

AGENDA STAFF REPORT

DATE: January 24, 2018

TO: Mayor and City Council

APPROVED BY: David Dale, Interim City Manager *DD*

PREPARED BY: Ralph B. Morales, Building/Planning/Code Enforcement Manager *RBM*

SUBJECT: Consideration of Request by Gran Plaza LP to Extend Expiration of Tentative Map for Three Years Pursuant to Government Code Section 66452.6(e)

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Recommendation: It is recommended that the City Council approve the requested three-year extension of the Tentative Map.

Background:

Pursuant to Resolution No.2015-68 (the TSM Resolution”), in December 1, 2015, the Calexico City Council approved a tentative subdivision map of approximately 100 acres of land to create a minimum of fifteen commercial lots for the Gran Plaza Power Center project (Project). Phase II of the Project has been on-going. However, there are several conditions from the TSM Resolution have not been met. These include the completion of review of the CC&Rs and payment of impact fees.

Discussion & Analysis:

The Tentative Map was to expire on December 1, 2017. On November, 2017 the developer requested that the City Council consider a seven-year extension of the Tentative Map to avoid having to resubmit a Tentative Map while the developer works to complete all conditions of the Tentative Map. This request automatically continued the expiration of the Tentative Map sixty (60) days while the Council decides whether to approve, conditionally approve or deny the seven-year extension request pursuant to Government Code section 66452.6(e).

Due to the conditional nature of the approval of the Final Map and the pending expiration of the Tentative Map, staff recommends that the extension of three years be granted. This is a large commercial project that will take several years to complete. Therefore, an extension three-years is appropriate, The Municipal Code does not require the imposition of additional conditions upon approving an extension of the Tentative Map. In addition, staff has not identified any changed circumstances that would merit the imposition of additional conditions at this time.

AGENDA ITEM <i>13</i>

Fiscal Impact: \$ N/A

Coordinated With: None.

Attachment:

1. November 20, 2017 request by Gran Plaza LP
2. Resolution No. 2015-68
3. Draft Resolution No. 2017-

Bordertown Investments, LP

9034 W. Sunset Blvd., West Hollywood, CA 90069
Telephone (310) 247-0900 * Fax (310) 247-1525

November 20, 2017

David Dale, Acting City Manager
Ralph Morales, Planning/Code Enforcement Manager
City of Calexico
608 Heber Ave.
Calexico, CA 92231

Re: Application for Extension of Tentative Map 2015-01 (TTM 15-01)

Dear Mr. Dale:

This letter follows up on your October meeting with Pam Danoff. On or about December 1, 2015, the City Council approved TTM 2015-01 along with the entitlements for other entitlements for Bordertown Investments L.P. (also called Gran Plaza Power Center and Phase 2), a Delaware limited partnership by Peninsula Inc., its General Partners by John Carroll, its President.

Pursuant to Govt. Code Section 66452.6, the initial life of the map is 24 months, which may be extended by one year by City Council ordinance, and then for an additional six years (in addition to the first three years) by City Council action. As we discussed, we request that the map be extended for an additional seven-year period (that includes confirmation of the first year extension) or until December 1, 2024. We suggest that this is an appropriate consent item.

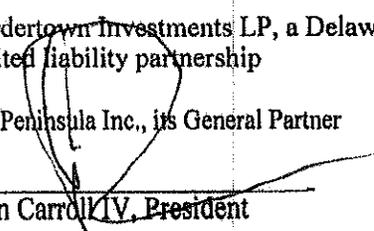
We are not aware if there is an application form or fee for the map extension so please accept this as our application for that extension. The reason for the extension is to allow the completion of the new border crossing and to address economic changes in retail facilities.

Thank you for your consideration of this item in a timely manner. Please do not hesitate to contact us with questions or comments.

