

RESOLUTION NO. 1988

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
APPROVING THE ANDALUCIA PHASE III TENTATIVE
SUBDIVISION MAP

WHEREAS, Jerry L. Whitney and Associates have an option on certain property in the sphere of influence of the City of Soledad located immediately north of the Andaluca Phase II development and south of Gabilan Drive; and,

WHEREAS, the City Council has adopted a resolution to approve the plan for services for the Andaluca property.

WHEREAS, the City Council has adopted a resolution requesting that the Monterey County LAFCO consider amending the City of Soledad Sphere of Influence to include the project site within the City of Soledad; and,

WHEREAS, the City Council has adopted an Ordinance recommending the Monterey County LAFCO to take proceedings to annex the Andaluca property to the City of Soledad, and,

WHEREAS, a supplemental environmental impact report (SEIR) for the proposed project has been prepared to analyze the environmental effects of the project in accordance with the requirements of and pursuant to the California Environmental Quality Act (CEQA) and the City Council has certified said SEIR as adequate; and,

WHEREAS, the tentative map included in "Exhibit A", and incorporated herein by reference includes those project conditions as deemed necessary by the City Council included in "Exhibit B" and incorporated herein by reference; and,

WHEREAS, the project conditions illustrated in "Exhibit B" and incorporated herein by reference are modified subject to the decision of the City Council;

WHEREAS, this resolution is adopted subject to the tentative map findings included in "Exhibit C" and incorporated herein by reference; and,

WHEREAS, this resolution is adopted subject to the CEQA Certification and Findings included in "Exhibit D" and incorporated herein by reference.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOLEDAD AS FOLLOWS:

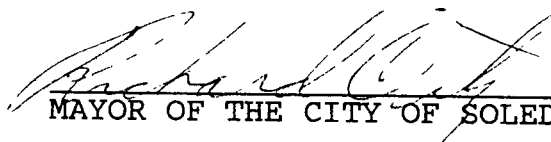
1. The Andalucia Phase III tentative subdivision map shall be approved subject to the tentative map included in "Exhibit A" and incorporated herein by reference, incorporating those conditions deemed necessary by the City Council in "Exhibit B" and incorporated herein by reference, and subject to the tentative map and CEQA certification findings included respectively in "Exhibits C and D", and also incorporated herein by reference.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Soledad duly held on the 27th day of June, 1990, by the following vote:

AYES, and in favor thereof Councilmembers: Manuel Campos, John Holguin, Fred Ledesma, Mayor Pro Tem Joe Ledesma, Mayor Richard Ortiz

