

DATE SUBMITTED 7/11/2018
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR
 DATE ACTION REQUIRED 7/18/2018

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS ()

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: APPROVE AMENDMENT TO CONDITIONS OF APPROVAL AND PHASING PLAN FOR MONTERREY PARK SUBDIVISION. 1. APPROVE RESOLUTION TO AMEND THE CONDITIONS OF APPROVAL AND PHASING PLAN FOR MONTERREY PARK SUBDIVISION	
DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT	
BACKGROUND/SUMMARY: The developers of the Monterrey Park Subdivision have applied for a Phasing Plan and amendments to the existing Conditions of Approval so that the conditions of approval mirror the proposed phasing plan in order to make build out of this development feasible. Planning Commission recommended this item for approval to City Council on June 27, 2018.	
FISCAL IMPACT: NO FISCAL IMPACT	ADMIN SERVICES SIGN INITIALS _____
STAFF RECOMMENDATION: Staff recommends approval of Phasing Plan and Amendments to Conditions of Approval for Monterrey Park Subdivision.	DEPT. INITIALS <u>DM</u>
MANAGER'S RECOMMENDATION:	CITY MANAGER'S INITIALS <u>[Signature]</u>
MOTION: SECONDED: APPROVED () REJECTED () AYES: DISAPPROVED () DEFERRED () NAYES: ABSENT: REFERRED TO:	

Monterrey Park Tentative Tract Map Conditions of Approval
(Latest Revision: April 18, 2007)
(Proposed City Revisions: June 7, 2018)

CONDITIONS OF APPROVAL

for

**MONTERREY PARK TENTATIVE TRACT MAP
(APN 043-320-42)**

APPROVED BY RESOLUTION 2005-24 (June 1, 2005)
AMENDED BY RESOLUTION 2006-56 (September 20, 2006)
AMENDED BY RESOLUTION 2007-15 (April 18, 2007)
AMENDED BY RESOLUTION 2018-XX (June X, 2018)

1. 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.
2. The Developer/Applicant shall offer for dedication all rights of way, easements, or parcels of land required for both on-site and off-site construction of streets, pipelines, utilities and the storm water retention basin.
3. The Developer/Applicant shall pay all impact and capacity fees.
4. The Developer/Applicant shall pay any and all amounts as determined by the City of Imperial to defray all costs for the review of maps, drawings, reports, field investigations, or other activities related to compliance of this project with City ordinances and/or any other laws, regulations, or requirements that apply. No Tract Map shall record until such costs have been paid to the City.
5. All maps, plans, studies, cost estimates, designs and calculations required for this project shall be subject to the review and approval of the City Engineer, Department of Public Works and Department of Community Development prior to submittal for approval to record the Tract Map.
6. All infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the recordation of a Tract Map. A Phasing Plan for infrastructure improvements shall be submitted to and approved by the City of Imperial City Council. The construction of on-site and off-site improvements shall adhere to the schedule set forth in the phasing plan and improvement plans. The phasing for the project has been attached hereto to these conditions of approval.

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7. The Developer shall initiate through the City Council, the formation of a Special District for the maintenance of drainage/park facilities, street lighting, fencing and landscaping.
8. The Developer shall provide adequate financial assistance to offset the impacts to local law enforcement, fire and school services to ensure the level of service of these departments are not adversely affected by the estimated population increase as a result of the development of this project.
9. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. The Developer shall construct new water mains and storage facilities in the project area if necessary and built according to City development standards. In the event that the collection system is improved by the City or another developer, this project shall pay its fair share of the cost of improvements.
10. The Developer shall comply with the City's Sewer Master Plan to ensure sufficient handling of wastewater. The Developer shall improve the collection system through the construction of new sanitary sewer mains and lift stations where required and in accordance with City development standards. In the event that the collection system is improved by the City or another developer, this project shall pay its fair share of the cost of improvements.
11. Developer acknowledges that the potential pace of growth in the City and resulting demand on City services such as water and wastewater may result in such services not being available. Developer acknowledges particular concern with wastewater and agrees that capacity is not allocated until issuance of a building permit. Developer acknowledges that a building permit will not issue unless there is sufficient wastewater capacity based on the total amount of building permits already issued at that time. In order to address a shortage in wastewater capacity, the parties may agree upon fair share fees for the construction of a new wastewater treatment plant to respond to this project's wastewater demand.
12. The Developer/Applicant shall submit a lighting plan prior to any construction activity. All lighting installed shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties. Lighting improvements shall include street lights on Brewer Road, Nance Road interior streets, at bus stops and at mail kiosks. The lighting plan shall be reviewed and approved by the City of Imperial Planning Department, Building Department and the Imperial County Airport.
13. A Landscaping Plan shall be submitted to the City of Imperial for review and approval prior to the recordation of a Tract Map. Landscaping shall be provided in all parks **and retention basins as deemed by the City of Imperial per condition of approval # 14**. Where noise walls are required along roadways and adjacent to the Imperial County Airport, landscaping shall also be provided. All landscaped areas shall be irrigated with automatic sprinkler systems.