Very truly yours,

Bordertown Investments LP, a Delaware
limited liability partnership

By: Peninsula Inc., its General Partner


John Carroll, President

cc. Gabriela Garcia

RESOLUTION NO. 2015 - 68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, APPROVING THE CALEXICO GRAN PLAZA POWER CENTER TENTATIVE PARCEL MAP WHICH PROPOSES THE SUBDIVISION OF APPROXIMATELY 100 ACRES OF LAND IN ORDER TO CREATE FIFTEEN (15) COMMERCIAL LOTS

WHEREAS, Border Investments, LP as successor agency to Corsair LLC, has filed an application for approval of a Tentative Parcel Map which proposes the subdivision of approximately 100 acres of land, in order to create fifteen (15) commercial lots on property generally located on the south side of Second Street, approximately 3/4 mile west of the International Port of Entry and downtown Calexico, and bounded to the south by the U.S.-Mexico border, as part of a proposed commercial development referred to as the Gran Plaza Power Center Project; and

WHEREAS, the Planning Commission, at its regular meeting of June 22, 2015, held a duly noticed public hearing to consider recommending to the City Council approval of Tentative Parcel Map No. 2015-__ subject to the conditions as listed in this Resolution; and

WHEREAS, public notice of said application has been given pursuant to law, and the Planning Commission has considered evidence presented by the Public Works Department – Planning Division and other interested parties at a public hearing held with respect to this item on December 1, 2015.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council finds the facts recited above are true and correct and incorporates them herein by this reference.

SECTION 2. The City Council has reviewed and considered the information in the Final Environmental Impact Report (SCH #2014061070) (“EIR”) for the proposed project prior to making a decision to recommend approval of the proposed Tentative Parcel Map. The City Council finds and determines that the Final Environmental Impact Report is adequate and was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA).

SECTION 3. That in accordance with the State Subdivision Map Act and requirements of the City of Calexico, the following findings and conditions of approval for the Gran Plaza Power Center Tentative Parcel Map dated June 17, 2015 and attached hereto as **Exhibit B** have been made as follows: :

FINDINGS:

FINDINGS:

- a) The proposed subdivision, together with the provisions for the design and improvement, are consistent with the City's General Plan, Zoning Ordinance, Subdivisions Ordinance, and the State Subdivision Map Act.

The design of the project and subdivision are consistent with the General Plan and Zoning designations as amended. The project is consistent with the designated land use planning area, development and design standards, and all other appropriate requirements contained in the General Plan, Calexico Municipal and Zoning Codes, and Subdivision Map Act.

- b) The proposed subdivision is compatible with the objectives, policies, general land uses and programs specified in the General Plan (Government Code Section 66473.5).

The project is consistent with the land use plan, development and design standards and programs, and all other appropriate requirements contained in the General Plan, as amended. As discussed, the General Plan, as amended, designates the project site as Commercial Highway. The Tentative Subdivision Map is consistent with the City of Calexico General Plan and Zoning Code designations, as amended, and other applicable development and design standards. The following is a list of specific General Plan objectives, policies, and goals that this project complies with:

- 1) Land use distribution should create patterns which organize land uses in order to maximize compatibility with adjacent land uses.
 - 2) Land use patterns and population should be consistent with the capabilities of existing and planned public.
 - 3) Appropriate densities shall be established for new development projects so that they will be compatible with surrounding developments.
 - 4) Commercial land uses that are balanced in regard to size and distribution of goods with the current and future needs of the city should be encouraged.
 - 5) New urban development shall be adjacent to existing urban developments.
- c) The effects this proposed subdivision is likely to have upon the housing needs of the region, the public service requirements of its residents, and the available fiscal and environmental resources have been considered and balanced.

The project is consistent with the City's General Plan and Municipal and Zoning Codes, as amended, and will provide necessary public services and facilities, will pay all appropriate fees, and will not result in any adverse impact on the housing needs of the region or the available fiscal and environmental resources in light of the mitigation measures set forth in the Findings of Fact and Mitigation Monitoring and Reporting Program.

- d) The design of the subdivision provides to the greatest extent possible, for future passive or natural heating or cooling opportunities in the subdivision (Government Code Section 66412.3).

The project will comply with all appropriate conservation requirements of the City and Uniform Building Code.