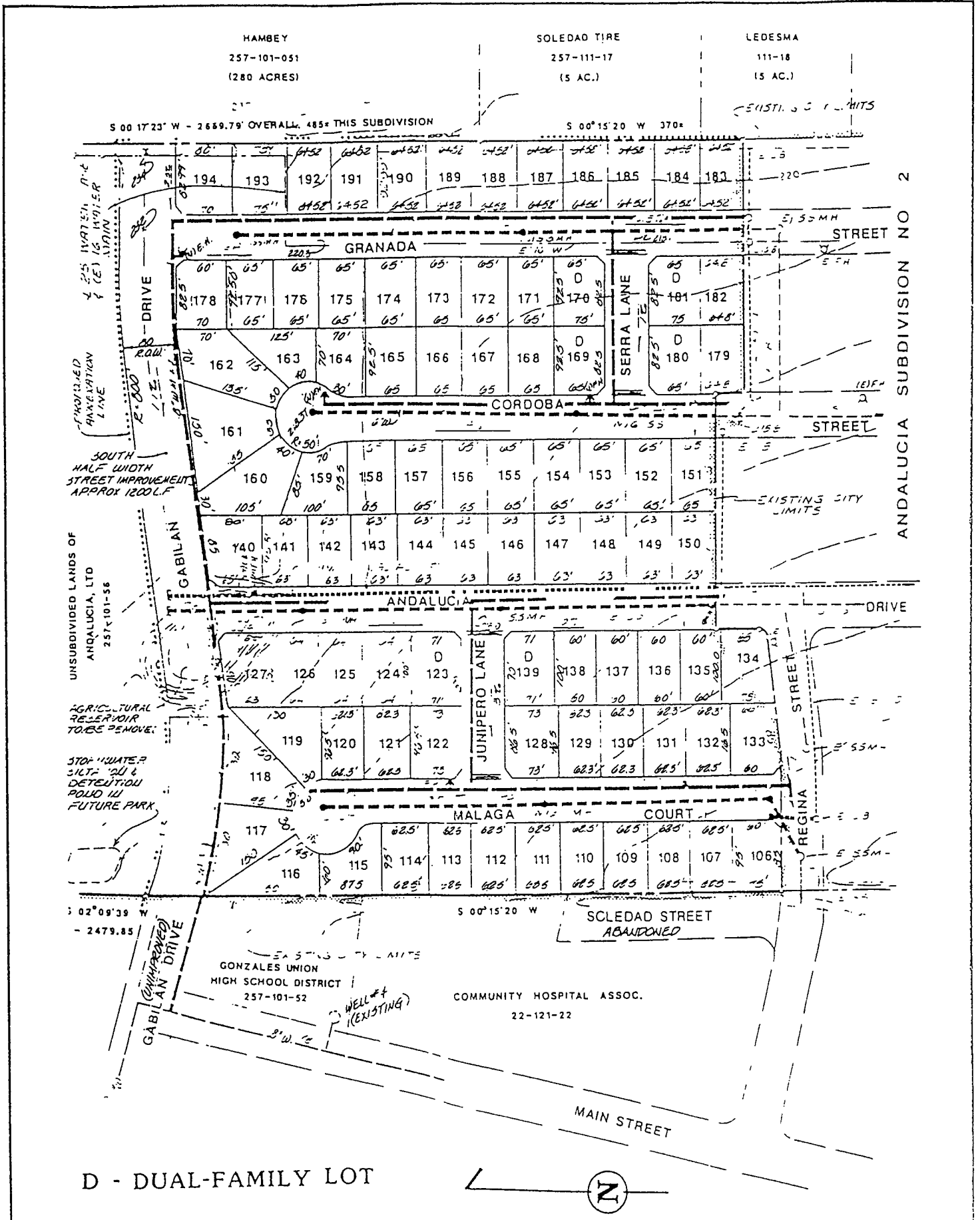
NOES, Councilmembers: None

ABSENT, Councilmembers: None


MAYOR OF THE CITY OF SOLEDAD

ATTEST:


CITY CLERK OF THE CITY OF SOLEDAD



"EXHIBIT B"
CONDITIONS OF APPROVAL
ANDALUCIA PHASE III

The conditions of approval collectively constitute the conditions applicable to the proposed Andaluca Phase III project ("project"). These conditions apply to the approval of the Tentative Map for the project.

STANDARD CONDITIONS:

1. All development on the site shall conform to the approved tentative subdivision map except as otherwise provided herein. Any significant deviation from the tentative map (except to the extent required by these conditions of approval) shall be subject to approval by the City Council. Any questions of intent or interpretation of the tentative map or of the conditions contained herein shall be resolved by the Planning Director or, upon written request of the project applicant, by the City Council.
2. The applicant shall obtain any necessary approvals or permits from any other governmental agency with jurisdiction over this development. Any dispute regarding improvements or conditions to be implemented shall be directed to the Planning Director or City Council.
3. The applicant shall submit to the City of Soledad, within a period of thirty (30) days after City Council action to approve the project, a written statement of intent to accept and fulfill all the conditions as approved by the City Council and stated herein. This statement shall be binding on all successors and assigns in interest to the subject property and shall be submitted to the City Clerk. The City Council's action shall be null and void unless this statement of intent is filed with the City.
4. The project applicant shall prepare a final subdivision map which is in substantial conformance with the tentative map and the development agreement between the City and the property owner (i.e., including a reduction in dual family units from fifteen to six) and shows all required easements subject to the review and approval of the City Engineer and Planning Director prior to approval by the City Council and recordation of the map. The tentative map for the project site shall expire two years from the date of final approval unless an extension of time is granted pursuant to a written request prior to the expiration date. The project applicant shall also provide public improvement plans separate from the submittal of the final subdivision map.