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14. The Developer shall provide a minimum of 10.5 acres of parks with recreational amenities. The type of amenities to be installed shall be as follows:

- a. The 8.4-acre retention basin shall be graded according to approved plans and developer will provide (1) an access road made of decomposed granite for maintenance by the City of Imperial, (2) a decomposed granite walkway around the top of the basin, and (3) erosion control "glue" on the slopes and the bottom of the basin to mitigate fugitive dust. All of these items shall be subject to approval by the City of Imperial. The Park Committee may review and approve, at their discretion, an alternate development plan submitted by the Developer. This retention basin shall be completed and be dedicated to the City by the end of Phase III (B) or Phase IV(B).

Note: The retention basin has already been graded out per the approved plans and the storm drain system is completed and runs all the way down to the retention basin already. The retention basin already functions as it is intended to.

- b. The half-acre pocket park along Monterrey Park Lane that is located within Phase III of the project development shall be completed and dedicated to the City of Imperial prior to the issuance of the certificate of occupancy which is past 50% of the phase within Phase III(B) or the final certificate of occupancy within Phase IV(B); whichever occurs first. The pocket park shall be improved with sufficient landscaping, trees, (5) park benches, walking path, trash and recycling receptacles.
- c. The 4-acre park shall be developed with sufficient landscaping, trees, (2) picnic tables, a gazebo, (1) barbecue, a volleyball court, and playground equipment for a small tot lot. The first building permit issued either for Phase III(C) or Phase IV(C) triggers the need for the developer to post a security bond for the park landscaping and park improvements. The park shall be completed and dedicated to the City prior to the first issuance of a certificate of occupancy on any home located on Las Cuspides Street, within Phase III(C).
- d. All trees installed within the project site and the park areas shall be low-lying to prevent any conflicts with over-flight of aircrafts. No trees shall be planted within seventy-five feet (75') of the northern boundary of the relocated canal.
- e. The Developer/Applicant shall install lighting within all park areas for night-time security. All lighting shall be shielded and oriented so as not to create nuisance light and glare.

15. The Developer shall comply with the Financial Responsibility clause of the Memorandum of Understanding between the City of Imperial and the Imperial Unified School District with regards to mitigation of school impacts. The terms of the Financial Responsibility shall be satisfied prior to the recordation of any Final Map as it relates to cash deposits, dedications and funding from a Community Facilities District (CFD). The Development Impact Fees for schools shall be paid prior to issuance of any building permit. The City and the School District will jointly confirm that the terms of the Financial Responsibility have been fulfilled.