CONDITIONS

GENERAL

1. The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees and costs incurred by the City and any claim for private attorney general fees and costs claimed by or awarded to any party, against the City or its agents, officers, or employees, relating to the approval of the Calexico Gran Plaza Power Center project including, but not limited to, any action to attack, set aside, void, challenge, or annul the development approvals (including the General Plan amendment, zone change, variance, design review and tentative parcel map) and/or certification of the Final Environmental Impact Report (SCH #2014061070) and any related environmental document or decision (collectively "Development Approvals"). The City will promptly notify applicant of any claim, action or proceeding concerning the Development Approvals. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs incurred by the City. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation-related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform a settlement unless such settlement is approved by Applicant. Within ten (10) days of the filing of any action against the City covered by this Section 1, the Applicant shall submit a Twenty-five Thousand Dollar Thousand Dollar (\$25,000) cash deposit or irrevocable letter of credit in favor of the City in a form acceptable to the City, to pay the City's fees and costs in connection with the potential defense of any such action and shall thereafter replenish the funds in increments of Twenty Thousand Dollars (\$20,000) when requested by the City. Failure to provide funds sufficient to satisfy this indemnification obligation shall constitute grounds for the City to take action to nullify the Development Approvals associated with the Calexico Gran Plaza Power Center project. In the event that excess defense funds are in the possession of the City after any action is concluded, the City shall refund the excess funds to Applicant. In the event any action covered by (#1) Section 1 is filed after expiration of the applicable statute of limitations period and the City's refund or release of the letter of credit provided above, Applicant shall submit a Twenty Thousand Dollar (\$20,000) cash deposit, to pay the City's fees and costs in connection with defense of such action, within ten (10) days of the service of any petition or complaint on the City in such action and shall thereafter

replenish the funds in increments of Ten Thousand Dollars (\$10,000) within ten (10) days of the City's request for such replenishment. The City shall refund any remaining funds to Applicant within ten (10) days after such action is concluded.

2. Seven (7) days prior to City Council consideration of this Resolution, Applicant shall pay all outstanding land use processing fees owed to the City, including costs for preparation of the BIR, planning entitlements, engineering costs, legal fees, etc. Proof of such payment must be submitted to the Council at the Council meeting to consider this Resolution.
3. The project shall be developed and operated in accordance with the applicable mitigation measures as set forth in the Mitigation Monitoring and Reporting Program (as part of the EIR), and amendments as specified in the SPECIFIC CONDITIONS.
4. The project shall include the development of fifteen (15) commercial lots in accordance with the development standards, design guidelines and land uses as provided for under the adopted Calexico Municipal Code.
5. Building permits shall not be issued for any new construction related to the project until verification from the elementary and high school districts is received, certifying that the State mandated school impact mitigation fees have been paid or addressed as otherwise provided or authorized by law.

TENTATIVE SUBDIVISION MAP NO. 2015-__

6. The Tentative Subdivision Map shall expire two (2) years from the date of approval, unless within that period of time, an extension of time is granted by the City in accordance with the State Subdivision Map Act and Subdivision Ordinance (Chapter 16) of the Calexico Municipal Code.
7. The Tentative Subdivision Map shall comply with all applicable requirements of the State Subdivision Map Act and the City's Subdivision Ordinance, Zoning Ordinance and Specific Plan, unless modified by these Conditions of Approval.
8. Prior to the recording of a final map, the improvements set forth herein and approved by the Planning Commission and the City Council shall be installed, or agreements for said improvements, shall be submitted to the City for approval by the City Engineer and City Attorney, and all other stated conditions shall be complied with. All uncompleted improvements shall be bonded for as part of the agreements.
9. Prior to the recordation of the final map, the Applicant shall prepare and record CC&R's. The CC&R's shall be reviewed and approved by the Development Services Director or Designee and the City Attorney. The CC&R's shall include methods of maintaining common areas, landscaped areas including parkways, and methods for common maintenance of all underground and above ground utility infrastructure improvements necessary to support the complex. In addition, CC&R's shall establish methods to address design improvements.