5. The applicant shall enter into a subdivision agreement with the City of Soledad, including appropriate security, prior to approval of the final subdivision map by the City Council and recordation of the map, subject to review and approval of the City Attorney, Planning Director, and City Engineer.
6. Prior to approval of the final subdivision map, the property owner shall submit an up to date preliminary title report disclosing any and all easements, deed restrictions, dedications, changes in ownership, etc., in a form acceptable to the Planning Director.
7. The project applicants shall prepare improvement plans for all public improvements prior to issuance of a grading or building permit for any portion or phase of the proposed project, subject to the review and approval of the City Engineer, Public Works Superintendent, and Planning Director.
8. The applicant shall obtain an encroachment permit from the Soledad Public Works Department for all work within the City of Soledad rights-of-way.
9. The applicant shall be responsible for carrying out all duties set forth in the mitigation monitoring program, attached hereto as Item 7, Exhibit B, pursuant to the review of those City of Soledad officials designated in the program.
10. The conditions contained herein shall be perpetual, and it is the intention of the City that the conditions run with the land and are to bind the landowner of the subject property to all of the conditions. Any questions of intent or interpretation of the site plan or conditions contained herein will be resolved by the Planning Director or, by written request, to the City Council.
11. The applicant shall be required to pay for all City of Soledad development review, plan check, engineering, building inspection costs, City review and approval procedures, mitigation monitoring, and other associated fees necessary to obtain annexation of the property to the City of Soledad, a final subdivision map, a grading or building permit, occupancy permit(s), and final sign-off. these fees shall be determined by the City of Soledad.
12. The City staff shall be allowed to inspect the site and the development during construction.

GEOLOGY/SOILS:

13. A geotechnical and soils investigation shall be prepared by a registered geotechnical or soils engineer that provides

recommendations for the construction of roadways, utility lines, and structures on the project site. The geotechnical and soils investigations shall include a dynamic ground motion analysis and responsive structural design. The recommendations shall be incorporated into the final subdivision map and improvements plans and the investigation shall be submitted to the City Building Inspector, Planning Director, and City Engineer for review and approval at the time that the final subdivision map and improvement plans are submitted to the City.

14. The project proponent shall prepare an erosion control plan for review and approval by the City Planning Director and City Engineer prior to approval of the final subdivision map and improvement plans. The erosion control plan shall include the following information:
 - a. Measures for controlling erosion during construction of the proposed project including contractor specifications, detention basins to hold pre-development run-off volumes for a 100-year storm event, reseeding of disturbed areas, and periodic watering during excessive winds.
 - b. Measures for controlling erosion after construction on the project site, including reseeding of disturbed areas.

HYDROLOGY:

15. The surface water drainage improvement plans shall include sediment control for all surface water drainage improvements associated with the proposed project. In accordance with the revised project alternative (Alternative 2) of the final SEIR, the surface water drainage improvement plans shall include a detention pond of at least one acre foot. The surface water drainage improvement plans shall be submitted to the City Planning Director, City Engineer, and City Public Works Superintendent prior to approval of the final subdivision map and improvements plans.
16. A declaration of restrictions shall be recorded prior to recordation of the final subdivision map. The declaration of restrictions shall state that specific water conservation methods shall be included in any future development on the project site. the specific water conservation measures shall include the following:
 - a. Ultra low flush toilets. For the purposes of this discussion, ultra low flush toilets are defined as toilets that use a maximum of 1.6 gallons of water per flush.

- b. Low flow shower heads. For the purposes of this discussion, low flow shower heads are defined as shower heads that use a maximum of 2.5 gallons of water per minute.
 - c. Low flow kitchen and lavatory faucets, pressure reducing valves, insulated hot water lines, low water use clothes washers, and low water use dishwashers subject to the approval of the City Building Inspector.
17. The existing well, previously used for agriculture on the project site, shall be examined and if deemed usable for human consumption, shall be connected to the City's water system. If found unacceptable for human consumption, the well shall be abandoned in the appropriate manner. This shall be the responsibility of the City Engineer and shall be completed prior to the issuance of a grading permit.

