



## Staff Report

**To:** City of Imperial Planning and Traffic Commission  
**From:** Lisa Tylenda, Planner  
**Date:** October 23, 2020  
**Subject:** Proposed Right-of-Way Abandonment for 13<sup>th</sup> and 14<sup>th</sup> Streets.

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### **Background:**

Catalyst Development is requesting the Roadway Easement abandonment of 13<sup>th</sup> and 14<sup>th</sup> Street at the far west end of the roads (see attachments). Catalyst Development is planning to construct a 2 phase Apartment Project. The project site was previously rezoned during 2019 for a proposed Residential Apartment Project. The proposed housing project will serve the residents of the City of Imperial with opportunities for affordable housing and will bring the City closer to meeting the housing needs identified within our City's Housing Element "Regional Housing Needs Allocation" numbers.

The abandonment is tied to major offsite infrastructure improvements which are intended to recover the deteriorating/ nonexistent infrastructure within the surrounding area. Some of the proposed improvements tied to the apartment project range from storm drain improvements, alley way improvements, curb gutter installation, sidewalk improvements, and the extension of 15<sup>th</sup> Street to La Brucherie Road, which is anticipated to improve traffic flow with the future Multifamily Housing Project. The abandonment is tied to ZC/GPA (19\_02) that was approved by City Council on

Per the Developer the following statement was provided via email:

*"The Abandonment of the roadway easement is necessary as there is no plan for extension of roadways currently or in the future and would be detrimental to have vacant undeveloped land. Also, by abandoning these roadways it will help traffic flow by focusing the traffic on 12th and 15th which are major traffic roadways."*

### **Analysis:**

Development Review Committee and Engineering Staff/Consultants reviewed the proposed abandonment and recommend approval of the Right-of-Way Abandonment with the condition that the easement be tied to the conditions of approval from ZC/GPA (19\_02) (Please see attached Conditions of Approval)

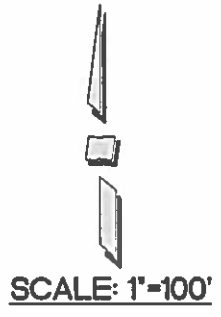
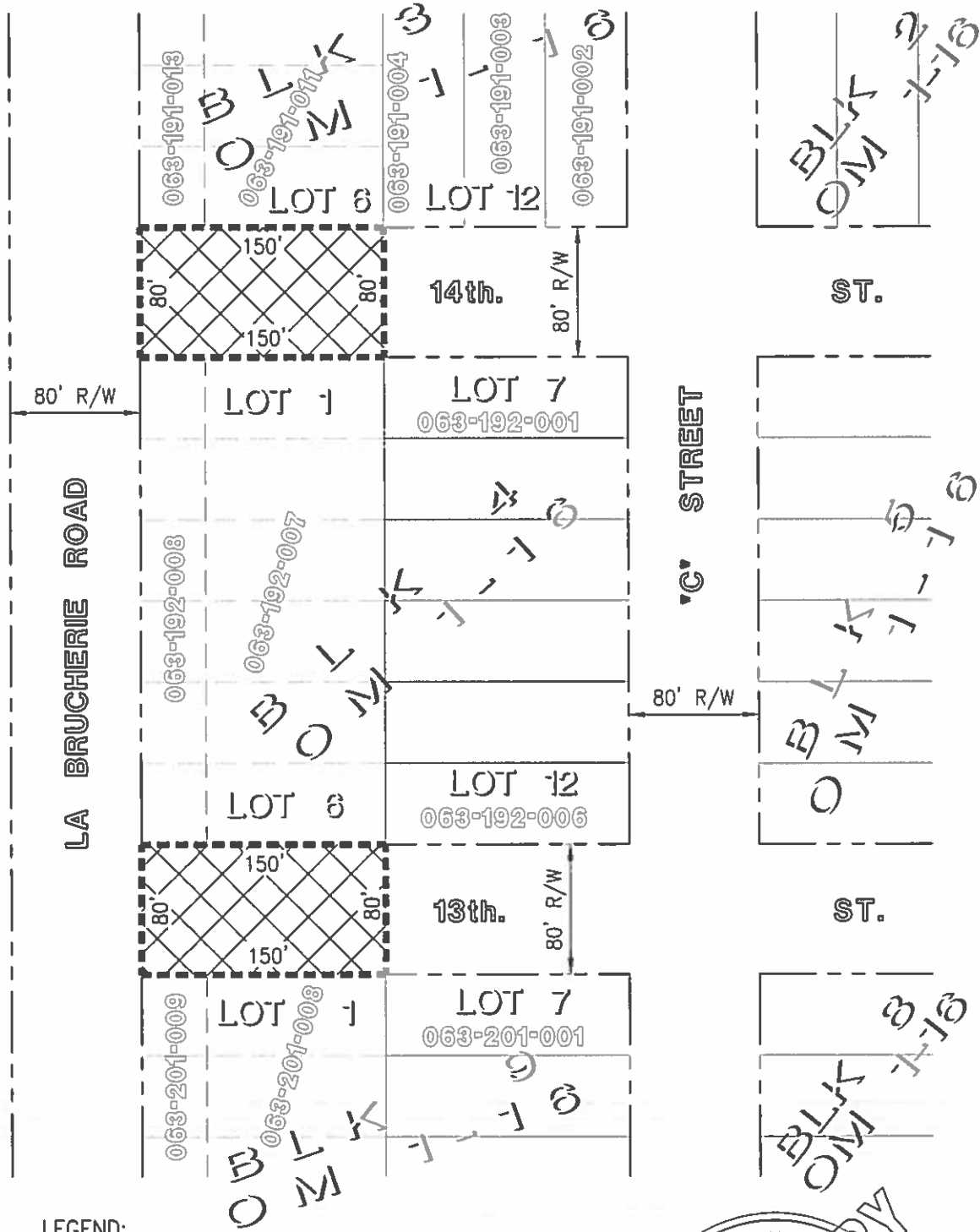
**Location Map:**