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16. The Developer shall provide centrally located school bus turnout(s) within the project site as specified by the Superintendent of the Imperial Unified School District. The bus turnout(s) shall be at least 40 feet in length and will be provided with crosswalks, signage, night-time lighting, and any other traffic calming devices specified by the School District or City in order to ensure student safety during loading and unloading.
17. Prior to the start of any construction activity, a qualified California Department of Fish and Game (CDFG) biologist shall survey the site for any active owl burrows. Any burrows found shall be identified and flagged. Burrows shall not be disturbed during the mating season (February 15 to August 15). After the mating season ends, the burrows shall be destroyed by a qualified CDFG biologist to prevent the return of the owls to these burrows during the next mating season. All mitigation measures outlined in the Mitigated Negative Declaration shall apply.
18. A Grading and Drainage Plan/Study shall be submitted to the City Engineer for review and approval. The Grading and Drainage Plan/Study shall address property grading and erosion control which shall include the prevention of sedimentation or damage to off-site properties. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City of Imperial for review and approval. Best Management Practices shall be utilized to minimize or prevent storm water pollution. Prior to the recordation of a Tract Map, the Developer/Applicant shall provide the City with a letter from the Imperial Irrigation District (IID) stating that the plans have been reviewed and approved for the discharge of storm water onto IID facilities.
19. The retention ponds must be designed to drain out within seventy-two (72) hours of any storm event. **Retention Basins must be completed in accordance with the requirements set forth in condition 14(a) above.** The bottom of the retention ponds shall have a minimum separation with the top of the groundwater table such that the ponds will function in their intended use.
20. Construction sites shall control dust (PM-10) generation through implementation of the construction mitigation measures detailed in Regulation VIII of the Air Pollution Control District's CEQA handbook and as outlined in the Mitigation Monitoring Program.
21. The Developer/Applicant shall construct a six-foot (6') solid masonry wall along the west boundary of the project site adjacent to Austin Road, and along the North boundary of the site adjacent to Brewer Road, prior to the occupancy of any structure. The masonry wall adjacent to Austin Road must be at minimum five feet higher than the grade of the Central Main Canal. Landscaping shall be provided along the walls on Brewer Road; and the Developer/Applicant shall also install landscaping along the fence line adjacent to the Imperial County Airport runway to provide an additional noise buffer. The material and color of all walls required by this section shall be decorative and subject to the review and approval by the Planning Commission. The Developer/Applicant shall also construct a chain-link fence along the northern boundary of the relocated canal adjacent to the airport boundary. The height of the fence shall be a minimum of six feet (6') in height or similar to the height of the fence along the northern boundary of the airport property, whichever is greater. Honeysuckle or other similar climbing plant shall be installed by the Developer/Applicant along the fence to provide visual and noise buffer.

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22. All on-site utilities including power lines, telephone lines, and cable television lines shall be installed underground. In the event that the utility companies, such as the Imperial Irrigation District, determines that on-site utilities cannot be located underground, the Developer/Applicant may install such utilities as needed above ground.
23. The Developer/Applicant shall relocate the Central Main canal underground as shown on the Tentative Tract Map. In the event that the Imperial Irrigation District determines on-site canals and drains cannot be located underground, the Developer/Applicant may install such utilities as needed above ground.
24. The Developer/Applicant shall provide a soils report indicating, among other things, the suitability of the site for the proposed development, specifications for earthwork, design guidelines for slabs and foundations and recommended roadway sections. Soils directly below and adjacent to the sewer outfall pipeline that was found in the northeast corner of the site shall be tested for hydrocarbon residues, volatiles and other heavy metals before construction begins within the vicinity. In the event that hazardous materials are found, the project site shall be remediated.
25. The conditional approval of the Tentative Subdivision Map, Zone Change and General Plan Amendment 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. All mitigation measures outlined in the Mitigated Negative Declaration are hereby incorporated and made conditions of approval whether restated herein or not.
26. The Developer/Applicant shall obtain, pay for and comply with all permits from the Imperial Irrigation District, and other applicable agencies for all improvements within, across, or affecting the respective rights of way.
27. All Final Tract Maps shall provide for 10-foot public utility easements adjacent to all street rights of way for underground power, communications and cable television systems.
28. All off-site and on-site improvements shall comply with the City of Imperial Development Standards. Where no standards exist, the improvements shall be completed in accordance with the City Engineer's recommendations.
29. The Developer/Applicant shall comply with all requirements of the Imperial County Fire Department. Such requirements may include, but are not limited to, the location and sizing of fire hydrants, premise identification numbers (address numbers), and roadway access.
30. *The Tentative Subdivision Map shall be valid for a period of two years following the City Council approval and the appeal period. Tentative Map may be extended by virtue granted as State Law and the Subdivision Map Act deem.*
31. The Developer/Applicant shall record agricultural easements, to put new homeowners on notice regarding the noise, dust, odors and other potential impacts associated with active farming of nearby lands. The Developer/Applicant shall also make homeowners aware of the Imperial County Right to Farm Ordinance when they purchase new homes in the project area.

