch | NA | PV Inverters | NA |
| AC system | 100 MW | Module | NA | # of PV Inverters | NA |
| DC Storage size | 800 MW/h | # of modules | NA | BATT Inverters | Sungrow SC 5000UD-MV-US |
| Array Type | NA | String size | 30 | # of Batt Inverters | 21 |
| Utility | IID | # of strings | NA | | |

ATTACHMENT “C”
PLANNING COMMISSION
RESOLUTION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, RECOMMENDING APPROVAL FOR “AMENDMENT #1 TO CONDITIONAL USE PERMIT # 23-0025” FOR THE ALBA PEAKER BATTERY ENERGY STORAGE SYSTEM (BESS) PROJECT.

WHEREAS, Apex Energy Solutions, LLC has submitted a request for an amendment (Amendment #1) to modify General Condition G-10, “Time Limit,” as stipulated on previously approved Conditional Use Permit (CUP) #23-0025, 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 July 23, 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 #23-0025 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 #23-0025 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 “Seeley Urban Area Plan” and is zoned as Medium Industrial (M-2) per Zoning Map #9A of the Imperial County Title 9 Land Use Ordinance. Pursuant to Title 9, Division 5, Section 90516.02, Subsection (G), battery storage facilities are allowed in the M-2 (Medium Industrial) 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) #23-0025, 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) #23-0025, 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-2 (Medium Industrial). Pursuant to Title 9, Division 5, Section 90516.02, Subsection (g); 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-2 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) #23-0025, 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 90516.02.

- 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 90516.02, Subsection (g). 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) #23-0025, 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 "Seeley Urban Area Plan" by the Imperial County General Plan and its site is surrounded by other parcels zoned as M-2 (Medium Industrial), C-1 (Light Commercial), R-1 (Low Density Residential) & R-4 (High Density Residential) on the North; R-1 (Low Density Residential) on the South; M-1 (Light Industrial) & M-2 (Medium Industrial) on the East; and M-1 (Light Industrial) & M-2 (Medium Industrial) 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) #23-0025, 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) #23-0025, 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) #23-0025, 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 #23-0025 under the Land Use Ordinance, Section 90516.02, Subsection (g), and will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Amendment #1 to Conditional Use Permit #23-0025 subject to previously approved Conditions of Approval.

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 **July 23, 2025** by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

ATTACHMENT “D”
AMENDMENT FOR
CONDITIONAL USE PERMIT
#23-0025

1 When Recorded Return To:

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

6 **AMENDMENT #1 TO**
7 **CONDITIONAL USE PERMIT #23-0025**
8 **ALBA PEAKER ENERGY STORAGE SYSTEM (BESS) PROJECT**
9 **APN 051-420-042-000**
10 **JULY 2025**

11 **WHEREAS;** Amendment #1 is being made to modify General Condition G-10,
12 "Time Limit," as stipulated on previously approved Conditional Use Permit (CUP) #23-
13 0025, extending the project's term from 15 years to 30 years.

14 **WHEREAS;** CUP #23-0025 is fully described and conditioned under originally
15 recorded Document #2025009455 dated June 26, 2025.

16 **WHEREAS;** CUP #23-0025 entails the proposed 100-megawatt (MW) Battery
17 Energy Storage System (BESS) facility, battery containers and storage sites, an on-site
18 switching station, an on-site water storage pond/tank for fire suppression purposes, and
19 associated facilities surrounded by fencing.

20 **NOW THEREFORE,** County hereby issues Amendment 1 to Conditional Use Permit
21 #23-0025, and Permittee hereby accepts such permit upon the terms and conditions set
22 forth herein.
23
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 Apex Energy Solutions, 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 _____

1 **COUNTY NOTARIZATION**

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

5 STATE OF CALIFORNIA

6 COUNTY OF IMPERIAL} S.S.
7

8 On _____ before me, _____ a Notary
9 Public in and for said County and State, personally appeared
10 _____, who proved to me 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
23 Title or Type of Document _____

24 Number of Pages _____ Date of Document _____

25 Signer(s) Other Than Named Above _____
26

27 S:\AllUsers\APN\051420\042\CUP23-0025_JS23-0030\PC\CUP23-0025 Amendment PC\CUP AMENDMENT\Amendment #1 to CUP23-0025.doc
28

ATTACHMENT “E”
REQUEST DOCUMENTATION
FOR AMENDMENT ON CUP
#23-0025



604 Sutter Street, Suite 250, Folsom, CA 95630

June 3, 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 23-0025 (Alba Peaker)

Gentlemen:

On behalf of Apex Energy, we respectfully submit this formal request to amend Condition G-10 of Conditional Use Permit (CUP) 23-0025 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 August.

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 black ink, appearing to read "Ziad Alaywan".

Ziad Alaywan, President

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