# EXHIBIT "C"

## RIGHT OF WAY ABANDONMENT PLAT

SHEET 1 OF 1



**LEGEND:**



AREA TO BE ABANDONED  
 RIGHT OF WAY WIDTH PER MAP NO.18, ON FILE IN THE OFFICE OF COUNTY RECORDER OF IMPERIAL COUNTY (OM 1-16)

--- RIGHT OF WAY LINE



**ADMINISTRATION / TRAINING**

1078 Dogwood Road  
Heber, CA 92249

**Administration**

Phone: (442) 265-6000  
Fax: (760) 482-2427

**Training**

Phone: (442) 265-6011



**OPERATIONS/PREVENTION**

2514 La Brucherie Road  
Imperial, CA 92251

**Operations**

Phone: (442) 265-3000  
Fax: (760) 355-1482

**Prevention**

Phone: (442) 265-3020

July 31, 2020

To: Jesus Villegas  
Project Manager  
City of Imperial Community Development Department


RE: Revised Right of Way Abandonment-Portions of 13<sup>th</sup> and 14<sup>th</sup> Street

Imperial County Fire Department would like to thank you for the opportunity to comment on the revised right of way abandonment of portions of 13<sup>th</sup> and 14<sup>th</sup> Streets in the City of Imperial.

Imperial County Fire Department only concerns with abandonment of W. 13<sup>th</sup> and W. 14<sup>th</sup> street is the ability to access points within the City of Imperial. Any time right of way is abandonment it can lead to operational challenges in emergency situations and can cause unforeseen issues at later times. Imperial County Fire Department request that the city of Imperial Planning and Development office ensures that these abandonment are done accordingly to city of Imperial specifications.

Again thank you for the opportunity to comment. Imperial County Fire Department reserves the right to comment and request additional requirements pertaining to this project regarding fire and life safety measures, California building and fire code, and National Fire Protection Association standards at a later time as we see necessary.

If you have any questions, please contact the Imperial County Fire Prevention Bureau at 442-265-3020 or 442-265-3021.

