



Staff Report

Agenda Item No. D-1

To: City of Imperial Planning Commission

From: Lisa Tylanda, Planner

Date: February 17, 2020

Item: Variance-VAR (20_01) Deviation from ordained “Parking Requirements” to allow reduction of required parking for Imperial Senior Apartments.

Applicant:	EAH Housing and Ric Brown
Project Location:	Assessor Parcel Number: 063-231-012; 321 N. Imperial, CA 92251
Zoning:	VC (Village Commercial)
Recommendation:	Approve Variance (20-01)

VAR (20_01)-Imperial Senior Apartment Project-Parking Reduction Request



1" = 94 ft	City of Imperial	02/17/2020		
<small>This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up to date information.</small>				

Background

The applicant is requesting a Variance Permit to allow for deviation from the City of Imperials' "Parking Requirements" Section 24.13.130 of the zoning code regarding "off-street parking requirements", which calls for residential apartments to provide one covered parking space per one-bedroom apartment. The proposed project is a 69-unit affordable apartment complex for Senior citizens. Each apartment is to be only one bedroom. There is also a community center that is proposed to be approximately 3,000 square-feet as a commercial use on the first floor of the main building on the south side of the parcel. Community Centers require one (1) parking space for every forty-five (45) square-feet of floor area.

Currently, there are fifty-seven (57) proposed parking spaces being provided by the developer/applicant. The Village Commercial Zoning District allows for developments to provide only 50% of the required parking per ordinance and count offsite parking towards the total required parking triggered by the ordinance calculations. The development triggers the developer/applicant to provide a total of 66 parking spots. The applicant is requesting to provide 57 spots; 9 less spots than required. The applicant would like to not have to provide any further parking. The applicant suggests that the senior apartments will not have the need for the amount of parking triggered by the development, due to senior citizens population residing in the complex and utilizing other forms of transportation.

Section 24.19.400 et seq. of the Imperial Zoning Ordinance allows for variances from development standards "only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification."

Required Findings:

For the Planning Commission to approve a variance, all of these findings must be made:

1. Special circumstances apply to the property. These can be it's size, shape, topography, location, or surrounding structures. You must explain how these circumstances deprive your property of the privileges enjoyed by other property in the neighborhood which is zoned the same, and;
2. The variance will meet the intent of the zoning on the parcel, and will not be detrimental to public health, safety, and welfare, and not be detrimental to other property in the neighborhood; and,
3. The variance will not be a grant of special privilege in the neighborhood, and will not allow you to build in a way that would not be allowed for someone else.

4. The granting of the Variance or its modifications will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and
5. The granting of this Variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
6. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.

The applicant has provided justification for the required findings. Please see below:

R.D. Brown Co. Inc.

1850 Willowhaven rd.
Encinitas, Ca. 92024
Ph: 760-994-8500 Fx: 760-753-7654
Email: rdbcoinc@sbcglobal.net

City of Imperial
Othon Mora
420 So. Imperial Ave.
Imperial, Ca. 92551

January 22, 2020

Email: Omora@cityofimperial.org

Re: Variance Request
Imperial Senior Affordable Apts
321 N. Imperial Ave

Othon:

I am writing to give to you the details of the findings and the basis for which I am requesting this Variance from the general zoning conditions in the Downtown/Village Commercial (VC) zone ordinance. The planned Project is a 69 Unit all 1 Bdrm Affordable independent Senior Apartment Project at the above listed address. The Site is located in the heart of the Downtown area and was contaminated with Hydro Carbon (petroleum based) compounds which made it an unusable block of real estate for future development. The Project was selected jointly by the City of Imperial and Developer – RD Brown Co (RDBCO) for a Senior Affordable Project. RDBCO agreed to remediate the Land at a Cost to date of over \$1million dollars. This remediation only occurred because the City and RDBCO understood the Senior Housing Project and its design aspects were the only way to make the Site Developable. It is projected that because of the Senior Affordable nature of the Development that not all of the Units would have a parking space. This is not anticipated to be a problem since the 82% parking coverage that the Project provides will be sufficient for the Resident demographic of this Project. Essentially, not all of the Residents will have vehicles and there is a Bus transit stop one block from the Site to service transit needs throughout the County. Below you will find my response to the “Findings” required in section 24.19.440 of the City Zoning Ordinance.