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32. A Phasing Plan shall be submitted, reviewed and approved by the City of Imperial City Council. Phasing of the development shall demonstrate each phase can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed. See attached revised Phasing Plan with sequencing for the project which complies with these revisions to the conditions of approval.
33. The Tract Map shall include an avigation easement for all lots created. In addition, all lots will be developed and sold with a hold harmless agreement with the City of Imperial and the County of Imperial Airport, and the US Naval Air Facility – El Centro. The avigation easement shall be reviewed and approved by the Imperial County Airport Manager and shall be consistent with the avigation easement recorded for the Sky Ranch Subdivision.
34. The Developer shall complete the following roadway and intersection improvements:
- a. **Brewer Road** shall be extended as a residential collector from its terminus at Nance Road to connect to Austin Road. This improvement shall be completed during Phase I Final Map improvements and the Developer shall provide additional bonds or other form of acceptable security for these improvements. Said bonds shall be provided prior to the issuance of any Certificates of Occupancy.
 - b. **Nance Road** shall be improved to City of Imperial Residential Collector standards. The Developer shall be responsible for the construction of two travel lanes, parking, and curb and gutter on one side of the road. This improvement shall be completed during Phase I Final Map improvements and the Developer shall provide additional bonds or other form of acceptable security for these improvements. Said bonds shall be provided prior to the issuance of any Certificates of Occupancy.
 - c. **Worthington Road** between Austin Road and the approach area east of Nance Road shall be widened by the Developer to a three (3)-lane collector with the third lane being a two way left turn lane. This improvement shall be completed during Phase I Final Map improvements and the Developer shall provide additional bonds or other form of acceptable security for these improvements. Said bonds shall be provided prior to the issuance of any Certificates of Occupancy. A Reimbursement Agreement shall be executed to cover the project's fair share impact.
 - d. The **intersection at Nance and Worthington** shall be improved by the Developer with all-way stop control, east/west through lanes on Worthington Road, westbound left turn lane, east bound left turn lane, northbound right turn lane and a northbound through/left turn lane. These improvements shall be completed during Phase I Final Map improvements and the Developer shall provide additional bonds or other form of acceptable security for these