10. No unit or building in the development shall be sold unless a corporation, association, property management association or similar entity has been formed with the right to financially assess all properties individually owned or jointly owned which have any rights or interest in the use of the common areas and common facilities in the development, such assessment power to be sufficient to meet the expenses of such entity, and with authority to control, and duty to maintain, all said mutually available features of the development. Such entity shall operate under recorded CC&R's which shall include compulsory membership of all owners of lots and flexibility of assessments to meet changing costs of maintenance, repairs, and services. Recorded CC&R's shall permit enforcement by the City for provisions required as Conditions of Approval. The Applicant shall submit evidence of compliance with this requirement to, and receive approval of, the City prior to making any such sale. This condition shall not apply to land dedicated to the City for public purposes.
11. Reciprocal covenants, conditions, and restrictions and reciprocal maintenance agreements shall be established which will cause a merging of all development phases as they are completed, and embody one (1) property management association with common area for the total development of the subject project.
12. Each unit owner shall have full access to commonly owned areas, facilities and utilities.
13. The Applicant shall at all times comply with Noise Control Ordinance of the Calexico Municipal Code.

PRIOR TO BUILDING/GRADING PERMITS

14. All site improvements approved with this request shall be constructed as indicated on the approved site plan and elevations. Revisions to approved site plans or building elevations shall be subject to the review of the Development Services Director. All plans submitted for Building Division Plan Check shall conform to the submitted plans as modified by Conditions of Approval, or the Planning Commission/City Council through subsequent action.
15. The Planning Division shall approve the location of any construction trailers utilized during construction. All construction trailers shall require a permit processed through the Planning Division.
16. Onsite surface drainage shall not cross sidewalks.
17. Parking stalls shall be double-striped with four-inch lines two feet apart.

18. Prior to issuance of any grading permit or building permits, the applicant shall sign and complete an "Acknowledgement of Conditions" form and shall return the executed original to the Planning Division for inclusion in the case records.
19. Prior to the commencement of grading operations, the Applicant shall provide a map of all proposed haul routes to be used for movement of dirt material. Such routes shall be subject to the review and approval of the City Engineer. A bond may be required to pay for damages to the public right-of-way, subject to the approval of the City Engineer.
20. A Final Landscaping/Irrigation Detail Plan shall be provided in accordance with the Calexico Municipal Code.
21. Applicant shall comply with the requirements of the Imperial Irrigation District (IID) for any work proposed within the IID's jurisdiction. Proof of compliance shall be submitted to the Development Services Department prior to issuance of building permits and final approval.
22. Prior to issuance of building permits, Applicant shall provide assurance that all requirements of the City of Calexico Fire, Police, Community Services/Recreation, Utility Services and Administrations Services Departments have been met.

ENGINEERING DIVISION CONDITIONS

GENERAL CONDITIONS

23. The Applicant shall dedicate all required rights-of-way and easements for the project.
24. Prior to submittal of any improvement plan for plan check, geotechnical study and soils report of the project site shall be conducted to the satisfaction of the City Engineer. The study and report shall include the evaluation of any existing pavement structural section that will be reused as part of the street pavement structural section for adequacy, capacity and conditions of its street classification. An approved copy of the geotechnical study and soils report, in accordance with the Subdivision Map Act, applicable codes, and City standards, shall be submitted with the improvement plans.
25. Prior to the issuance of building permits, an NPDES permit from the Regional Water Quality Control Board shall be provided in accordance with a storm water pollution prevention plan approved by the City Engineer. The storm water pollution prevention plan shall include best management practices (BMP's).
26. Prior to the issuance of building permits, a site specific drainage study in conformance with the City stormwater retention system shall be conducted by a registered civil (hydraulic) engineer and submitted for review and approval by the City and/or Bureau of Reclamation/IID that has jurisdiction over discharge to the New River. The drainage study may incorporate temporary retention basins; however, the design of the drainage system shall be inconformance with the City's stormwater retention system.