AESTHETIC CONSIDERATIONS:

18. The project proponent shall construct a six foot high wall or fence to run the length of the western property line of the project site in a northward direction until it reaches Gabilan Drive. The wall or fence shall be constructed with materials used on similar fences in the vicinity of the project site. The wall or fence design and materials shall be reviewed and approved for materials, design, color, and height by the Design Review Committee prior to the issuance of a grading permit.
19. The project proponent shall construct a six foot high wall or fence along the northern property line of the project site for the length of the project site. The fence or wall shall conform to the required fence or wall along the western property line and shall be constructed with the same design and materials. The wall or fence design and materials shall be reviewed and approved for materials, design, color, and height by the Design Review Committee prior to the issuance of a grading permit.
20. The project proponent shall plant street trees along all public rights-of-way including Gabilan Drive adjacent to the project site. The location, type and size of trees shall be approved by the Planning Director and Public Works Superintendent as part of the public improvement plans prior to the approval of the final subdivision map.

TRAFFIC AND CIRCULATION:

21. The project proponent shall construct Gabilan Drive easterly from Main Street and continue the street along the northern edge of the project site to the eastern edge of the project site. Improvements to the street shall include curb, gutter, and sidewalk, and street trees along the section of the street adjacent to the project site, and curb and gutter only along the remaining section of the street. These improvements shall be illustrated on the final subdivision map.

22. The final subdivision map of the project site shall indicate a "non-access strip" along the southern portion of Gabilan Drive so that access to Gabilan Drive from the proposed project will be achieved by use of public roads only and no access from private lots will be permitted.
23. Prior to approval of the final subdivision map, the project proponent shall prepare such map including, but not limited to, public street dedications and precise location of all infrastructure. The final subdivision map and improvement plans shall be prepared by a Registered Civil Engineer and subject to approval by the Planning Director and Public Works Superintendent prior to the recordation of the final map.
24. A street landscape plan shall be submitted and approved as part of the improvement plans by the Planning Director prior to approval of the final subdivision map. The contents of the landscape plan shall be determined by the Planning Director.
25. The project proponent shall install all street signs, traffic delineations devices, warning and regulatory signs, guard rail, barricades, and other similar devices where required by the City Engineer and Public Works Superintendent. Signs shall be in conformance with City standards and the current State of California uniform sign chart. Installation of traffic devices shall be subject to review and modifications after construction. All of these improvements shall be installed to the satisfaction of the City Engineer, Planning Director, and Public Works Superintendent prior to the issuance of any occupancy permit.
26. Offers of dedication shall be completed and recorded prior to or simultaneous to recording of the final subdivision map.

AIR QUALITY:

27. Biking and footpaths shall be implemented in conjunction with project street development in order that this more efficient means of transportation can be encouraged within the City of Soledad. Such improvements will be subject to the approval of the Planning Director and installed prior to the issuance of any occupancy permit.
28. Prior to approval of the final subdivision map, the applicant shall be required to perform numerical computations on the project site and prove, to the satisfaction of the City Engineer, Public Works Superintendent, and Fire Chief that sufficient residual fire flow water pressure will be available to proposed homes in the northeast corner of the project site.

Should minimum fire flow pressure not be available, the applicant shall record, in the declaration of restrictions for the proposed project, a list which includes each lot that will not meet the minimum residual fire flow level. A deed restriction for all lots on the approved list shall be included in the declaration of restrictions for the proposed project requiring that ceiling sprinklers be installed for fire safety purposes. The type, number, and location of sprinklers shall be approved by the City Building Inspector. The applicant shall, prior to approval of the final subdivision map, provide proof to the Planning Director that this deed restriction has been recorded with the declaration of restrictions for the proposed project.