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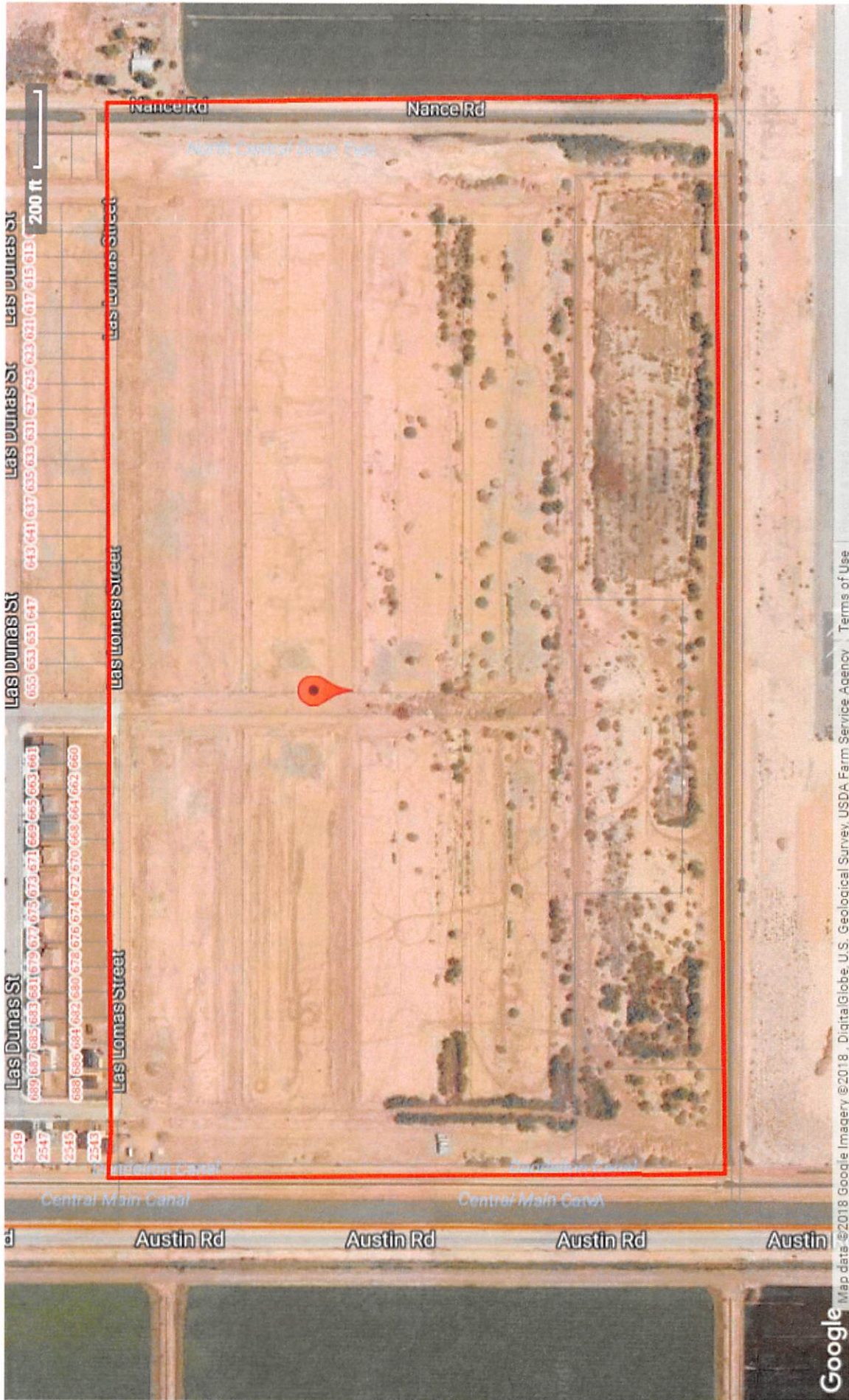
- improvements. Said bonds shall be provided prior to the issuance of any Certificates of Occupancy.
- e. The Developer shall pay its fair share fees for the future signalization of the **intersection at Nance and Worthington**. These fees shall be paid on a per dwelling unit basis at the same time building permit fees are paid.
 - f. The Developer shall pay its fair share fees for the future signalization and improvements at the **intersection at Austin and Worthington**. These fees shall be paid on a per dwelling unit basis at the same time building permit fees are paid.
 - g. The **intersection at Austin and Brewer** shall be restricted to right-in and right-out only. The Developer shall install a 4' wide by 100' long raised median on Austin Road at Brewer Road to restrict turn movements on Brewer Road to right-in and right-out only. Reflectors flashing beacons shall be installed on the raised median, and lighting on Austin Road shall be installed to illuminate the raised median. The Developer shall also construct a northbound right turn lane from Austin Road to Brewer Road. These improvements shall be completed during Phase I Final Map improvements and the Developer shall provide additional bonds or other form of acceptable security for these improvements. Said bonds shall be provided prior to the issuance of any Certificates of Occupancy
 - h. The Developer shall pay fair share fees for the improvement of Worthington Road between Nance Road and Highway 86 to a four lane road with secondary arterial status. The cumulative impacts to the Highway 86/Worthington Road intersection shall be mitigated by re-striping the approaches so that there is an eastbound left lane, an eastbound shared through-right lane, a westbound left lane, and a shared westbound through-right lane. The intersection will also have the following additional lanes added: southbound and northbound through lanes, eastbound through, eastbound left, westbound through, and westbound left. The Developer shall pay fair share fees for the mitigation of these cumulative impacts
34. A Class II bikeway shall be constructed within the project site and along Brewer Road to ensure connectivity with those bikeways identified within the City of Imperial Bicycle Master Plan. Worthington Road shall be improved with a Class II bikeway.
35. In a meeting with Imperial Irrigation District (IID) Staff on June 14, 2005, the IID stated that it will reconfigure existing circuits to provide the necessary electrical power to the area, and as such, an electrical substation is not needed. The Developer may relocate the proposed RV parking area to that area designated for an IID substation shown on the Tentative Tract Map. The area formerly occupied by the proposed RV parking area shall remain a landscaped, open space area. In the event that IID will require a substation on the project site, the substation shall be screened on all sides with a six foot (6') high masonry wall that matches the masonry walls to be built on the boundaries of the project site. The color and material type of these



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walls will be subject to the approval of the Planning Commission. The perimeter of the substation shall also be landscaped with turf, shrubs, and trees to the greatest extent feasible in order to reduce the aesthetic impact that this substation will have on the project site. The City acknowledges that the substation will be shared with surrounding developments and Developers may enter into fair share agreement(s) amongst themselves.