27. All retention facilities and drainage improvements shall be provided in accordance with the City's standards.
28. Temporary retention basin(s) shall be required to retain all the appropriate runoff of the entire area (streets and lots) until a regional storm drain facility becomes available. The cost of the temporary retention basin shall be the responsibility of the Applicant. The temporary retention basin(s) shall be sized for a 100-year/24-hour storm and bonded for removal to the satisfaction of the City Engineer.
29. Prior to submittal of improvement plans, the Applicant shall provide the following master plans to the City for review and approval:
 - a. Water master plan (including domestic and fire flow analysis).
 - b. Sewer master plan (including sewer capacity flow and calculations).
 - c. Drainage master plan (including both hydrology and hydraulic calculations).
 - d. Street classification and traffic circulation master plan.
 - e. Master Utilities plan as required by other jurisdictions.
30. All master plans and improvements plans shall be in conformance with Chapter III of the City standards entitled "City of Calexico Design Procedures and Improvement Standards" updated December 1, 2005 herein called City Standards and any subsequent revisions and modifications and as specified in these conditions.
31. Fire hydrants, markers and water mains shall be provided in accordance with the Fire Department's specifications. Fire hydrants shall not be placed more than 300 feet apart or more than 300 feet from buildings and shall be subject to review and approval by the Fire Department. All fire hydrants shall be on a looped water system and shall be in service before any combustible construction begins.
32. Utilities shall be provided in accordance with the City's Master Water/Sewer Plan. The Applicant may enter into a reimbursement agreement with the City for any over-sizing of water or sewer lines, roadways and/or other infrastructure that may be required.

STREET IMPROVEMENTS AND TRAFFIC CIRCULATION

33. The Applicant shall be responsible for its fair share costs associated with right-of-way acquisition, if necessary. In the event the acquisition of right-of-way is needed, Applicant shall enter into an agreement with the City prior to the approval of the final map to pay or allocate the costs of acquiring off-site real property interests and to complete the improvements required herein at such time as the City acquires an interest in the real property that will permit the improvements to be made by the Applicant.
34. Prior to the issuance of the final Certificate of Occupancy for the final phase of the Power Center, the portions of the South Barrel of Second Street from the canal to the

Applicant's property shall be improved to the requirements of the Traffic Study and prior addenda as defined in the Mitigation Monitoring and Reporting Program and the FEIR, and shall be dedicated and improved to City standards.

35. The Applicant shall retain a qualified California registered civil engineer for design services in accordance with the City Standards.
36. Improvement plans, record maps, traffic control plans, and intersection "stop" sign control plans for all interior streets shall be prepared to the satisfaction of the City Engineer.

BONDS AND SURETY

37. The Applicant shall submit and provide all required improvement bonds and/or surety and enter into a subdivision surety agreement to the satisfaction of the City Engineer and City Attorney prior to recording of any final map or the recording of the applicable phase unit map. Prior to the submittal of bonds, the Applicant shall submit construction cost estimates for all required improvements using the City's provided unit cost items and standards for review and approval.

IMPACT FEES

38. Prior to the issuance of building permits, the Applicant shall document and make payment of all the appropriate development impact fees in accordance with the City Council adopted standards (2006-2007) and formulas (City Ordinance I036), and any subsequent adjustment/modifications by the City that are in affect at the time of development. Prior to the issuance of building permits, the Applicant shall provide proof of Compliance with the "Arts in Public Places" provisions (City Ordinance No: 1046), in effect at the time of development.

FAIR SHARE FEES

39. The Applicant shall pay all applicable fees. These fees shall include but not be limited to impact fees, special infrastructure fees, benefit area assessment fees, and engineering plan check and inspection fees as determined and conditioned therein.
40. In addition to the required development impact fees for streets, water, sewer, police, fire, public and library facilities, parks and recreation, public arts, school and utility improvements, the Applicant shall participate in the project's prorated share of the costs identified in the Specific Conditions and the Mitigation Monitoring and Reporting Program.

