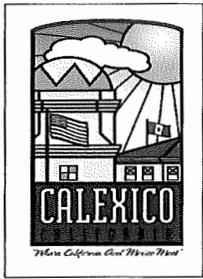


**AGENDA
ITEM**

5



AGENDA STAFF REPORT

DATE: July 17, 2019

TO: Mayor and City Council

APPROVED BY: David B. Dale, City Manager

PREPARED BY: Christopher Velasco, Planning Consultant

SUBJECT: Approval of Resolution Terminating Subdivision Surety Agreement with Calexico Enterprises and KOA Development, Inc.

=====
Recommendation:

The City Engineer is satisfied with the work performed in accordance of the Subdivision Surety Agreement. The Development Services Department recommends that the City terminate the Agreement and have this notice of termination recorded in the official records of Imperial County, California to evidence the termination of the agreement with Calexico Enterprises and KOA Development, Inc.

Background:

On August 10, 1998 the City of Calexico entered in a Subdivision Surety Agreement with Calexico Enterprises, a California Limited Partnership and KOA Development Inc., known hereafter as "Developer," as a part of the conditions of approval of a final map parcel known as "Parcel Map No. 98-101."

In December of 1997 the Developer was given approval for the "Imperial Gardens Apartments," a 50-Unit apartment complex on the 1600 block of Rockwood Avenue by the Planning Commission. The Staff Report recommended that Vega Street between Elena Drive and Rockwood Avenue be re-aligned to avoid a "dog leg" intersection. The installation of the "Vega Street Extension" would include the extension of utility services in accordance with the conditions of approval for the Tentative Parcel Map which was later filed into a "Final Parcel Map." The developer agreed to make the said improvements and entered into the agreement to ensure that that the bondholder agreed to pay the cost of the improvements in the event that the Developer should fail to complete the required improvements.

AGENDA
ITEM
5

The Subdivision Surety Agreement was recorded on August 28, 1998 as "Instrument No. 98020116 in Book 1944, Page 298" of the official records of Imperial County. On August 25, 2019, the City Engineer was satisfied that the work was performed in accordance with the Agreement.

Discussion & Analysis:

The Vega Street Extension and all improvements have performed in accordance with the agreement and to the satisfaction of the City Engineer.

California Environmental Quality Act

Work performed under an existing EIR, please refer to Attachment #5.

Fiscal Impact:

None.

Recommendation:

The City Engineer is satisfied that the work to be performed in accordance of the Subdivision Surety Agreement. The Development Services Department recommends that the City terminate the Agreement and have this notice of termination recorded in the official records of Imperial County, California to evidence the termination of the agreement

Attachments:

1. Draft Resolution Terminating Subdivision Surety Agreement with Callexico Enterprises and KOA Development, Inc.
2. Notice of Termination of Subdivision Surety Agreement.
3. Subdivision Surety Agreement, Instrument No. 98020116 in Book 1944, Page 298.
4. Map of Imperial Gardens Apartments and Street Improvement Area.
5. Resolution No. 98-01 Approving Imperial Gardens Apartments.
6. Staff Report dated December 8, 1997 to the Planning Commission with Conditions of Approval.

RESOLUTION NO. 2019-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO
TERMINATING THE SUBDIVISION SURETY AGREEMENT**

WHEREAS, Calexico Enterprises, a California Limited Partnership, KOA Development, Inc., a California corporation, and the City of Calexico (“City”) entered that certain Subdivision Surety Agreement dated August 10, 1998 (“the Agreement”),

WHEREAS, the Agreement was recorded on August 28, 1998 as Instrument No. 98020116 in Book 1944, Page 298 of the official records of Imperial County, California; and

WHEREAS, the City is satisfied that the work to be performed in accordance with said Agreement has been completed.

NOW, THEREFORE, The City Council of the City of Calexico does hereby terminate the agreement, and further desires that this Notice of Termination be recorded in the official records of Imperial County, California, to evidence such termination of the agreement.

PASSED AND ADOPTED by the City Council of the City of Calexico, California, this 17th day of July, 2019.

Bill Hodge, Mayor

ATTEST:

Gabriela Garcia, City Clerk

APPROVED AS TO FORM:

Carlos Campos, City Attorney

State of California)
County of Imperial) ss.
City of Calexico)

I, Gabriela T. Garcia, City Clerk of the City of Calexico, California, do hereby certify that the above and foregoing Resolution No. 2019-_____ was duly passed, approved and adopted by the City Council at its regular meeting held on the 17th day of July, 2019, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Gabriela T. Garcia, City Clerk

Attachment 1

Recording Requested by,
And When Recorded, return to:

City of Calexico
Engineering Dept.
608 Heber Ave.
Calexico, CA 92231

Space above this line for Recorder's use only
Exempt from recording fee pursuant to Gov.
Code § 6103

**NOTICE OF TERMINATION
OF SUBDIVISION SURETY AGREEMENT**

WHEREAS, Calexico Enterprises, a California Limited Partnership, KOA Development, Inc., a California corporation, and the City of Calexico ("City") entered into that certain Subdivision Surety Agreement dated August 10, 1998 (the "Agreement"), which Agreement was recorded on **August 28, 1998 as Instrument No. 98020116 in Book 1944, Page 298** of the official records of Imperial County, California; and

WHEREAS, the City is satisfied that the work to be performed in accordance with said Agreement has been completed.

NOW THEREFORE, the City hereby terminates the Agreement, and further desires that this notice of termination be recorded in the official records of Imperial County, California, to evidence such termination of the Agreement.

