



Staff Report

Agenda Item No.

D-2

To: City of Imperial Planning Commission
From: Lisa Tylenda, Planner
Date: March 8, 2018
Subject: Appeal- Mark Gaddis & Jeff Carter Farmington Street/ Mayfield Unit 1

Background:

- Current Zoning: R-1 (Single Family Residential)
- Current Land Use: Vacant Parcels
- Size of Property: 19 vacant Lots
- Parcel Location: Farmington Street
- Site/Improvement Plans: Please see attached plans.
- Environmental Clearance: Initial Study Tiring off existing Mitigated Negative Declaration.

Historically the Mayfield Subdivision was originally owned by one developer. The final map was approved in 2004. After the housing crash, Mayfield became a failed subdivision. Since then, the parcels have been sold to different developers. The Conditions of Approval are outdated and not tailored to existing conditions nor to the actual phases in which this subdivision has begun to be developed since the crash. The existing conditions of approval are tied to the entire subdivision not in “parcel pieces” there are no trigger areas. Best practice is to treat every development in this subdivision as though nothing will ever be finished or built out. In that scenario we require that the developer comply with all the conditions of approval.

The project on Farmington Street consists of 19 lots that are to be developed into Single Family Residential Homes. The improvements that are tied to “Mayfield Unit 1” have not been completed.

Please see the attached Appeal letter on behalf of Mark Gaddis and the original conditions of approval.

Staff Recommendation:

Staff is presenting this item to the Planning Commission to process the appeal request and make a determination as to which Conditions of Approval should be triggered and completed during this project in regards to this unique situation.

Attachments:

- Location map.
- Improvement Plans for Mayfield Unit 1.
- Conditions of Approval for Mayfield Subdivision (formerly known as Doyle Ranch Subdivision).

CONDITIONS OF APPROVAL

for

DOYLE RANCH TENTATIVE SUBDIVISION MAP (APN's 044-200-050-01 and 044-200-051-01)

July 7, 2004

1. The Developer/Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinance, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
2. All parks shown on the Tentative Subdivision Map shall be dedicated to the City. All parks shall be landscaped and the Developer/Applicant shall also pay the required Park Facilities Impact Fees prior to the issuance of any building permit.
3. 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.
4. The City Council shall have final approval of the Tentative Tract Map, pre-Zone, pre-General Plan Amendment and Environmental Review.
5. The Developer/Applicant shall pay all impact and capacity fees.
6. 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, filed 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.
7. 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.
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 be form a separate or participate in a Community Facilities District (CFD) to facilitate the construction or expansion of needed public infrastructure.
10. 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.
11. 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.

12. 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. Where noise walls are required along roadways, landscaping shall also be provided. All landscaped areas shall be irrigated with automatic sprinkler systems.
13. Prior to the issuance of each building permit, the Developer shall provide a letter from the Imperial Unified School District indicating that the required school fees have been paid or otherwise satisfied for same.
14. Prior to the start of any construction activity, a qualified 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 will be destroyed 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.
15. 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.
16. Construction sites shall control dust (PM-10) generation through daily watering in accordance with a dust control plan submitted to and approved by the Air Pollution Control District as required by Imperial APCD Rule 800.
17. All construction activity shall stop during high winds exceeding 20 MPH to prevent excessive dust blowing.
18. The Developer/Applicant shall construct an eight-foot (8') solid masonry wall along the west boundary of the project site adjacent to "P" Street prior to the occupancy of any structure. Landscaping shall be provided along all walls visible to the roadways. The Developer/Applicant shall also construct a six-foot (6') high solid masonry wall along Huston Road and Cross Road. 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.
19. All on-site utilities including power lines, telephone lines, and cable television lines shall be installed underground. A portion of North Date Canal and Huston Road drain shall be relocated as necessary and installed underground.
20. The Developer/Applicant shall provide a soils report indicating, among other things, suitability of the site for the proposed development, specifications for earthwork, design guidelines for slabs and foundations and recommended roadway sections.