SPECIFIC CONDITIONS

Street Circulation Element Conditions

The direct and indirect mitigation measures that shall be implemented as Conditions of Approval if applicable are as follows:

41. Direct Project Impact Mitigation - Complete improvement or pay fair share prior to recording of any final map and/or issuance of any Certificate of Occupancy.

A. Cesar Chavez/SR 111
Impact Type: Direct

Construct 2nd Street between Cesar Chavez Boulevard and SR-111 to City of Calexico standards for a four-lane divided primary roadway. Construction of this portion of 2nd Street between Cesar Chavez Boulevard the Project Site shall also include the construction of improvements to the railroad crossings located at the 2nd Street (DOT# 760907K) and Imperial Avenue (DOT# 760908S). The Applicant shall coordinate with the Union Pacific Railroad and the Rail Crossing Engineering Section (RCES) of the California Public Utilities Commission (CPUC) to determine the appropriate design criteria and standards for these crossings improvements. The construction plans for the railroad crossing improvements shall be submitted to the Union Pacific Railroad and the CPUC for review and approval. The crossing improvements may include, but not be limited to, at-grade improvements, fencing, and other appropriate safety barriers.

B. Cesar Chavez/SR 98
Impact Type: Direct
Adding WB second left-turn lane

42. Cumulative Project Impact Mitigation - Complete improvement or pay fair share prior to recording of any final map and/or issuance of any Certificate of Occupancy.

Phase 2A and 2B - Cumulative Impact Mitigation Measures

A. Dogwood Road/SR-98

Pay fair share contribution to the signalization of the intersection

B. Cesar Chavez Blvd./SR-98

Pay fair share contribution to the signalization of the intersection

C. Cesar Chavez Blvd./Second Street

Impact Type Direct

Install a traffic signal and provide the following lane geometry:

- Widen WB (2nd Street) approach to provide 1 left-turn lane, 2 through lanes, and right-turn lane

- Widen EB (2nd Street) approach to provide 1 left-turn lane, 1 thru lane, and 1 shared thru/right-turn lane

D. SR/111McCabe Road

Pay fair share contributions to the signalization of the intersection

E. SR111/Jasper Road: Pay fair share for:
Impact Type: Cumulative

- Adding NB one right-turn pocket, SB one right-turn pocket;
- Converting to EB 1 left-turn, 1 through and 1 right-turn lanes;
- Converting to WB one left-turn, 1 through and 1 right-turn lanes.

F. Cesar Chavez Boulevard (cumulative)
Grant Street to 2nd Street - Pay fair share for:

Construct Cesar Chavez Boulevard between Grant Street and 2nd Street to City of Calexico standards for a four-lane undivided major roadway.

G. SR 111/Second Street

None required with mitigation measures implement at Cesar Chavez

43. Prior to the issuance of a construction permit for any building and/or recording of any final map in Phase I, the Applicant shall enter into a Traffic Mitigation Agreement directly with the City of Calexico for implementation of the necessary improvements and the payment of fair share fees, The Agreement shall identify the dates on which the contribution must be paid and the timing of the improvements necessary to mitigate the project's impact as provided in the FEIR and Addendum.

Drainage Element Conditions

44. The drainage element for all development shall comply with the City's Existing Drainage Facilities as defined in Section S of the Drainage Service Area Plan (DSAP) Report requirement and any modification herein or the current General Plan and its latest amendment. The Applicant shall submit a final and detail drainage design plan with the preliminary hydrology and drainage map for review and approval together with the submittal of the improvement plans. The drainage design shall be in compliance and/or compatible with the City of Calexico Standard.

Utilities and Service System

45. **Mitigation Measure #1 & #2 (Public Service) and MM#1(Utilities):** Pursuant to Calexico Ordinance No. 1036, the Applicant shall pay the required development fees related to the expansion of any necessary water or wastewater treatment facilities or infrastructure, as required by the City of Calexico and IID, prior to the issuance of any building permits for the project.

Sewer Element Conditions

46. The Applicant shall be responsible for arranging to make the sewer service connection prior to the issuance of any occupancy permit. The Applicant shall be responsible for the fair share cost of all applicable sewer upgraded facilities.