Dated:

ATTEST

CITY OF CALEXICO

By: _____
GABRIELA T. GARCIA
City Clerk

By: _____
DAVID B. DALE
City Manager

APPROVED AS TO FORM

By: _____
CARLOS CAMPOS
City Attorney

90020116 BOOK 1944 PAGE 298

COMPLETE THIS INFORMATION:

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:

City of Calexico
ENGINEERING DEPT.
602 ALBERG AVE.
CALEXICO, CA. 92231

DOLORES PROVENCIO

COUNTY RECORDER

BOOK 1944 PAGE 298

'98 AUG 28 PM 1 17

OFFICIAL RECORDS
IMPERIAL COUNTY, CA

TLS	18
RG	3
RF	3
MC	1
X	
TF	4
NL	
HY	
HR	

THIS SPACE RESERVED FOR RECORDER ONLY
Gov. Code 27361.6

DOCUMENT TITLE(S): SUBDIVISION SURVEY DEPARTMENT

THIS PAGE IS ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(ADDITIONAL RECORDING FEE(S) APPLY)

SUBDIVISION SURETY AGREEMENT

It is hereby acknowledged that Celestia Enterprises, a California General Partnership, hereinafter called "Subdivider" has filed with the City of Calexico, hereinafter called "City", a tentative parcel map for that certain subdivision known as K&L Investments Minor Land Division (Case No. 94-54) hereinafter called "Subdivision", which has been approved by the Planning Commission of the City as being in accordance with all State laws and local ordinances and regulations, as well as any rulings applicable thereunder at the time of filing.

Developer of parcel No. 4, KOA Development, Inc. hereinafter called "Developer", and "Subdivider", now desire that the City Council of City give final approval of the final parcel map of said subdivision (Parcel Map No. 98-101), subject to improvements being made in said subdivision as may be required.

AGREEMENT

It is hereby agreed this 10th of AUGUST, of 1998 as follows:

1. In consideration of the City Council's approval of the filing of the final parcel map of the Subdivision, which is submitted herewith, prior to all the performance of all work of improvements shown to be done on the tentative parcel map, final parcel map and plans for improvements titled "Vega Site Improvements" consisting of 5 sheets (Job No. 97151) prepared by Lyon Engineers, Inc. therefore, Subdivider/Developer do hereby agree to provide to City, a good and sufficient improvement security to insure that the performance of all works of improvements are to be done on said tentative parcel map, final parcel map and said plans for improvements and in accordance with standards established by laws of the State of California, local ordinance and regulations, and any rulings made thereunder which are applicable at the time of approval of the tentative parcel map.
2. All of said works of improvements shall be completed prior to the issuance of building certificates of occupancy unless directed otherwise in writing by City Council of City, and shall be performed to the satisfaction of the City Engineering Department.
3. Subdivider/Developer warrant and guarantee said work for a period of one (1) year following the completion and acceptance thereof by City against any defective work or labor done, or defective materials furnished, Subdivider/Developer further agrees to maintain the improvements for said one (1) year period commencing with City's acceptance of same.

As security for the promise warranty, and guaranty of this paragraph 3 for said one (1) year period, Subdivider/Developer shall deposit a sum of money with the City equivalent to not less than five (5%) per cent of the estimated cost of said improvements as established herein. As an alternative, Subdivider/Developer may provide City with an equivalent security such as satisfactory bond, or instrument of credit as described in Government Code Section 66499.

4. The improvement security required hereunder shall be of that kind and type specified in all parts and subsections of section 66599 of the Government Code of the State of California and shall be in the following amounts and for the following purposes:

- (a) An amount not less than 100% of the total estimated cost of the improvements for the Faithful Performance of this agreement.
- (b) An amount not less than 100% of the total estimated cost of the improvements for the Labor and Materials, securing payment to the contractor, and his subcontractors, and to persons renting equipment or furnishing labor or materials to them for the improvements.
5. The improvement security required herein for faithful performance of this agreement may be reduced as the work for improvements is completed. In no event shall this security be reduced in amount until progress reports are submitted by Subdivider/Developer to the City, and City determines that the work in fact, has been completed and the amount by which the security shall be reduced. The determination by the City as to the completion of work of improvements and the amount by which the security shall be reduced shall be conclusive. In no event, however, shall the amount of this improvement security be reduced to an amount less than ten percent (10%) until that liability established by all parties and subsections of this agreement is terminated.
- The improvement security securing the payment of the contractor, his subcontractor(s), and to persons renting equipment or furnishing labor or materials shall be released only in compliance with all parts and subsection of section 66499 et seq. including section 66499.7 of the Government Code of the State of California.
6. A monument bond or security to be furnished as required, in amount specified by the City Engineering Department pursuant to section 66496 and section 66499 of the Government Code of the State of California.
7. Subdivider/Developer to pay a fee of 2% of the engineer's estimate for the construction cost of the improvements, with a minimum fee of \$20.00 as set out in Resolution No. 2924 of the City of Calexico, as review and inspection fees.
8. The completion of improvements required hereunder, the date of completion and the acceptance of the improvements shall be approved City Council.
9. Subdivider/Developer hereby acknowledge that the statements set forth in the foregoing acknowledgement are true and correct; that they had read this agreement and understand the same; that the release of security as set forth herein shall be at the discretion of the City and shall be so released only in accordance with the terms of the applicable laws of the State of California, local ordinances and regulations.
10. This agreement will become effective upon recordation of the final parcel map for said Subdivision.
11. It is hereby agreed by the Subdivider/Developer that this agreement shall be recorded with the final parcel map of the Subdivision, and that all promises, provisions, agreements, obligations and covenants shall apply to this Subdivision.
12. This agreement and the covenants contained herein shall be binding upon and inure to the benefit of the successors, heirs, assigns and transferees of the property owner or Subdivider/Developer, and shall run with the real property, and create an equitable servitude upon said real property.

