

## **RESOLUTION PC2020-11**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL TO THE CITY COUNCIL RECOMMENDING APPROVAL OF ABANDONING 13<sup>TH</sup> AND 14<sup>TH</sup> STREET RIGHT-OF-WAY BETWEEN 12<sup>TH</sup> AND 15<sup>TH</sup> STREET**

**WHEREAS**, the item was reviewed by Planning Commission and Traffic Commission on October 28, 2020; and

**WHEREAS**, the Planning and Traffic Commission considered all maps, exhibits, and written documents presented for this project, and has considered the oral presentations presented on the item; and

**WHEREAS**, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comments received, the Planning and Traffic Commission considered all facts related to the proposed abandonment.

**NOW THEREFORE LET IT BE RESOLVED**, that the City of Imperial Planning and Traffic Commission finds 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) That the vacated portion of the streets would vest in the abutting properties; and
- D) That based on the evidence presented at the public hearing, the City Council hereby abandons the 13<sup>th</sup> and 14<sup>th</sup> Street “right-of-way’s” between 12<sup>th</sup> and 15<sup>th</sup> Street based on the following findings:
  - 1. The abandonment of said right-of-way’s will not interfere with the local circulation.
  - 2. 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.

3. The project is exempt from further review under the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code.
4. The abandonment of said right-of-way is consistent with the goals, objectives, and policies of the City of Imperial General Plan.
5. The abandonment of said right-of-way is bound to the Conditions of Approval tied to ZC(19\_02) outlined in “Exhibit A” attached.

**ADOPTED AND RECOMMENDED FOR APPROVAL** to the City Council by the City of Imperial’s Planning and Traffic Commission, this 28<sup>th</sup> day of October 2020.

\_\_\_\_\_  
Planning and Traffic Commission Chair

ATTEST:

\_\_\_\_\_  
City Clerk

**"EXHIBIT A"**  
**ZC(19\_02)**

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

Ray Rohen and Anthony Castillo, owners  
11h & 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 set 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. [f 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.