Water Element Conditions

47. The Applicant shall prepare a final and detailed water master plan (water line layout and hydraulic calculations to be submitted together with the improvement plans) that integrates with the City's west developments to ensure compliance of the City's current water master plan entitled "Second (Anza) Street Corridor Water Analysis - Addendum 1 dated April 5, 2010. The detailed water study shall identify all the improvements required to provide adequate water pressure and redundancy to the subject subdivision. The Applicant shall be responsible to build all required improvements subject to review and approval by the Fire Department.
48. The Applicant shall provide connections of proper size (12 inches or City Standard) at the west and east sides of developments to form water loop connections for the water master plan as stated above. The west side of the 12" diameter line shall be installed not later than two years upon completion of Gran Phase Outlets Phase 2B. A water improvement agreement shall be prepared and executed prior to the recording of any final map.

Fees

49. The Applicant shall pay all applicable fees (i.e. City's Standard Impact Fees, Special Infrastructure Fees, Benefit Assessment Fees, Plan Check and Inspection Fees, Traffic Mitigation Monitoring Fees, and Fair Share Fees, etc.) prior to recordation of any final maps, pulling of permits, and/or certificate of occupancy as per the City's standard and conditions.

Other Pertinent Conditions

50. Any work performed within the Caltrans, Imperial County, IID Right-of-Way, and railroad right-of-way will require an encroachment permit from the applicable agency.

51. The Applicant shall be responsible for procuring any necessary permits or approvals from regulatory and/or resource agencies.
52. The Applicant shall provide utilities, conduits, and other telecommunications facilities (i.e. cable, fiber optic, etc.) from available point source to any such facility as determined and approved by the Imperial Valley Telecommunications Authority Manager and to the satisfaction of the Development Services Director/City Engineer.
53. The Applicant shall comply with City's Design Procedures and Improvement Standards (Design Manual) dated December 1, 2005 and any updates thereto. Submit a phase plan and identify all require public improvements to the satisfaction of the Director of Development Services/City Engineer for approval prior to submittal of any unit map for plan checking/recordation.
54. The Applicant shall execute a reciprocal parking and access agreement for all the subdivided parcels including prior to recording of any final map and/or the issuance of any certificate of occupancy. The agreement will be subjected to review and approval by the City Attorney and shall be recorded with the Imperial County Recorder's office.

CONDITIONS FOR RECORDATION OF FINAL MAP

55. Final map shall not be approved until developer and city have entered into an agreement, which provides for traffic facilities, emergency services, water and sewer services, and area drainage, and other services specified as needed.
56. Approval is given subject to compliance of final map and improvement drawings with all applicable zoning and subdivision ordinance of the City of Calexico.
57. The necessary improvements as set forth in the approval of the tentative map have been installed and accepted by the City, or provided the Applicant submits satisfactory improvement plans together with the necessary guarantee that the improvements shall be installed.
58. Guarantee for installation of improvements shown on recorded final map shall be by surety bond or letter of credit and shall be agreed upon in a subdivision surety agreement in a form acceptable to the City Engineer and City Attorney. Use of real property lien, as guarantee for installation of improvements shown on recorded final map is not permitted per City policy.
59. The required plan and map checking and inspection fees must be paid to all affected divisions/departments/agencies.
60. Checking has been completed by the various departments and agencies.
61. Taxes, liens and special assessments have been paid or such payment is guaranteed.

62. All outstanding project processing fees and applicable fair share fees have been paid in full to the City.
63. All applicable conditions and compliance are met with the City standards dated December 1, 2005 and all modifications and revisions thereto.
64. The Applicant shall comply with all applicable provisions of the California Code of Regulations Title 24 (ADA).
65. Except as noted above, all conditions shall be met prior to the recordation of the final map.
66. The Applicant shall comply with all other applicable Federal, State and local codes, ordinances and regulations.
67. The Applicant shall comply with all General Conditions and Specific Conditions including all applicable requirements under the Gran Plaza Power Center Mitigation Monitoring and Reporting Program.
68. The Applicant shall submit a phase plan and identify all require public improvements to the satisfaction of the Director of Development Services/ City Engineer for approval prior to submittal of any unit map for plan checking/ recordation.
69. The Applicant shall implement and complete the improvement and fair share cost contribution as required in the FEIR, MMRP, and amendments. These improvements and fair share cost are listed but not limited in the MMRP.
70. The project shall comply with all General Conditions and Specific Conditions including all applicable requirements under the Gran Plaza Power Center Final Einvrionmental Impact Reports (FEIR), and the Mitgation Monitoring and Reporting Program and its ammendments.