13. The following amounts to be filled by the City Engineering Department:

- a. Amount of Faithful Performance Bond \$ 43,920.74
- b. Amount of Labor and Materials Bond \$ 43,920.74
- c. Amount of Maintenance Bond _____
- d. Amount of Monument Bond INCLUDED ABOVE
- e. Amount of Review and Inspection Fees \$ 958.41

JCR JOE CARLOS ROMERO
Name / Title ASSISTANT CIVIL ENGINEER

SUBDIVIDER:

Caltrans Enterprises, LLC
Name of Subdivider

CITY OF CALEXICO

H. Legaspi 8/10/98
H. Legaspi / City Manager DATE

Rico Brazil, General Partner
Name of Representative / Title
Rico Brazil, General Partner

DEVELOPER:

Rico Brazil Development, Inc.
Name of Developer

APPROVED AS TO FORM:

Michael Rood
M. Rood / City Attorney

Rico Brazil, President
Name of Representative / Title
Rico Brazil, President

IMPROVEMENT OF VECA STREET BETWEEN
Rockwood & Elgin

State of IDAHO
County of CANYON

On this 28th day of July, in the year 1998, before me, a Notary Public personally appeared Rico Brazil known or identified to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Carrie Evans

Notary Public
commission expires: 1/28/03
residing at: Parma

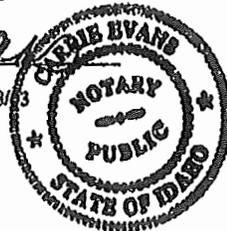


STATE OF IDAHO
COUNTY OF CANYON

On this 28th day of July, 1998, before me a Notary Public, personally appeared Rico Brazil known or identified to me to be the General partner in the partnership of Calaxco Enterprises, a California Limited Partnership and the General partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

Carrie Evans

Notary Public
My commission expires: 1/28/03
residing at: Parma





RESOLUTION NO. 98-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO
APPROVING CASE NO. 97-32, IMPERIAL GARDENS APARTMENTS**

Project No. Case No. 97-32 -- Imperial Gardens Apartments. Proposed 50 unit

& Description: apartment development with appurtenant community building, with laundry facilities. Apartment units will be rent-restricted and targeted to low income families.

Project location: 1600 block of Rockwood Avenue (Immediately south of All American Canal), consisting of 3.3 acre property, zoned R-A (Residential-Apartment), legally described as:

A.P.N. 058-570-350 (North 3.3 acres)

Project Applicant: KOA Development, Inc.
c/o Mr. Caleb Roope
P.O. Box 2600
Oakhurst, California 93644

SECTION 1. BACKGROUND

Whereas, on the 8th day of December 1997, the City of Calexico Planning Commission as lead agency conducted an Initial Study in accordance with adopted guidelines to implement CEQA, and determined that preparation of a focused EIR was required prior for approval or carrying out of the Imperial Gardens Apartment Project, Case No. 97-32. That the focused EIR would identify and provide satisfactory mitigation for traffic/street circulation impacts resulting from the project;

Whereas, project applicant submitted a timely appeal to the Planning Commission determination for requirement to prepare a focused EIR.

SECTION 2. FINDINGS PURSUANT TO CEQA

Whereas, on the 6th day of January 1998, the Calexico City Council conducted a hearing to consider the appeal by project applicant to the Planning Commission determination to require preparation of a focused EIR for Case No. 97-32, Imperial Garden Apartment Project;

Whereas, after review of the Planning Commission resolution, staff report and recommendation, and comments received at the hearing, City Council determined that the project would not result in significant effects to the environment, based on the following findings:

1. The Imperial Gardens Apartment project is a in-fill housing development which conforms to the City General Plan Zoning and Development Standards;
2. The 1991 Rockwood Avenue Traffic Study, prepared for the CBM Senior Citizen Project, identifies Rockwood Avenue as a major arterial street capable of handling the increased vehicular traffic generated by the 50 unit Imperial Gardens Apartment project;
3. Off-site improvements for the Imperial Gardens Apartment project will include the installation of Vega Street extension, which will alleviate some traffic congestion by providing an additional left turn exit from Rockwood Avenue to frontage road.

Whereas, City Council has determined that the Imperial Gardens Apartment Project, is classified as an "Statutory exempt" activity under criteria set forth in Assembly Bill 175 for low-income housing projects under 100 units, which conform to zoning regulations, and which have been found to not present significant impacts to the environment. As a "Statutory exempt" activity, this project requires no further review under CEQA.

Now, Therefore, in consideration of the above information City Council hereby approves the Imperial Gardens Apartment Project, Case No. 97-32. Findings and conditions for approval are contained in the Planning staff report dated December 8th, attached hereto as exhibit "A".

PASSED, APPROVED AND ADOPTED THIS 6TH DAY OF JANUARY, 1998.



JOHN R. RENISON, MAYOR

ATTEST:

Lourdes Cordova
LOURDES CORDOVA, CITY CLERK

APPROVED AS TO FORM:

Michael L. Rood
MICHAEL L. ROOD, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) SS
CITY OF CALEXICO)

I, LOURDES CORDOVA, CITY CLERK OF THE CITY OF CALEXICO, DO
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING RESOLUTION NO.
98-01 WAS DULY PASSED AND ADOPTED BY THE CITY COUNCIL AT A
REGULAR SESSION HELD ON THE 6TH DAY OF JANUARY, 1998, BY THE
FOLLOWING VOTE TO-WIT:

AYES: RENISON, RIVERA, GUZMAN, RIOSECO
NOES: CARRILLO
ABSENT: NONE

Lourdes Cordova
LOURDES CORDOVA, CITY CLERK

SEAL

Attachment 5

STAFF REPORT TO PLANNING COMMISSION

December 8, 1997

SUBJECT

Initial Study hearing to evaluate environmental impacts associated with the following project application:

Project Title

& Description: Case No. 97-32, Imperial Gardens Apartments. Proposed 50 unit apartment development with appurtenant community building, with laundry facilities. Apartment units will be rent-restricted and targeted to low income families.