Findings:

A – Property is a Planned Independent Senior Affordable Facility. The Site had no redevelopment use due to Petroleum contamination. Site was remediated by and, Costs paid for, by Developer to Develop specifically a Senior Affordable Housing Project which has a reduced parking demographic need. The Site is one block away from a Bus Transit stop which lends itself to the Design and off-sets parking needs.

B – The granting of the Variance and proposed use of the Site will enhance surrounding Properties, increase Property Valuations surrounding area and, help bring in additional future Development to the City of Imperial.

C – The granting of this Variance will not impact public safety, health or, welfare in the surrounding area. The Project will improve Street, Curb, Gutter and, Sidewalk in public right-away thereby increasing Safety and pedestrian thorough-fare in surrounding area.

D – The Project is unique in its overall Development as described in opening statement and paragraphs above.

E – This Variance request does not allow or authorize any activity not allowed by the governing Zoning regulations of the City of Imperial.

F – The granting of this Variance is not incompatible with the City General Plan. It in fact, enhances the goals of that Plan.

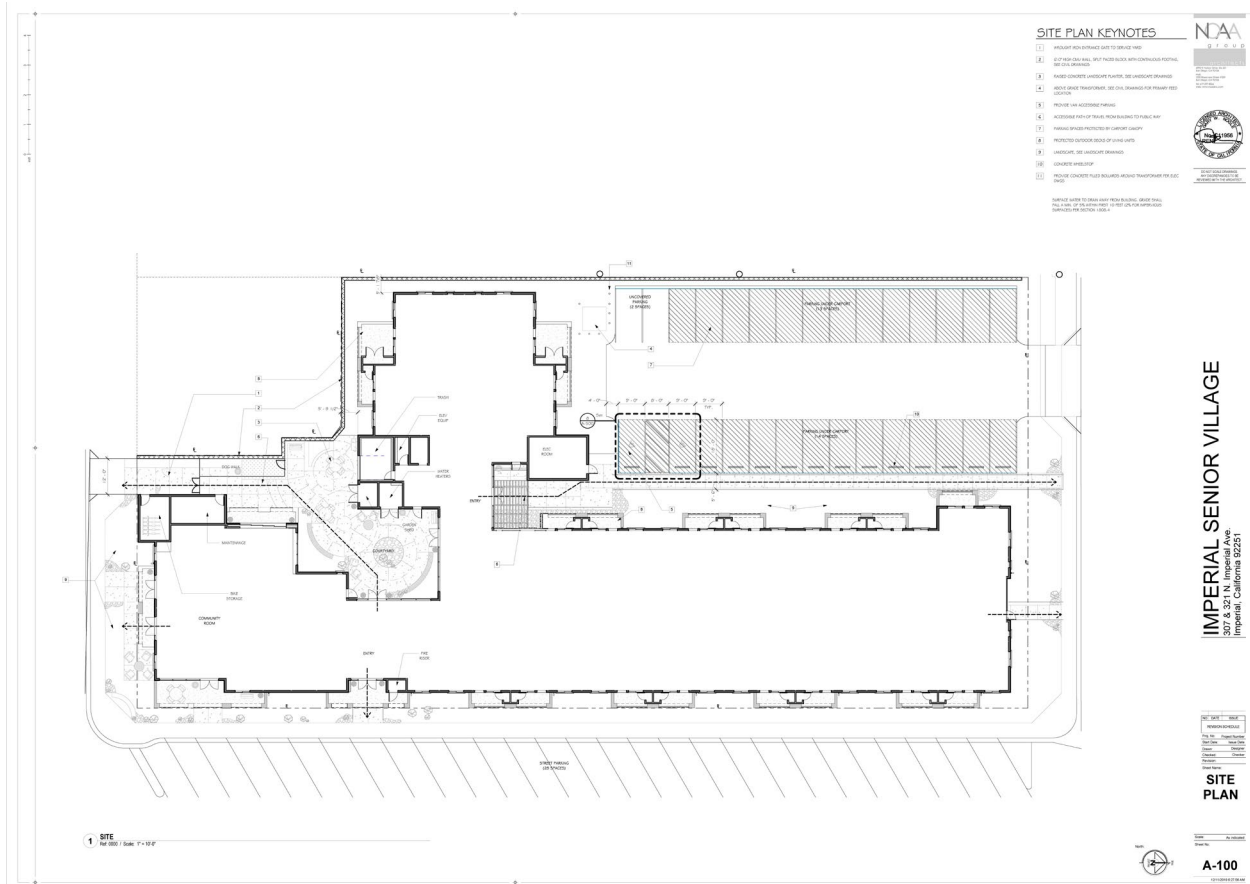
Please let me know if you have any questions.

