

Agenda Item No. E-1

DATE SUBMITTED 4/24/2019  
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR  
 DATE ACTION REQUIRED 5/1/2019

COUNCIL ACTION (x)  
 PUBLIC HEARING REQUIRED (x)  
 RESOLUTION (x)  
 ORDINANCE 1<sup>ST</sup> READING ( )  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS ( ) *o*

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: AMENDMENTS TO CONDITIONS OF APPROVAL FOR MAYFIELD SUBDIVISION UNIT 3C  
 1. APPROVAL OF AMENDMENTS TO CONDITIONS OF APPROVAL NUMBERS 10, 11, 12, 14, 17, 20, 21, 22, 23, 24, 25, 30 and 48 FOR THE DOYLE/MAYFIELD SUBDIVISION FOR UNIT 3C  
 DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT

**BACKGROUND/SUMMARY:**  
 The Planning Commission previously approved Conditions of Approval for the "Doyle Ranch Subdivision" in July 2004, which is now known as the Mayfield Subdivision. Historically, the Mayfield subdivision was owned by one developer. After the housing market crash, Mayfield became a failed subdivision. Since then, the parcels have been sold to different developers. The Conditions of Approval are outdated and are not tailored to existing conditions nor to the actual "phases" in which the subdivision has been developed since the crash. The existing conditions of approval are tied to the entire subdivision as a whole. There are not any trigger areas in place for the required improvements, nor reimbursement agreements at the moment. Best practice is to treat every development in this subdivision as though nothing will ever be built out. In that scenario we require the developer to comply with all the conditions of approval.

**PROPOSED CONDITION MODIFICATIONS/AMENDMENTS REQUESTED:**

- Summarized, the Applicant is requesting the following items: that the city issue a will serve letter so it may be included to the applicants lender in its loan package and use it to complete it due diligence with the seller and requesting in writing that the small park on the tentative map is to be eliminated in favor of the developer paying park fees with the funds going towards a large regional park. Applicant is requesting changing this condition as suggested and supported by staff to change wording from creating an HOA to adding 3C to the CFD services annual fee as being charged on Mayfield units 1 and 2. This would be equal to a LLMD [ Landscape Lighting and Maintance District] as this levy system is already established. The city would take control and appropriate funding for landscaping and lighting will be in place. Please see proposed amendments attached.

Proposed amendments were reviewed during a Public Hearing by Planning Commission on April 10<sup>th</sup>, 2019. The Planning Commission recommended the item to City Council for review and approval.

FISCAL IMPACT:	ADMIN SERVICES SIGN INITIALS _____
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STAFF RECOMMENDATION: Staff recommends that the Council review and comment on the proposed amendments to the Conditions of Approval for the Mayfield Subdivision	DEPT. INITIALS <u>OM</u>
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MANAGER'S RECOMMENDATION:	CITY MANAGER'S INITIALS _____
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**MOTION:**

SECONDED:	APPROVED ( )	REJECTED ( )
AYES:	DISAPPROVED ( )	DEFERRED ( )
NAYES:		
ABSENT:	REFERRED TO:	

**RESOLUTION PC2019-74**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL APPROVING THE AMENDMENTS TO THE DOYLE/MAYFIELD SUBDIVISION FOR UNIT 3C LOCATED AT ASSESSOR PARCEL NUMBER: 044-200-099 IN THE CITY OF IMPERIAL, CA 92251**

**WHEREAS**, Martin D. Coyne submitted a request for an amendment to the following conditions of approval numbers: 10, 11, 12, 14, 17, 20, 21, 22, 23, 24, 25, 30 and 48 for the proposed Mayfield Unit 3C Subdivision within the City; and

**WHEREAS**, a duly notified public hearing was held by the City Council during an adjourned meeting on May 1, 2019 and;

**WHEREAS**, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the City Council considered all facts relating to the request for amendments to the existing Conditions of Approval for the Doyle/Mayfield Subdivision.