Project location: 1600 block of Rockwood Avenue (immediately south of All American Canal), consisting of 3.3 acre property, zoned R-A (Residential-Apartment), legally described as:

A.P.N. 058-570-35 (North 3.3 acres)

Project applicant: KOA Development, Inc.
c/o Mr. Caleb Roope
P.O. Box 2600
Oakhurst, California 93644

STAFF RECOMMENDATION

- I. Staff recommends that Planning Commission declare this project "exempt" from further CEQA review based on findings that this activity is statutorily exempted by Section 21080 of the Public Resources Code, which was adopted by Assembly Bill 175, effective January, 1998; That this project has been found, based on the Initial Study, to be an activity which will not have a significant effect on the environment.

(See attached Assembly Bill 175, labeled Exhibit A)

- II. Staff recommends "Site and Design" approval for the Imperial Gardens Apartment Complex, in accordance with development standards for R-A zones (Standard Conditions of Approval)

(See attached Standard Conditions of Approval, labeled Exhibit B)

California Environmental Quality Act (CEQA) Guidelines

Planning Commission (lead agency) shall conduct an Initial Study to determine if the project may have a significant effect on the environment. The Initial Study will provide the basis to decide whether the project is "exempt" from further study, or preparation of a (Mitigated) Negative Declaration or EIR is necessary.

Findings of Exemption. As part of the Initial Study review, Planning Commission shall determine whether a particular project activity is exempt from CEQA. Possible exemptions from CEQA include:

1. The activity has been granted an exemption by statute (Article 18, Section 15260) or by categorical exemption (Article 19, Section 15300);
2. The activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA.

Findings for Negative Declaration. A Negative Declaration shall be prepared if the Planning Commission determines, based on the Initial Study, that the project is not an "exempt" activity under CEQA guidelines; that the project may have a significant effect on the environment, and that the revisions or mitigation measures have been imposed (and agreed by applicant) to reduce the impacts to a level of insignificance.

Findings for Environmental Impact Report (EIR). An EIR shall be prepared if the Planning Commission determines, based on the Initial Study, that the project will result in significant adverse effects to the environment; that the significant effects have not been properly identified and/or mitigated; that project alternatives should be addressed in the preparation of an EIR.

Environmental Checklist

Based on the attached checklist, the identified environmental effects resulting from the Imperial Gardens Apartments, have been found to not be significant.

Traffic

According to a Focused Traffic Analysis prepared in 1990, the design capacity of Rockwood Avenue (40' road within 60'R/W) is recognized to be 7,100 daily trips at level of service C, and 10,900 daily trip at level of service D (see attached traffic study). The highest measured daily traffic volume on Rockwood Avenue was 5,000.

The vehicle traffic generated by the 50 unit Imperial Gardens apartment project will not exceed the design capacity of Rockwood Avenue, and is considered insignificant in relation to existing traffic.

Street Circulation

The Focused Traffic Analysis (1990) for Rockwood Avenue recommends the opening of Vega Street between Elena Drive and Rockwood Avenue. That the Vega Street extension be aligned with the existing Vega Street stub-out, to prevent a "dog leg" intersection. The Imperial Gardens apartments project will improve and dedicate the Vega Street extension as recommended in the traffic study.

Public Services

City departments have indicated that city services are available. Project is considered in-fill development surrounded by residential neighborhood already receiving public municipal services of fire/police, trash pickup, etc.;

Public Utilities

City Engineering/Public Works departments have indicated that water/sewer, gas, electricity service can be readily supplied to project. Installation of Vega Street extension will include utility services in accordance with the conditions of approval for the Tentative Parcel Map;

Related Permits

The 50 unit apartment complex will be build on 3.3 acres of a 4.5 acre parcel which has been approved for subdivision into four (4) lots by Tentative Parcel Map. The approved Tentative Parcel Map is on file with Planning department and proceedings have been initiated by project proponent for filing of Final Parcel Map.

BACKGROUND

The project site consists of 4.34 acres, zoned R-A (residential apartments). The property is a remainder vacant property from the Joey Manor Subdivision created in 1970. The property was zoned Planned Community (PC) and a Tentative Parcel Map, and development site plan for 79 townhouse apartment units was approved in 1973. Eight (8) apartment units were constructed under the development plan approval. The remainder apartment units were not constructed and a Final Parcel Map for the land division was never recorded. Because the permits for completion of the project were not exercised in a timely manner, the development permits issued in 1973-75 has been declared null and void.

The General Plan Update adopted in 1992 rezoned the project site from PC (Planned Community) to R-A (Residential-Apartment).

In November 1994, Planning Commission approved a Tentative Parcel Map for division of the 4.3 acre property into four (4) lots. Conditions of approval included the requirement to fully install the Vega Street extension at time of development of any of the four lots. A request for recordation of Final Parcel Map is on file with Engineering department. Lyons Engineers has been contracted to prepare the improvement plans for the Vega Street extension, as shown in the approved Tentative Parcel Map.

The 3.3 acre project site for the Imperial Gardens apartment project is a lot to be created by Final Parcel Map recordation for division of the 4.3 acre property. Sale of lots by present owner, K & J Investments, is contingent on recordation of Final Map. Issuance of occupancy permit for Imperial Gardens apartments is contingent on installation and dedication of Vega Street extension.