Sincerely  
Andrew Loper   
Lieutenant/Fire Prevention Specialist  
Imperial County Fire Department  
Fire Prevention Bureau



**EXHIBIT "A"**  
**RIGHT OF WAY ABANDONMENT**  
**LEGAL DESCRIPTION**

A PORTION OF FOURTEENTH STREET OF DEDICATION OF PARK ADDITION TO THE TOWN OF IMPERIAL MAP, IN THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 18, ON FILE IN BOOK 1, PAGE 16 OF OFFICIAL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF BLOCK 4 OF SAID MAP 18;  
THENCE NORTH 80 FEET TO THE SOUTHWEST CORNER OF LOT 6 OF BLOCK 3 OF SAID MAP 18;  
THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 6, 150 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6;  
THENCE SOUTH 80 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;  
THENCE WEST, ALONG THE NORTH LINE OF SAID LOT 1, 150 FEET TO THE POINT OF BEGINNING.

THE ABOVE LAND DESCRIBED AREA CONTAINS 12,000 SQ. FT. (0.28 ACRES MORE OR LESS).

SHOWN ON EXHIBIT "C" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.



**EXHIBIT "B"**  
**RIGHT OF WAY ABANDONMENT**  
**LEGAL DESCRIPTION**

A PORTION OF THIRTEENTH STREET OF DEDICATION OF PARK ADDITION TO THE TOWN OF IMPERIAL MAP, IN THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 18, ON FILE IN BOOK 1, PAGE 16 OF OFFICIAL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF BLOCK 9 OF SAID MAP 18;  
THENCE NORTH 80 FEET TO THE SOUTHWEST CORNER OF LOT 6 OF BLOCK 4 OF SAID MAP 18;  
THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 6, 150 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6;  
THENCE SOUTH 80 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;  
THENCE WEST, ALONG THE NORTH LINE OF SAID LOT 1, 150 FEET TO THE POINT OF BEGINNING.

THE ABOVE LAND DESCRIBED AREA CONTAINS 12,000 SQ. FT. (0.28 ACRES MORE OR LESS).

SHOWN ON EXHIBIT "C" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.



DATE SUBMITTED 10/30/2019  
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR  
 DATE ACTION REQUIRED 11/6/2019

COUNCIL ACTION   
 PUBLIC HEARING REQUIRED   
 RESOLUTION   
 ORDINANCE 1<sup>ST</sup> READING   
 ORDINANCE 2<sup>ND</sup> READING   
 CITY CLERK'S INITIALS [Signature]

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

<p><b>SUBJECT:</b> DISCUSSION/ACTION: ZONE CHANGE AND GENERAL PLAN AMENDMENT FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO R-A (RESIDENTIAL APARTMENT) FOR THE DEVELOPMENT OF 80 MULTIFAMILY RESIDENTIAL APARTMENT UNITS KNOWN AS THE 12<sup>TH</sup> THROUGH 15<sup>TH</sup> STREET APARTMENT PROJECT ON THE FOLLOWING ASSESSOR PARCEL NUMBERS: 063-201-008, 036-201-009, 063-192-008, 063-192-007, 063-191-011, 063-191-013, 063-191-010, 063-191-012, AND ADOPTION OF NEGATIVE DECLARATION.</p> <p style="margin-left: 40px;">1. INTRODUCTION/1<sup>ST</sup> READING BY TITLE ONLY OF ORD. NO. <u>853</u> APPROVING THE ZONE CHANGE AND GENERAL PLAN AMENDMENT FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO R-A (RESIDENTIAL APARTMENT)</p> <p style="margin-left: 40px;">2. ADOPTION OF RESOLUTION 2019<u>51</u> FOR THE ADOPTION OF A NEGATIVE DECLARATION.</p>	
<p><b>DEPARTMENT INVOLVED:</b></p>	<p>COMMUNITY DEVELOPMENT</p>
<p><b>BACKGROUND/SUMMARY:</b></p> <p>Ray Roben and Anthony Castillo (Applicants) are requesting a Zone Change, General Plan Amendment and Adoption of a Negative Declaration for the proposed 12<sup>th</sup> through 15<sup>th</sup> Street Apartment Project. The request entails that the zoning designation on the eight (8) parcels listed above from R-1 (Single-Family Residential) to R-A (Residential Apartment) to allow for the development and use of an 80 unit multi-family apartment complex. The proposed use and zone change is consistent with the current and proposed( future) surrounding land uses envisioned for that area and will help the City of Imperial move closer to compliance with the State of California's Regional Housing Needs Allocation numbers as outlined within the City of Imperial's recently adopted and updated Housing Element.</p>	
<p><b>FISCAL IMPACT:</b> N/A</p>	<p>ADMIN SERVICES SIGN INITIALS _____</p>
<p><b>STAFF RECOMMENDATION:</b> Approval.</p>	<p>DEPT. INITIALS <u>OM</u></p>
<p><b>MANAGER'S RECOMMENDATION:</b></p>	<p>CITY MANAGER'S INITIALS <u>[Signature]</u></p>
<p><b>MOTION:</b></p> <p>SECONDED: APPROVED ( ) REJECTED ( )              AYES: DISAPPROVE ( ) DEFERRED ( )              NAYES: D              ABSENT: REFERRED              TO:</p>	