**NOW THEREFORE, BE IT RESOLVED** by the City Council 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) Existing Mitigated Negative Declaration approved for the entire subdivision and therefore does not undergo CEQA again.
- 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 City Council hereby **APPROVES** the amendments for the following conditions of approval numbers: 10, 11, 12, 14, 17, 20, 21, 22, 23, 24, 25, 30 and 48 for the proposed Mayfield Unit 3C Subdivision.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this May 1, 2019.

\_\_\_\_\_  
Mayor, City of Imperial

ATTEST:

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



**RESOLUTION NO. 2007-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA,  
APPROVING THE MAYFIELD RANCH PLANNED UNIT DEVELOPMENT TENTATIVE  
TRACT MAP AND REVISION TO THE DOYLE RANCH TENTATIVE TRACT MAP**

**WHEREAS**, Pacific Century Homes, LLC has submitted an application for a Planned Unit Development, Zone Change and General Plan Amendment for certain real property described as follows:

The south half of the south half of the east 320 acres of Tract 106, Township 15 South, Range 14 East, San Bernardino Meridian, in an unincorporated area of the County of Imperial, State of California, according to Official Plant thereof.

Excepting therefrom all of the oil, gas, hydrocarbon substances and all other minerals, whether solid, liquid, or gaseous; including, but not limited to hot water, steam, geothermal resources, geothermal energy, and extractable minerals, in and under said land lying below a depth of 500 feet from the surface thereof; without however the right of entry through the surface thereof for the purpose and extraction of the aforesaid minerals as reserved by F.A.D. Farms, Inc., a California Corporation in Deed recorded April 18, 1991, as File No. 91006921 in Book 1670, Page 1730 of Official Records; and

**WHEREAS**, a duly notified public hearing was held by the Planning Commission on September 12, 2007; and

**WHEREAS**, a duly notified public hearing was held by the City Council on September 19, 2007; and

**WHEREAS**, upon hearing and considering all testimony and arguments, examining the Initial Environmental Study, analyzing the information submitted by staff and considering any written and oral comments received, the City Council considered all facts relating to the Mayfield Ranch Planned Unit Development Tentative Tract Map and revision to the Doyle Ranch Tentative Tract Map.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Imperial as follows:

- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the City Council hereby **APPROVES** the Mayfield Ranch Planned Unit Development Tentative Tract Map and revision to the Doyle Ranch Tentative Tract Map, subject to Conditions of Approval outlined in Exhibit A; and
- C) All approvals made by the City Council are based on the following findings:
  - 1. 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.

2. The project is in compliance with the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code.
3. The initial environmental assessment shows that there is no substantial evidence that the Tentative Tract Map may have a significant impact on the environment.
4. 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.
5. The Tentative Tract Map is consistent with the intent of the Imperial General Plan to maintain land use designation consistency within the incorporated area of a City's and its sphere of influence.
6. The Tentative Tract Map is consistent with the policies and the land uses of the existing City of Imperial General Plan.
7. The Tentative Tract Map is consistent with the objective of the City of Imperial Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 19<sup>th</sup> day of September 2007.

\_\_\_\_\_  
Mayor

ATTEST:

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

**RESOLUTION 2007-\_\_\_\_\_**

**EXHIBIT A**

**CONDITIONS OF APPROVAL**

for

**Mayfield Ranch Planned Unit Development Tentative Tract Map and revision to the Doyle Ranch Tentative Tract Map**

1. The development plan shall be as shown on the following exhibits, collectively described as Exhibit "B," except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Planning Director if found to be in substantial conformance to this development plan.
  - a. Mayfield Ranch Tentative Tract Map dated September 11, 2007
  - b. Conceptual Landscape Plan
  - c. Floor Plans
  - d. Colored Elevations at Paseos
  - e. Colored Elevations at Drive Lanes
2. The project shall be subject to the use standards outlined in the Planned Unit Development Ordinance and site development standards as follows:

<b>Daybreak Development Standards</b>	<b>Requirements</b>
Front Setback	20' minimum
Rear Yard Setback	
Living Area	10' minimum
Porches/Patios	5' minimum
Side Yard Setback	5' minimum
Street Side Yard Setback	10' minimum
Driveway Curb-Cuts	20' maximum
Distance between structures	5' minimum



8. All infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the recordation of a Tract Map.
9. The Developer shall pay the adopted Development Impact Fees (DIF) 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.
10. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. A hydraulic study must be submitted to the City to demonstrate that all water pipelines are adequately sized to serve domestic and fire protection demands. The Developer shall construct new water mains in the project area if necessary and built according to City development standards. **City to issue a will serve letter to the developer to be included in the developers "lender loan package".**
11. 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. **City to issue a will serve letter to the developer to be included in the developers "lender loan package".**
12. 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 the payment of the project's pro rata share for the construction of a new wastewater treatment plant to respond to this project's wastewater demand. **City to issue a will serve letter to the developer to be included in the developers "lender loan package".**
13. 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 Cross Avenue, interior streets, and at all intersections. Lighting from street lights shall provide sufficient lighting to all drive lanes and mail kiosks. Low level pedestrian-scale lighting shall be provided at all paseos. The lighting plan shall be reviewed and approved by the City of Imperial Planning and Building Departments.
14. 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, front yards, drive lanes and paseos. Where perimeter walls are installed, landscaping shall also be provided. All landscaped areas shall be irrigated with automatic sprinkler systems. **Developer shall dedicate land, pay a fee in lieu therefore, or both, at the option of the city, for park or recreational purposes to be determined according to the City standards during the application review and permitting process.**
15. Each front yard shall have a minimum of one (1) tree and five (5) shrubs planted by the Developer.

16. All trees used in landscaping, shall be a minimum of fifteen (15) gallons in size and all shrubs shall be a minimum of five (5) gallons.

**17.** ~~The Applicant shall form a Home Owners Association (HOA) for all lots with a paseo and record Conditions, Covenants and Restrictions (CC&R's) prior to or concurrently with the Final Map. CC&R's shall include but not be limited to the following:~~ **HOA to be removed and maintenance to Mayfield Unit 3C will be provided through the CFD special tax facilities system to provide funding in order to provide the following maintenance services:**

- **Public Safety Services**
- **Maintenance of Parks, Parkways, and Open Space**
- **Storm Drain and Flood Control Facilities**

- a. ~~Conditions of Approval of this Tentative Tract Map/Planned Unit Development;~~
- b. ~~provisions for short and long term maintenance of the paseos;~~
- c. ~~reciprocal and public access on all paseos;~~
- d. ~~provisions for short term and long term maintenance of landscaping in the paseos;~~
- e. ~~provisions for homeowner maintenance of landscaping with the drive lanes;~~
- f. ~~provisions for lighting and illumination in the paseos;~~
- g. ~~provisions for lighting and illumination in the drive lanes; and~~
- h. ~~posting of no parking signage.~~

A copy of the recorded CC&R's shall be submitted to the Planning Department prior to issuance of a building permit. Membership in and support of a homeowners association shall be mandatory for all property owners of lots with paseos. The homeowners association shall control all common facilities and shall obtain approval from the Planning Director prior to any modifications of the CC&R's pertaining to or specifying the City or City requirements.

18. All mechanical equipment and air conditioning equipment shall be installed a minimum of five feet (5') from any property line.

19. The applicant shall effectively screen from view all ducts, vents, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or on the roof, with materials architecturally compatible with the main structure. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Planning Director. All required screening shall be provided prior to occupancy.