ZONING REQUIREMENTS

The development plan for the Imperial Gardens apartments has been review by planning staff and found to be in conformity with zoning regulations for density, lot coverage, parking, setbacks, and in conformity with development standards

SEC. 4. Section 21080.14 of the Public Resources Code is amended to read:

21080.14. (a) Except as provided in subdivision (c), this division does not apply to any development project that consists of the construction, conversion, or use of residential housing consisting of not more than 100 units in an urbanized area that is affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code, if the developer of the development project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least 15 years, or that is affordable to low- and moderate-income households, as defined in paragraph (2) of subdivision (h) of Section 65589.5 of the Government Code, if the developer of the development project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for low- and moderate-income households at monthly housing costs as determined pursuant to paragraph (2) of subdivision (h) of Section 65589.5 of the Government Code, the developer provides sufficient legal commitments to ensure continued availability of units for the lower income households for 30 years as provided in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, and the development project meets all of the following requirements:

- (1) The development project is consistent with the jurisdiction's general plan or any applicable specific plan or local coastal program as it existed on the date that the application was deemed complete.
 - (2) The development project is consistent with the zoning designation, as specified in the zoning ordinance as it existed on the date that the application was deemed complete, unless the zoning is inconsistent with the general plan because the local agency has not rezoned the property to bring it into conformity with the general plan.
 - (3) The project site is an infill site that has been previously developed for urban uses, or the immediately contiguous properties surrounding the project site are, or previously have been, developed for urban uses.
 - (4) The project site is not more than five acres in area.
 - (5) The project site can be adequately served by utilities.
 - (6) The project site has no value as a wildlife habitat.
 - (7) The project site is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.
 - (8) The project site is subject to an assessment prepared by a California registered environmental assessor to determine the presence of hazardous contaminants on the site and the potential for exposure of site occupants to significant health hazards from nearby properties and activities. If hazardous contaminants on the site are found, the contaminants shall be removed or any significant effects of those contaminants shall be mitigated to a level of insignificance. If the potential for exposure to significant health hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance.
 - (9) The project will not involve the demolition of, or any substantial adverse change in, any district, landmark, object, building, structure, site, area, or place that is listed, or determined to be eligible for listing, in the California Register of Historical Resources.
- (b) As used in subdivision (a), "urbanized area" means an area that has a population density of at least 1,000 persons per square mile.
- (c) Notwithstanding subdivision (a), this division does apply to a development project described in subdivision (a) if there is a reasonable possibility that the development project would have a significant effect on the environment or the residents of the development project due to unusual circumstances or due to related or cumulative impacts of reasonably foreseeable projects in the vicinity of the development project.

DEPARTMENT OF PLANNING
STANDARD CONDITIONS

CITY OF CALEXICO

Subject: CASE NO. 97-32, IMPERIAL GARDENS APARTMENTS

Applicant: Koa DEVELOPMENT, INC. C/O CALEB ROOPE

Location: 1600 BLOCK OF ROCKWOOD AVENUE (N. 3.3 acres of APN 058-570-35

Those items checked are conditions of approval.

I APPLICANT SHALL CONTACT THE DEPARTMENT OF PLANNING REGARDING COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. SITE DEVELOPMENT

1. Site shall be developed in accordance with the approved site plans on file in the Planning Department and the conditions contained herein.
2. Revised site plans and building elevations incorporating all conditions of approval shall be submitted to the Planning Department prior to issuance of building permits.
3. Approval of this request shall not waive compliance with all sections of the Zoning Ordinance and all other applicable City Ordinances in effect at time of Building Permit issuance.
4. Mail boxes, in areas where sidewalks are required, shall be installed and located by the developer subject to approval by the ~~Planning~~ ^{Building} Department.
5. Trash receptacle areas shall be enclosed by a 6 foot high masonry wall with view obstructing gates. Construction and location shall be subject to approval by the Planning Department.
6. The developer shall integrate a variety of approved roof materials and colors into the design of the residential development in a manner which is both compatible and complementary among each of the residential units.
7. All roof appurtenances, including air conditioners, shall be architecturally integrated, shielded from view and sound buffered from adjacent properties and streets as required by the Planning Department.
8. Prior to any use of the project site or business activity being commenced thereon, all conditions of approval contained herein shall be completed to the satisfaction of the Planning Director.

- ___ 9. Street names shall be approved by the Planning Department prior to the recordation of the final map.

B. PARKING AND VEHICULAR ACCESS

1. All two way traffic aisles shall be a minimum of 26 feet wide.
2. Emergency access shall be provided, maintained free and clear, a minimum of 24 feet wide at all times during construction in accordance with Fire Department requirements.

C. LANDSCAPING

1. A detailed landscape and irrigation plan shall be submitted to and approved by the Planning Department prior to the issuance of building permits.
- ___ 2. A Master Plan of the existing onsite trees shall be provided to the Planning Department prior to the issuance of building permits and prior to grading, to determine which trees shall be retained.
- ___ 3. Existing onsite trees shall be retained wherever possible and shall be trimmed and/or topped. Dead, decaying or potentially dangerous trees shall be approved for removal at the discretion of the Planning Department. Those trees which are approved for removal shall be replaced on a tree-for-tree basis as required by the Planning Department.
- ___ 4. Street trees, a minimum of 15 gallon size or larger, shall be installed in accordance with City standards and shall be planted at an average of every 30 feet on interior streets and 20 feet on exterior streets.
- ___ 5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash, and debris.

D. SIGNS

1. Any signs proposed for this development shall be designed in conformance with the Sign Ordinance and shall require review and approval in accordance with the Sign Ordinance.

E. ADDITIONAL APPROVALS REQUIRED

1. Architectural Review shall be accomplished prior to the issuance of a Building Permit.
- ___ 2. Architectural Review shall be accomplished prior to recordation of the final subdivision map.
- ___ 3. This Conditional Use Permit is granted for a period of ___ month(s) at the end of which time the approving authority may add or delete conditions, or revoke the Conditional Use Permit.

- 4. The developer shall display a current Zoning and Land Use Map in the sales office at all times, and/or suitable alternative to the satisfaction of the Planning Director.
- 5. All sales maps that are distributed or made available to the public shall include but not be limited to future and existing schools, parks, and streets.