29. The type and location of all fire hydrants shall be approved by the City of Soledad Fire Chief, City Engineer, and Public Works Superintendent prior to the approval of the final subdivision map. Such fire hydrants shall meet the following standards:
 - a. The hydrant system should be on an 8" loop system.
 - b. If a public hydrant is not within 500 feet of the farthest building under construction, on site hydrants should be provided before construction begins.
30. The following conditions shall be included on the final subdivision map prior to its approval by the City Council:
 - a. Monuments shall be set at all new property corners created and a registered civil engineer or licensed surveyor shall indicate, by certificate on the final map, that corners have been set or shall be set by a date specific and they they will be sufficient to enable the survey to be retraced.
 - b. Driveways shall be designed to City of Soledad standards.
 - c. All building, parts of buildings or other obstructions (including trees or wire) over access driveways shall have no less than 12 feet of vertical clearance for finished driveway surface.
 - d. The project access and parking should be of sufficient width to allow access and turning of fire protection and emergency vehicles.
 - e. Street improvements along all subdivision roads shall include curb, gutter, sidewalks, and street trees.
 - f. Every single story building shall be located so that the farthest point from an access road capable of

being used by fire apparatus shall not exceed 150 feet. This distance shall be measured around the perimeter of the building and shall take into consideration any natural or man made barriers such as trees, shrubs, fences, etc.

- g. Energy efficient building design shall include such features as orientation of structures to summer and winter sunlight, so as to efficiently absorb and/or reflect solar heat as needed. Structures shall be designed so as to allow for the installation of solar panels.
31. The following items shall be included in the declaration of restrictions for the proposed project which shall be approved by the Planning Director and recorded prior to the approval of the final subdivision map:
- a. Numbers should be visible for emergency situation and show dark on light or vice versa for easy readability. Numbers should also be visible in large print on curb sides.
 - b. Front doors of buildings shall have single or double cylinder deadbolts with one inch throws. Viewers shall be placed in front doors and small secondary locks shall be placed on patio doors to prevent forcing of sliding glass doors.
 - c. All buildings shall be insulated according to State of California requirements.

ARCHAEOLOGICAL RESOURCES:

32. In the event that a prehistoric site has been buried by wind borne sand, making it nearly impossible to identify by a surface examination, and it is encountered in project related grading or excavation operations, the following mitigation measure shall apply:

The Planning Director and City Engineer shall include a provision in the contractor's specifications stating that: If suspected archaeological remains such as midden, burial, or concentrations of river cobbles (burned or used) are discovered during the subsurface construction, all work should stop within a 10 meter radius (35 feet) from the find. The City of Soledad should be called immediately (678-3963). The Regional Archaeological Research Center and a local Indian Advisor should both be contacted. An archaeologist, in conjunction with the local Indian Advisor should evaluate any find, preserve and/or remove it before damaging construction proceeds, destroying a nonrenewable resource.

33. Relocation of 16" water main from lots 193 and 194 to an in place location on Granada and Gabilan Streets subject to the approval of the City Engineer.

Exhibit C

Tentative Map Findings

Description of the project. The proposed Andalucia Phase III project is a development for primarily single-family residential housing with additional dual-family residential. The applicant has requested the following approvals: sphere of influence amendment, rezoning and zoning amendment, annexation, and tentative map approval.

In approving the project the City Council finds as follows:

1. **Finding:** The project, as conditioned, is consistent with the adopted Soledad General Plan and all applicable policies and programs contained therein including without limitation the following:

A. **Land Use.** The General Plan land use designation for the project site is Single-Family Residential. The land uses proposed on the site consist of single-family residential and dual-family residential. These uses are consistent with the land use element of the General Plan.

The project will implement the intent of the General Plan for the area and the goal of the City to provide adequate areas of residential development at locations and densities appropriate to the City's identified housing needs. The project will provide up to 95 moderate income housing units.

B. **Circulation.** The proposed project includes the half-street extension of Gabilan Drive eastward from Main Street to the eastern boundary of the project site. The half-street construction of Gabilan Drive includes a minimum 30-foot width including two interim traffic lanes (one in each direction) and adequate space for parallel parking. The developer will be required to construct street improvements to all internal streets which includes the extension of Granada Street, Cordoba Street, and Andalucia Drive. The proposed project also includes the construction of new public roadways to serve the newly created lots. These roadways are Malaga Court, Junipero Lane, and Serra Lane. Construction of the new public roadways includes a minimum 40-foot curb-to-curb width in a minimum 60-foot right-of-way. All newly created lots will have direct access to a public roadway.