Thank you

Ric Brown

***RD Brown Co Inc.
1850 Willowhaven Rd.
Encinitas, Ca. 92024
Ph: 760-994-8500 Fx: 760-753-7654
email: rdbcoinc@sbcglobal.net***

Proposed Site Plans for Imperial Senior Apartments:



Environmental:

The project is Categorical Exempt from the California Environmental Quality Act via the following categorical exemptions: 15194-Affordable Housing Project.

Recommendation:

Staff recommends that the Planning Commission conduct a public hearing as required by Section 24.19.425 of the Imperial Zoning Ordinance and approve the variance request.

RESOLUTION PC2020-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A VARIANCE PERMIT (20_01) FOR EAH HOUSING CONSULTANTS AND RIC BROWN FOR THE IMPERIAL SENIOR APARTMENT PROJECT ALLOWING THE DEVIATION OF THE ORDAINED PARKING REQUIREMENTS TO REDUCE THE REQUIRED PARKING OF 66 STALLS TO 57 STALLS FOR 321 N. IMPERIAL AVENUE; LEGALLY KNOWN AS ASSESSOR PARCEL NUMBER: 063-231-012. THE PROJECT IS CATEGORICALLY EXEMPT UNDER CEQA PER SECTION 15194.

WHEREAS, EAH Housing Consultants submitted a request for a Variance for the deviation of the ordained development standards regarding onsite parking requirements; and

WHEREAS, a duly notified public hearing was held by the Planning Commission during an adjourned meeting on February 26, 2020 and;

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for a Variance.

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

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) Installation and alteration of the property and deviation from the setback requirements are ministerial and therefore exempt from the California Environmental Quality Act via the following categorical exemption: 15194.
- D) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Variance-**VAR 20-01** for EAH Housing Consultants and Ric Brown for the deviation of the onsite parking requirements to provide 57 parking stalls instead of the 66 parking stalls per the following findings:
 1. That there are exceptional or extraordinary circumstances applying to the property (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 enjoyed by other properties in the vicinity under identical zoning classification; and

2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
3. That granting the variance or its modifications will not be materially detrimental to the public health, safety of welfare or injurious to the property of improvement in such vicinity and zone in which the property is located; and
4. 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; and
5. The granting of this variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
6. That granting the variance or its modification will not be incompatible with the City of Imperial General Plan.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this February 26, 2020.

Planning Commission Chairman

ATTEST:

Planning Secretary

**RESOLUTION PC 2020-04
CONDITIONS OF APPROVAL**

For

**Variance Permit #VAR 20-01
EAH Housing Consultant and Ric Brown
Imperial Senior Apartment Project
APN#: 063-231-012
321 N. Imperial Avenue
Imperial, CA 92251**

1. A building permit from the City of Imperials' Community Development Department must be obtained after variance approval along with any required development and/or construction plans required and payment of processing fees as well.
2. Applicant shall not hold the City of Imperial or any of its employees responsible for any incidents regarding this Variance Permit.
3. The provisions of this Variance Permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.
4. The proprietor/owner shall be responsible for the removal of all graffiti from the property within 72 hours of its appearance on the property.
5. The proprietor/owner shall be responsible for maintaining the locations where the expansion is located and adjacent areas free of litter at all times.
6. Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
7. The conditional approval of the Variance Permit shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
8. The Applicant shall pay all impact and capacity fees as required by the city.
9. Applicant must obtain an approved Building Permit from the Community Development Department within 6 month of approval of the Variance Permit. If the applicant does not obtain and approved Building Permit from the Community Development Department, the Variance Permit becomes null and void based on the final date of approval of the Variance Permit.
10. If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the Variance, or the Planning/Building Department determines that the permitted

activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the Variance, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.

11. As between the City and the Permittee, any violation of this permit may be a "nuisance per se". The City may enforce the terms and conditions of this permit in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
12. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project.