~~20. The location of any pad-mounted transformers shall be subject to approval by the Planning Director prior to issuance of permits by the Building and Safety Division. Such~~

~~transformers shall be screened by landscaping or contained within an enclosure matching the building and with corrugated metal gates, subject to approval by the Imperial Irrigation District. All transformers shall be shown on the plans submitted for issuance of building permits.~~ **Condition to be eliminated, as this condition is typically only requested for commercial projects or rarely.**

- ~~21. Prior to the issuance of certificates of use and occupancy, all private open space lots shall be granted in fee to a homeowner's association who shall be responsible for their maintenance and upkeep.~~ **Condition to be eliminated.**
- ~~22. The Developer shall improve the park with appropriate landscaping and playground equipment subject to the review and approval of the Parks Committee. Playground equipment shall consist of equipment suitable for children between the ages of 2 to 5 years old and additional equipment suitable for children between the ages of 5 to 12 years old. The Developer shall also improve the park to include active recreation pursuits such as tennis court or similar uses subject to the review and approval of the parks committee.~~ **Condition to be eliminated.**
- ~~23. The Developer shall improve the park with appropriate landscaping and playground equipment subject to the review and approval of the Parks Committee. Playground equipment shall consist of equipment suitable for children between the ages of 2 to 5 years old and additional equipment suitable for children between the ages of 5 to 12 years old. The Developer shall also improve the park to include active recreation pursuits such as tennis court or similar uses subject to the review and approval of the parks committee.~~ **Developer shall dedicate land, pay a fee in lieu therefore, or both, at the option of the city, for park or recreational purposes to be determined according to the City standards during the application review and permitting process.**
- ~~24. The 1-acre park shall be developed within the first phase of the project.~~ **Developer shall dedicate land, pay a fee in lieu therefore, or both, at the option of the city, for park or recreational purposes to be determined according to the City standards during the application review and permitting process.**
- ~~25. A minimum of ten (10) off street parking spaces shall be provided at the park.~~ **Developer shall dedicate land, pay a fee in lieu therefore, or both, at the option of the city, for park or recreational purposes to be determined according to the City standards during the application review and permitting process.**
26. 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/or 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.

27. 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.
28. 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.
29. 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.
30. The Developer/Applicant shall construct a six-foot (6') solid masonry wall along the eastern boundaries of all lots abutting retention basins. ~~Wrought iron fencing with pilasters shall be installed along the eastern boundary of all lots abutting the park.~~ **Wood Fencing is to be installed along the eastern boundary**. A six-foot solid masonry wall shall also be installed on the eastern boundary of Lot 210. Landscaping shall be provided along all walls or fencing abutting roadways. The material and color of all walls required by this section shall be consistent with the walls installed along "P" Street/Clark Avenue.
31. 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.
32. 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.
33. 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.
34. The conditional approval of the Tentative Subdivision Map 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 Doyle Ranch Mitigated Negative Declaration are hereby incorporated and made conditions of approval whether restated herein or not.
35. 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.

36. 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.
37. 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.
38. 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. All residential water pipelines shall be adequately sized to sustain 1,500 gallons per minute (gpm) for two hours plus peak demand in accordance with the latest edition of the National Fire Protection Association (NFPA) Codes and Standards. Pipeline sizes shall be the next largest standard size with readily available replacement parts (i.e., 12" pipelines for those identified as 10").
39. The cul-de-sac on Street A shall have a minimum unobstructed radius of 60'. For the purposes of this section, obstructions to the cul-de-sac radius include parked cars.
40. Blow-off valves shall be installed for all dead-end water lines.
41. A 26-foot clear area shall be provided along drive lanes, and no parking shall be allowed in the drive lanes. No parking areas shall be clearly marked.
42. The Tentative Subdivision Map shall be valid for a period of two years following the City Council approval and the appeal period. The Developer may request time extensions in accordance with the Subdivision Map Act, but the granting of such time extensions is not automatic and is at the discretion of the City Council.
43. 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.
44. 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 Mayfield Subdivision.
45. 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.

46. All conditions of approval for this Tentative Map 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. It is the responsibility of the applicant to ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans. 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.
47. The Developer/Applicant shall submit a Phasing Plan to the Planning Commission for review and approval. The project may be developed in phases but each phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all applicable regulations even if no subsequent phase should ever be completed.
- 48. For the Development of Mayfield Unit 3C the Developer must provide the installation of the water line loop and Cross Road will not require to be paved half way.**