36. All residential development within the project site shall be constructed using building materials and techniques such as dual pane windows, and increased insulation to decrease interior noise levels within dwelling areas to 45 dba or lower.
37. The Developer/Applicant shall agree to defend, indemnify and hold harmless the City of Imperial, Imperial County Airport, and the US Naval Air Facility – El Centro and their agents, including consultants, officers and employees from any claim, action or proceeding against the City, County Airport, or Naval Air Facility or their agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the Tentative Tract Map and associated Zone Change, General Plan Amendment and Mitigated Negative Declaration. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys fees, or expert witness costs that may be asserted by any person or entity, including the Developer/Applicant arising out of or in connection with the approval of the Tentative Tract Map and associated Zone Change, General Plan Amendment and Mitigated Negative Declaration, including any claim for private attorney general fees claimed by or awarded to any party from the City, County Airport or Naval Air Facility.
38. Developer shall provide a “point of connection” for the water loop at the “Southwest” corner/cul-de-sac of what is proposed to be “Las Cuspides” street before the issuance of the last Certificate of Occupancy for either Phase III(B) or Phase IV(B).

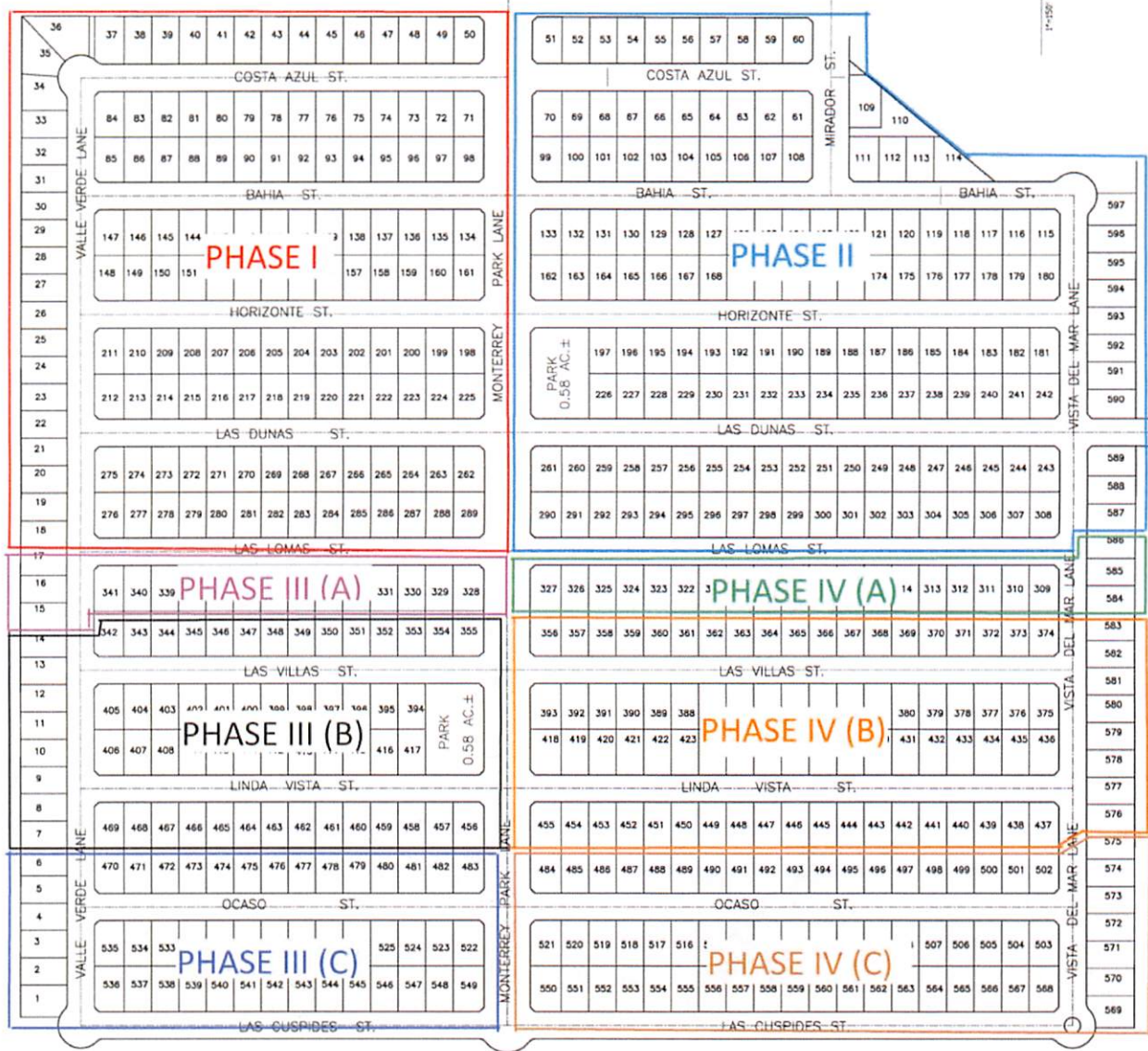
Proposed Phasing Plan and Amendments to Conditions of Approval for Monterey Park Subdivision