21. The conditional approval of the Tentative Subdivision Map, pre-Zone and pre-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.
22. 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.
23. 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.
24. The City Engineer shall review the Tentative Tract Map and may provide additional Conditions of Approval.
25. All approvals made by the Planning Commission are subject to review and approval by the City Council.
26. The Tentative Subdivision Map shall be valid for a period of two years following the City Council approval and the appeal period.
27. As proposed, the map may be recorded in four (4) phases. This map and each portion or phase thereof shall fully implement all mitigation measures outlined in the Mitigated Negative Declaration and other environmental documentation whether re-stated herein or not. All conditions set forth in this approval shall be implemented to the extent that each development phase can, together with any phase that preceded it, exist as an independent unit that minimizes all impacts identified in the environmental documentation and all other applicable regulations even if no subsequent phases are built.
28. The Imperial County Fire Department shall review the Tentative Tract Map and may provide additional Conditions of Approval. Such conditions may include, but not limited to the location and sizing of fire hydrants, premise identification numbers (address numbers), cul-de-sac radii, and roadway accesses.
29. The Developer shall widen "P" Street from Huston Road to the northern boundary of the project site prior to the occupancy of any structure. The total width shall accommodate four travel lanes and turn lanes. Additional improvements along "P" Street shall be provided to accommodate a 10:1 taper.
30. The Developer shall construct Huston Road as a half-width City Standard Street with a minimum 30 feet of asphalt paving.
31. The Developer shall provide for and construct a minimum of 20 off-street parking spaces for the proposed public park site in accordance with the City of Imperial Zoning Ordinance.

RESOLUTION 2007-56

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:

Daybreak Development Standards	Requirements
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 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.
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.
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.
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.
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, drive lanes, at all intersections, at bus stops and at 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.
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:

- 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.
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.
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.

23. The 1-acre park shall be developed within the first phase of the project.
24. A minimum of ten (10) off-street parking spaces shall be provided at the park.
25. 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.
26. 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.
27. 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.
28. 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.
29. The Developer/Applicant shall construct a six-foot (6') solid masonry wall along the eastern boundaries of all lots abutting retention basins and parks. 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.
30. 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.
31. 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.

32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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").
38. 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.
39. Blow-off valves shall be installed for all dead-end water lines.
40. 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.
41. 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.
42. 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.
43. 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 aviation easement recorded for the Mayfield Subdivision.

44. 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.
45. 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.
46. 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.



CITY COUNCIL
Geoff Dale – Mayor
Betty Sampson – Mayor Pro Tem
Robert Amparano – Councilmember
Darrell Pecht – Councilmember
James Tucker – Councilmember

CITY CLERK
Debra Jackson

CITY TREASURER
Stacy Cox

CITY ATTORNEY
Dennis Morita

CITY MANAGER
Stefan T. Chatwin

Date: February 1, 2018

Dear Mark Gaddis and Jeff Carter,

Attached you will find the Conditions of Approval that pertain to the sixteen (16) parcels within the Mayfield subdivision you are considering developing. The Conditions of Approval for Unit 1 must be completed. If you would like appeal the decision or amend the Conditions of Approval, there is a formal process you can apply for. If you would like to appeal staffs decision, it can be done with the Planning Commission.

Thank you,

Othon Mora, MCM, CBO
Community Development Director

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February 13, 2018

Othon Mora
City of Imperial
420 South Imperial Ave.
Imperial, Ca. 92251

Letter of appeal regarding conditions to Tentative Map 044-200-050-01 and 044-200-051-01 in the Mayfield Subdivision

I am currently working with Jeff Carter to develop the remaining 19 lots on the South side of Farmington Street in the Mayfield Subdivision. This Final Map was approved and recorded back in 2004 and at that time there were millions of dollars in CFD funds deposited as well as bonds in place to ensure these improvements were completed. It has recently been brought to my attention that said CFD funds were returned and the bonds were never exercised, thus the improvements were never completed. There are now over a million dollars in conditions and improvements that were never completed. The remaining 19 lots are 80% complete; they just need curb and AC paving. However, there are unrealistic conditions attached to completing these lots that are just not financially feasible.

I propose that I install curb and gutter on both sides of Farmintong Street up to, and around the cul-de-sac at Morgan Way, then all the way to Brighton and tie into the newly installed curb at that point. I will also install road base and AC paving on said portion of roadway. The total estimate for the above mentioned work is \$367,000.00. Considering nearly all of the infrastructure is already in place and the only remaining improvements needed are curb and street, \$367,000 is still very costly for only 19 lots. Half of these expenses will be in a reimbursement agreement. However, I am concerned that it is more than what this small development can afford.

I would like to schedule an appointment when we can all sit down and discuss the options available that would allow us to meet the Cities needs and be able to move forward with the development of Farmington Street in a cost effective manner.

Thank you,
Mark Gaddis