C. **Conservation.** The City of Soledad Conservation Element provides that for every increase in population of 2,000 to 5,000 persons, 8 to 15 acres of park should be required. Based on the population increase resulting from the proposed project, 1.74 acres of park are required in order to meet the park needs of the residents of the subdivision.

The City of Soledad General Plan designates a portion of the entire 109-acre Andaluca property north of both the project site and Gabilan Drive as park land. The proposed project, as conditioned, will provide for a detention pond of at least one acre-foot on this four acre park site. The designated park site will be sufficient to meet the park land needs for the proposed project.

- 2 **Finding** The project and its design and improvements, as conditioned, will not be contrary to public health or public safety. Mitigation measures addressing the Project's potential health and safety impacts are required as project conditions, including without limitation the following: adequate provision of sewer, drainage, and water, and, measures to minimize impacts on air quality.
- 3 **Finding** The site is physically suitable for the subdivision and the type of development proposed. The type of development proposed is a residential use. The design and construction of the improvements will be consistent with recommendations in the geologic and soils reports for the site which evidence physical suitability for the type of development contemplated.
- 4 **Finding:** The project will not result in the occurrence of significant adverse environmental impacts with the exception of projected specific unavoidable impacts concerning groundwater overdraft, and unavoidable significant cumulative impacts concerning surface-water drainage, ground water use, and air quality.

- Exhibit "D" -

Exhibit
**CEQA Certification and Findings For
 The Andalucia Phase III Project**

I

CERTIFICATION UNDER CEQA

1. **Description of the project** The proposed Andalucia Phase III project would provide 83 single-family residential units with an additional 12 dual-family residential units. The applicant has requested the following approvals: sphere of influence amendment, rezoning and zoning map amendment, annexation, and tentative map approval. As evaluated in the June 1990 final SEIR, the project site consists of 19 acres.
2. **Certification.** The City of Soledad Council hereby certifies that a final Supplemental Environmental Impact Report (final SEIR) for the project has been completed in compliance with the California Environmental Quality Act (CEQA), that the final SEIR was presented to the City Council, and that the City Council reviewed and considered the information contained in the final SEIR prior to issuing the following: sphere of influence amendment request, rezoning and zoning map amendment approval, annexation request of LAFCO, and tentative map approval.

II

FINDINGS

The Soledad City Council finds as follows:

1. **Final EIR:**

The final SEIR consists of the original EIR for the entire 109-acre Andalucia property prepared by Environmental Management Consultants and certified by the City of Soledad in 1981, the draft supplemental environmental impact report (DSEIR) for the Andalucia Phase III subdivision prepared for the City of Soledad by EMC Planning Group Inc., dated March 1990, the Response to Comments on the DSEIR for the Andalucia Phase III subdivision prepared for the City of Soledad by EMC Planning Group Inc., dated May 1990, and such additional oral and written comments on the above documents as the City Council may choose to incorporate into the final SEIR.

The final SEIR analyzes and evaluates a series of proposed actions for approval and development of roadway improvements and construction of residential land uses on a portion of Monterey County Assessor's Parcel Number 257-101-56. The proposed approval actions consist of a sphere of influence amendment request,

rezoning and zoning map amendment, annexation request of LAFCO, and tentative map approval

The City Council finds that the approval of the tentative map for the project is within the scope of the project analyzed in the final SEIR, that pursuant to section 15162 of the CEQA Guidelines, there are no new effects that could occur and no new mitigation measures are required, and that no new environmental document is required. No subsequent changes have been proposed in the project covered in the final SEIR which will require important revisions to the final SEIR due to the involvement of new significant environmental impacts not considered in the final SEIR. No substantial changes have occurred with respect to the circumstances in which the project covered in the final SEIR is to be undertaken which will require important revisions to the final SEIR due to the involvement of new significant environmental impacts not covered in the final SEIR. No new information of substantial importance to the project covered in the final SEIR has become available that was not known and could not have been known at the time the final SEIR was certified as complete

2. Potential Environmental Effects of the Proposed Project:

The final SEIR analyzed the potential primary environmental effects of the proposed roadway improvements, public service extensions, and construction of residential land uses. The final SEIR identified the following potential primary environmental effects of the proposed project:

A. Geology and Soils

Ground shaking from two major regional faults (the San Andreas, located 13 miles from the project site, and the Reliz, located four miles from the project site) is expected to produce a seismic hazard for the proposed project.