II APPLICANT SHALL CONTACT THE BUILDING DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITIONS:

G. SITE DEVELOPMENT

- 1. The applicant shall comply with the latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electric Code, Uniform Fire Code, and all other applicable codes and ordinances in effect at the time of approval of this project.
- 2. Prior to issuance of building permits for combustible construction, evidence shall be submitted to the Fire Chief that water supply for fire protection is available. Where additional fire protection is required by the Fire Chief, it shall be serviceable prior to the time of construction.
- 3. Prior to the issuance of a building permit for a new residential dwelling unit(s), the applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Park Fee, Drainage Fee, Permit and Plan Checking Fees, Water and Sewer Service Fees.
- 4. Prior to the issuance of a building permit for a new commercial or industrial development, or addition to an existing development, the applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Drainage Fee, Permit, Plan Checking Fees, Water and Sewer Service Fees.
- 5. This approval shall become null and void if building permits are not issued for this project within one year from the date of project approval.
- 6. Street addresses shall be provided by the Building Department.
- 7. Building identification and/or addresses shall be placed on all new and existing buildings so as to be plainly visible from the street or access road; color of identification and/or addresses shall contrast to their background color.

H. EXISTING STRUCTURES

- 1. Provide compliance with the Uniform Building Code for property line clearances considering use, area and fire-resistiveness of existing buildings.

- 2. Existing building(s) shall be made to comply with current Building and Zoning regulations for the intended use of the building(s) or the existing building(s) shall be demolished.
- 3. Existing sewage disposal facilities shall be removed, filled and/or capped to comply with appropriate grading practices and the Uniform Plumbing Code.

I. GRADING

- 1. Grading of the subject property shall be in accordance with the Uniform Building Code, City Grading Ordinance and standards and accepted grading practices.
- 2. A soils report shall be prepared by a qualified engineer licensed by the State of California to perform such work.
- 3. A geological report shall be prepared by a qualified engineer or geologist and submitted at the time of application for grading plan check.
- 4. The final grading plan shall be subject to review and approval by the ~~Planning and Public Works~~ ^{Engin.} Departments and shall be completed prior to recordation of the final subdivision map or issuance of building permit whichever comes first.

III APPLICANT SHALL CONTACT THE PUBLIC WORKS DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITIONS:

J. STREETS AND SIDEWALKS

- 1. All Circulation Element roads shall be dedicated and improved to Circulation Element road standards and to the specifications of the Director of Public Works.
- 2. Developer shall pay a pro-rata share for the installation or modification of the traffic signals at the intersection of _____.
- 3. Vehicular access rights to Circulation Element roads shall be dedicated to the City of Calexico and labeled on the final map to the satisfaction of the Director of Public Works or by separate document.
- 4. All interior and exterior public streets shall be constructed to public street standards.
- 5. Sidewalks (4.5/8) feet in width shall be required on (both/one) side(s) of _____.
- 6. Private roads shall have a minimum of 32 feet of pavement, and 52 feet of easement and be approved by the Director of Public Works and shall be maintained through a homeowners association or other means acceptable to Director of Public Works.

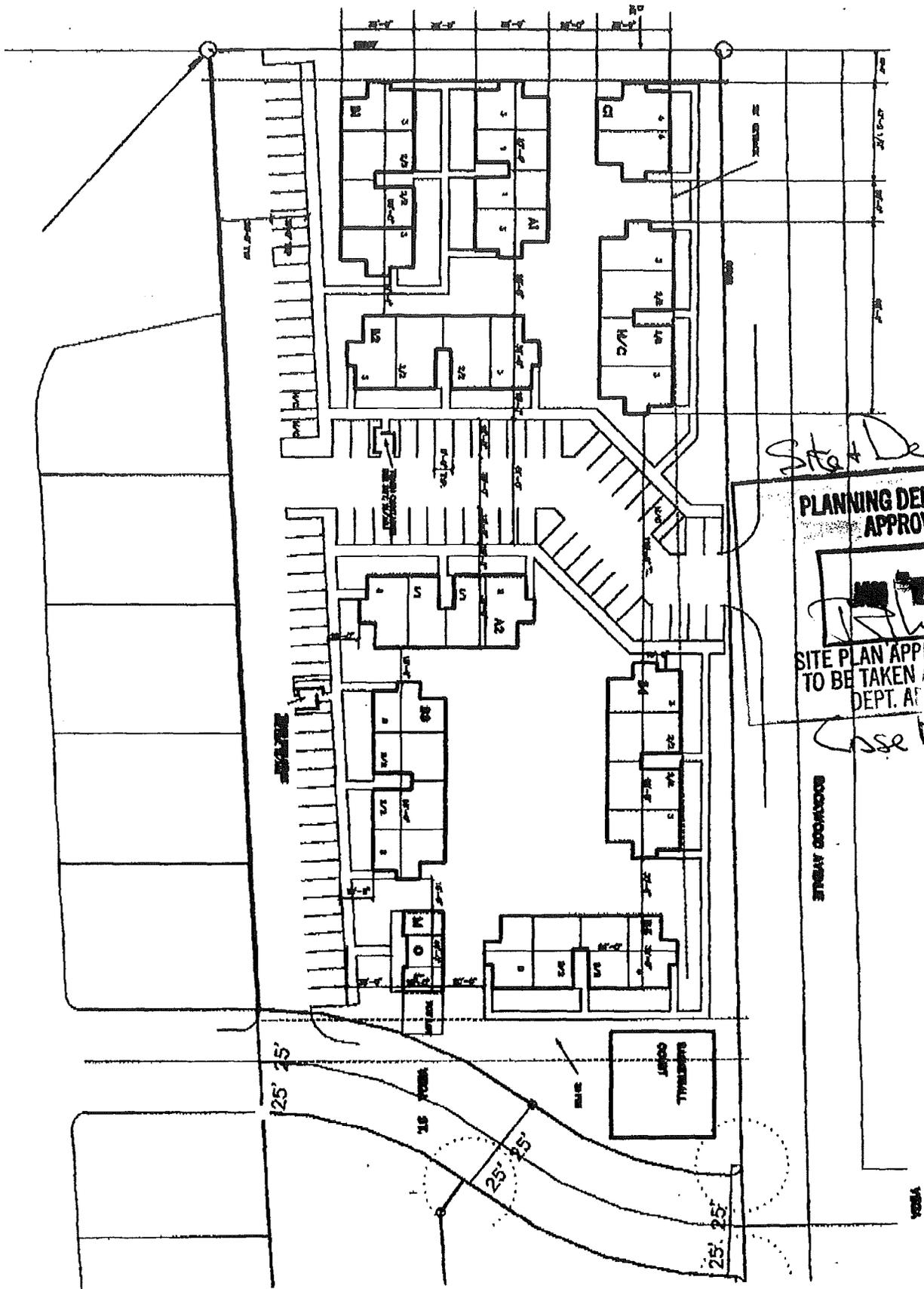
- 7. Reciprocal easements shall be provided insuring access to all parcels over private roads, drives or parking areas to the satisfaction of the Director of Public Works.
- 8. Sidewalks on interior streets shall not be constructed.
- 9. Street stripping and signing shall be installed to the satisfaction of the Director of Public Works.
- 10. All street structural sections shall be submitted to, and approved by the ~~Director of Public Works~~ Engineer dept.
- 11. Street improvement plans prepared on standard size sheets by a Registered Civil Engineer shall be submitted for approval by the Director of Public Works. Standard plan check and inspection deposits shall be paid by the developer.
- 12. All exterior street improvement shall be constructed prior to issuance of Building Permits, to the satisfaction of the Director of Public Works.
- 13. Surety shall be posted, and an agreement executed, to the satisfaction of the Director of Public Works and the City Attorney, guaranteeing completion of the public improvements prior to recording of the map of the issuance of building permits, whichever comes first.
- 14. Street improvements that include, but are not limited to:

<input checked="" type="checkbox"/> a.	Sidewalks	<input checked="" type="checkbox"/> e.	Cross gutter
<input checked="" type="checkbox"/> b.	Driveways	<input type="checkbox"/> f.	Alley gutter
<input checked="" type="checkbox"/> c.	Wheel chair ramps	<input checked="" type="checkbox"/> g.	Street paving
<input checked="" type="checkbox"/> d.	Curb and gutter	<input type="checkbox"/> h.	Alley paving

shall be constructed prior to the occupancy of the unit(s) and the satisfaction of the Director of Public Works.
- 15. All damaged offsite public works facilities, including parkway trees, shall be repaired prior to exoneration of bonds and improvements, to the satisfaction of the Department of Public Works.
- 16. Prior to any work being performed in the public right-of-way, an encroachment permit shall be obtained from the ~~Public Works Office~~ Engineer and appropriate fees paid, in addition to any other permits required.

K DRAINAGE AND FLOOD CONTROL

- 1. The applicant will be responsible for construction of all onsite drainage facilities required by the ~~Director of Public Works~~ city engineer.



Site Design

**PLANNING DEPARTMENT
APPROVAL**

[Signature] 1998

**SITE PLAN APPL
TO BE TAKEN /
DEPT. AP**

Case No 97-2

STREETS BOUNDARY

YORBA

- 7. Reciprocal easements shall be provided insuring access to all parcels over private roads, drives or parking areas to the satisfaction of the Director of Public Works.
- 8. Sidewalks on interior streets shall not be constructed.
- 9. Street stripping and signing shall be installed to the satisfaction of the Director of Public Works.
- 10. All street structural sections shall be submitted to, and approved by the ~~Director of Public Works.~~ *Engineer dept.*
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- 16. Prior to any work being performed in the public right-of-way, an encroachment permit shall be obtained from the ~~Public Works Office~~ *ENGINEER* and appropriate fees paid, in addition to any other permits required.

K DRAINAGE AND FLOOD CONTROL

- 1. The applicant will be responsible for construction of all onsite drainage facilities required by the ~~Director of Public Works.~~ *city engineer.*

- 2. Intersection drains will be required at locations specified by the Director of Public Works and in accordance with standard engineering practices.
- 3. The proposed project falls within areas indicated as subject to flooding under the National Flood Insurance Program and is subject to the provisions of that program and City Ordinance No. _____
- 4. A drainage system capable of handling and disposing of all surface waters originating within the subdivision, and all surface waters that may flow onto the subdivision from adjacent lands, shall be required. Said drainage system shall include any easements and structures as required by the Director of Public Works to properly handle the drainage.
- 5. Portland cement concrete cross gutters to be installed where water crosses the roadways.
- 6. A Drainage Fee shall be paid at the established rate in accordance with the Drainage Ordinance.
- 7. Concentrated flows across driveways and/or sidewalks shall not be permitted.