		<p>06/08/2018</p>	<p>Location Map</p>
<p>1" = 376 ft</p>		<p>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.</p>	

MONTERREY PARK

REVISED CITY PROPOSED PHASING



RESOLUTION NO. 2018-10

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL,
CALIFORNIA, ALLOWING THE AMENDMENT OF CONDITIONS OF APPROVAL AND
PHASING PLAN FOR MONTERREY PARK SUBDIVISION**

WHEREAS, the Planning Commission of the City of Imperial adopted Resolution 2005-24 on June 15, 2005 approving the Monterrey Park Subdivision subject to conditions of approval; and

WHEREAS, the developer is requesting the approval of a phasing plan and amendments to the existing conditions of approval attached Exhibit A (Conditions of Approval) and Exhibit B (Phasing Plan):

WHEREAS, the Developer is requesting a phasing plan due to financial purposes; and

WHEREAS, the Developer is requesting amendments to the conditions of approval to coincide with the proposed phasing plan for Monterrey Park Subdivision.

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) That the Planning Commission hereby recommends the phasing plan (Exhibit B) and amendments to the conditions of approval (Exhibit A) to the City of Imperial's City Council for approval.
- C) That the City of Imperial's City Council has the sole discretion as to whether an alternative plan will be approved; and
- D) That the Developer is required to provide additional security (in the form of bonds or other acceptable means) for additional off-site improvements as a result of any possible changes to the Conditions of Approval.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 13th day of June 2018.

Planning Commission Chair

ATTEST:

City Clerk

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA,
ALLOWING THE AMENDMENT OF CONDITIONS OF APPROVAL AND PHASING PLAN
FOR MONTERREY PARK SUBDIVISION**

WHEREAS, the City Council of the City of Imperial adopted Resolution 2005-24 on June 15, 2005 approving the Monterrey Park Subdivision subject to conditions of approval; and

WHEREAS, the developer is requesting the approval of a phasing plan and amendments to the existing conditions of approval attached Exhibit A (Conditions of Approval) and Exhibit B (Phasing Plan):

WHEREAS, the Developer is requesting a phasing plan due to financial purposes; and

WHEREAS, the Developer is requesting amendments to the conditions of approval to coincide with the proposed phasing plan for Monterrey Park Subdivision.

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) That the Planning Commission hereby recommends the phasing plan (Exhibit B) and amendments to the conditions of approval (Exhibit A) to the City of Imperial's City Council for approval.
- C) That the City of Imperial's City Council has the sole discretion as to whether an alternative plan will be approved; and
- D) That the Developer is required to provide additional security (in the form of bonds or other acceptable means) for additional off-site improvements as a result of any possible changes to the Conditions of Approval.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 18th day of July 2018.

Planning Commission Chair

ATTEST:

City Clerk