SECTION 4. The parties are herebyinformed that the time within judicial review of this decision must be sounght is governed by Section 1094.6 of the Code of Civil Procedure.

SECTION 5. This Resolution shall become effective immediately upon its passage and adoption.

NOW, THEREFORE, based on the above findings, the City Council of the City of Calexico does hereby approve the Calexico Gran Plaza Power Center Tentative Subdivision Map No. 2015- __.

PASSED, APPROVED AND ADOPTED this 1st day of December 2015.

AYES:
NOES:

JOONG KIM, MAYOR

ATTEST:

GABRIELA GARCIA, CITY CLERK

APPROVED AS TO FORM:

CARLOS CAMPOS, CITY ATTORNEY

RESOLUTION NO. 2018-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO
APPROVING THE REQUEST BY GRAN PLAZA LP TO EXTEND EXPIRATION OF
TENTATIVE MAP FOR THREE YEARS PURSUANT TO GOVERNMENT CODE
SECTION 66452.6(e)**

WHEREAS, pursuant to Resolution No. 2015-68 (Amended and Restated) (the "TSM Resolution") the Calexico City Council re-approved a tentative subdivision map of approximately 100 acres of land to create a minimum of fifteen commercial lots for the Gran Plaza project (Project); and

WHEREAS, the TSM Resolution sets forth the conditions required for the Final Map of the Project; and

WHEREAS, the Final Map for the Project has been submitted for review and meets the requirements set forth in California Government Code Sections 66433, et seq; and is now ready for approval by the Calexico City Council; and

WHEREAS, the Final map has been found to be in general conformance with the tentative map and any outstanding conditions which have yet to be met shall be met prior to the issuance of the Final Certificate of Occupancy; and

WHEREAS, the City Council approved Resolution No. 2015-68 on December 1, 2015 that approved the Final Map contingent on receiving appropriate documents however, said Final Map has not been recorded; and

WHEREAS, several of the remaining unmet conditions of the Tentative Map are beyond the control of either the City or the Developer; and

WHEREAS, the Tentative Map will expire on or about February 1, 2018; and

WHEREAS, pursuant to Government Code Section 66452.6(e) the Developer has requested the City Council grant a three-year extension of the expiration date of the Tentative Map in order to satisfy all conditions of the Tentative Map.

NOW, THEREFORE, THE CITY CONCIL OF THE CITY OF CALEXICO,
CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and incorporated herein.

SECTION 2. Based on the staff report, and the written and oral testimonies and exhibits thereto, the City Council hereby approves the extension of the expiration of the Tentative Map three years until December 1, 2021 pursuant to Government Code Section 66452.6(e).

SECTION 3. All conditions of the Tentative Map pursuant to Resolution No. 2011-126 remain unchanged and are incorporated herein by reference.

SECTION 4. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Calexico, California, held on this ____ day of ____ 2018.

CITY OF CALEXICO

MARITZA HURTADO, Mayor

ATTEST:

Gabriela Garcia
City Clerk

APPROVED AS TO FORUM:

Carlos Campos, City Attorney

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STATE OF CALIFORNIA
COUNTY OF IMPERIAL
CITY OF CALEXICO

I, Gabriela Garcia, City Clerk of the City of Calexico, California, do hereby certify that the foregoing Resolution No. 2018- was duly and regularly adopted at a regular meeting of the City Council of the City of Calexico, California held on the ____ day of ____ 2118, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gabriela Garcia, City Clerk