Conditions of Approval  
Zone Change and General Plan Amendment  
R-1 (Residential Single Family) to R-A (Residential Apartment)

Ray Roben and Anthony Castillo, owners  
12<sup>th</sup> & 15<sup>th</sup> Street Apartments

ASSESSOR PARCEL NUMBERS: 063-201-008, 036-201-009, 063-192-008, 063-192-007, 063-191-011, 063-191-013, 063-191-010, 063-191-012.

1. This Zone Change and General Plan amendment is to approve the change from R-1(Single Family Residential) to R-A (Residential Apartment).
2. Developer to install a four-way stop at Fifteenth Street and La Brucherie Road intersection and/or an approved form of traffic mitigation measures as approved by the County of Imperial for the future "Fifteenth and La Brucherie intersection", prior to the issuance of Certificates of Occupancy.
3. Prior to construction and issuance of building permits approved there must be approval of water supply capable of supplying fire flow demands as determined by the Imperial County Fire Department.
4. A "water main line" study of 13<sup>th</sup> street must be conducted prior to application of building permits by the developer to verify that there is enough capability for the waterlines to handle that type of development.
5. Prior to construction the waterloop must be provided and installed by the developer.
6. The developer must incorporate, provide and install whichever traffic mitigation measures that are formulated by the City of Imperials Traffic Commission for the intersections of 13<sup>th</sup> and 14<sup>th</sup> Street.
7. Developer must pave the full width of Fifteenth Street all the way to C Street.
8. Ordinance section: 24.03.130-A minimum of two hundred (200) square feet of private open area per ground floor unit shall be provided and a minimum of one hundred fifty (150) square feet of private open space for units contained wholly on the second story shall be provided.
9. Per Section 24.03.130 of the City of Imperial's zoning ordinance, a 6' Block wall is required to be installed around the perimeter of the apartment complex.



10. Where a lot fronts on more than one street it shall be considered to have multiple frontages and be required to meet the front yard setback requirement on all street frontages.
11. A minimum of two hundred fifty (250) cubic feet of lockable, enclosed storage per unit shall be provided in the garage or carport area; substitutions may be approved by the Planning Director.
12. As per section 24.03.110, The following recreation facilities shall be provided at a minimum unless waived by the Planning Director:
  - a. Landscaped park like quiet area;
  - b. Childrens play area;
  - c. Family picnic area; and
  - d. Swimming pool with cabana or patio cover.
13. A minimum of two (2) clothes washers and one (1) clothes dryer per eight dwelling units located conveniently throughout the development.
14. A trash enclosure, per City standards, shall be provided for dwelling units in the RA Zone. A form of organic waste separation measures must be incorporated into the trash disposal measures. Plan must be reviewed and approved by the City of Imperial's Public Works Department Director during the Building Permit Process.
15. These conditions of approval only cover the zone change and general plan amendment. Applicant must still apply for Site Plan Review and Building Permit Process prior to any work and can be bound by future conditions of approval for projects.
16. The Developer/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.
17. The Developer/Applicant shall pay all applicable impact and capacity fees.
18. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of this zone change and general plan amendment. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the zone change and general plan amendment including any claim for private attorney general fees claimed by, or awarded to any party from the City.
19. All conditions of approval for this zone change and general plan amendment shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and

construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.

20. The provisions of the 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.
21. 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 zone change and general plan amendment, 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 then the matter shall be referred to the Planning Commission for modification to conditions of approval, suspension, or termination, or to the appropriate enforcement authority.
22. As between the City and the Permittee, any violation of the conditions of approval 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.
23. 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 project.