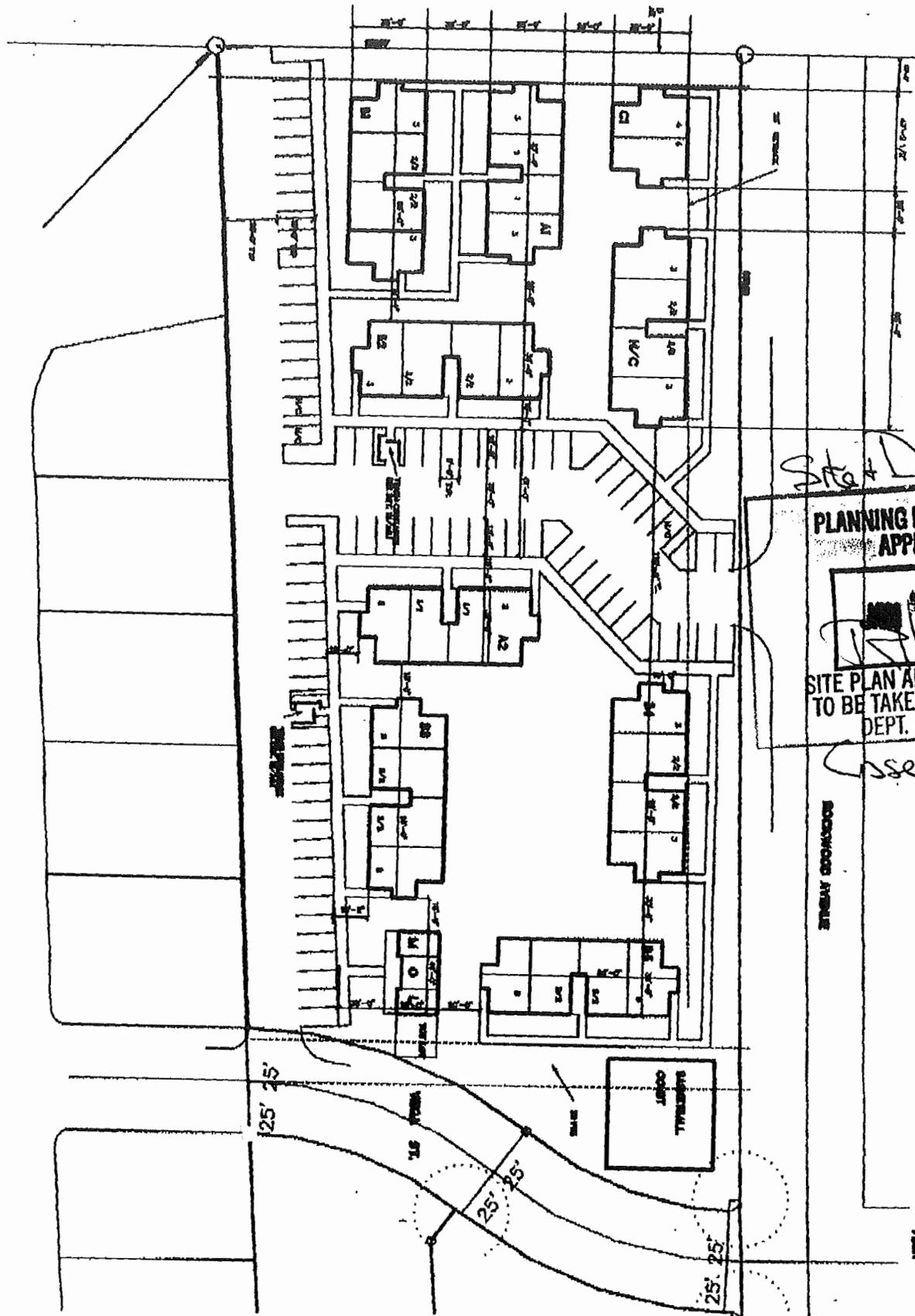
L. UTILITIES

- 1. All proposed utilities within the project shall be installed underground including utilities along Circulation Element roads and/or highways less than 34.5 KV.
- 2. Utility easements shall be provided to the specification of the serving utility companies and the ~~Director of Public Works~~. *Engineering Dept.*
- 3. Developer shall be responsible for the relocation and undergrounding of existing public utilities, as required.
- 4. Water and sewer system plans shall be designed and constructed to meet requirements of the City of Calexico and the Health Department of the County of Imperial.
- 5. Developer shall construct a light system conforming to City of Calexico Standards at no cost to the public, subject to the following:
 - a. Cut-off luminaries shall be installed which will prove true 90 degree cutoff and prevent projection of light above the horizontal from the lowest point of the lamp of light emitting refractor or device.
 - b. All fixtures shall use a clear, high pressure sodium vapor light source.
 - c. Advance energy charge shall be paid by the developer.
 - d. No mercury vapor, quartz, metal halide or diffuse coated high pressure sodium lamps shall be installed.

- ___ 6. Cable Television services shall be provided and installed underground. Developer shall notify the Cable company when trenching for utilities is to be accomplished.

M. GENERAL REQUIREMENTS AND APPROVALS

- ___ 1. Permits from other agencies will be required as follows:
- a. Caltrans for _____
 - b. Imperial County Irrigation District
 - c. Other: _____
- ___ 2. A copy of the Covenants, Conditions and Restrictions (CC&R's) and/or Articles of Incorporation shall be subject to the review for compliance with conditions herein, to the satisfaction of the City Attorney and the Planning Director, and shall be filed with the Secretary of State, the County Recorder, and the City Clerk at the time of Final Map consideration.
- ___ 3. Prior to recordation, a Notice of Intention to form Landscape and Lighting Districts shall be filed with the City Council. The engineering costs involved in District Formation shall be borne by the developer.
4. Final parcel and tract maps shall conform to City standards and procedures.
- ___ 5. By separate document prior to the recording of the final subdivision map, or on the final subdivision map, there shall be granted to the City, an open space easement over Lots _____, common areas _____. Said open space easement shall be approved as to form by the City Attorney and shall limit the use of said open space to recreational purposes, including buildings, structures and improvements.
- ___ 6. Should this subdivision be further divided, each final map shall be submitted for approval by the Director of Public Works.
7. All provisions of Subdivision Ordinance of the Calexico City Code shall be met as they relate to the division of land.
- ___ 8. Those portions of the subject property proposed to be held under common ownership shall be labeled such and identified by a separate lot number on the final map.



Site Design

PLANNING DEPARTMENT
APPROVAL

1998
[Signature]

SITE PLAN APP
TO BE TAKEN /
DEPT. AS

Case No 97-3

BOONVILLE AVENUE

YESA