The proposed project will include grading on the project site and add impervious surfaces. These activities will increase surface-water run-off and create the potential for soil erosion.

B. Hydrology

The proposed project does not include provisions for reducing the amount of sediment entering the surface-water drainage system. Without some provision to reduce sediment entering the surface-water drainage system, the capacity of the surface-water drainage system will be reduced.

C. Aesthetic Considerations

The project site is highly visible from Regina Street because there is no existing structure to block the view and there is no change in grade from the street to the project site.

The project site will be highly visible from the future extension of Gabilan Drive. There are no obstacles or changes in grade to block views of the project site. This is a potentially significant impact.

D Traffic and Circulation

Any direct access from residential units to Gabilan Drive from the proposed project site may lead to disruption of vehicle traffic and may jeopardize the safety of motorists using Gabilan Drive.

E Public Services and Utilities

The water pressure on the upper portion of the project site does not meet the minimum water-flow pressure requirement of 40 pounds per square inch. This is a potentially significant impact.

3. Mitigation of the Potential Environmental Effects of the Project

The foregoing primary environmental effects may or would occur as a result of implementation of the Andaluca Phase III project unless appropriate measures are taken in the provisions of the project design or conditioned to avoid or substantially lessen these environmental effects.

The purpose and effect of the proposed mitigation measures are to form the basis for the conditions for construction of project-related improvements and provide standards and criteria by which future development will proceed on the project site.

The City of Soledad City Council finds that, for each significant environmental effect identified in the final SEIR, changes or alterations have been required in, or incorporated into, the project conditions which avoid or substantially lessen the significant environmental effects to an acceptable level. As used in these findings, the term "acceptable level" means a level that is not significant. The changes incorporated into the project conditions reflect the appropriate response to the environmental effects and recommended mitigation measures identified in the final SEIR. These responses vary depending upon the nature of these environmental effects and mitigation measures.

Each of the recommended mitigation measures contained in the final SEIR has been incorporated into the project conditions. The following subsections briefly explain the manner in which each of the recommended mitigation measures has been incorporated into the project conditions and supply the rationale for the finding that each potential significant effect, as identified in the final SEIR, has been reduced to an acceptable level.

A. Geology and Soils

- A geotechnical and soils investigation shall be prepared by a registered geotechnical or soils engineer that provides recommendations for the construction of roadways, utility lines, and structures on the project site. The geotechnical and soils investigation shall include a dynamic ground motion analysis and responsive structural design. The recommendations shall be incorporated into the final subdivision map and improvements plans and the investigation shall be submitted to the City Building Inspector and City Engineer for review and approval at the time that the final subdivision map and improvement plans are submitted to the City Building Inspector and City Engineer for review and approval.
- The project proponent shall prepare an erosion control plan for review and approval by the City Planning Director and City Engineer prior to approval of the final subdivision map and improvement plans. The erosion control plan shall include the following information.
 - a Measures for controlling erosion during construction of the proposed project including contractor specifications, detention basins to hold pre-development run-off volumes for a 100-year storm event, reseeding of disturbed areas, and periodic watering during excessive winds.
 - b Measures for controlling erosion after construction on the project site, including reseeding of disturbed areas.

Implementation of these mitigation measures will reduce the impacts associated with potential ground-shaking by ensuring the safety of project site residents in terms of sound construction of roadways, utility lines, and structures on the project site.

B Hydrology

- The surface-water drainage improvement plans shall include sediment control for all surface water drainage improvements associated with the proposed project, including on- and off-site detention ponds. The surface water drainage improvement plans shall be submitted to the City Planning Director, City Engineer, and City Public Works Director prior to approval of the final subdivision map and improvement plans.
- A declaration of restrictions shall be recorded prior to recordation of the final subdivision map. The declaration of restrictions shall state that specific water-conservation methods shall be included in any future development. The specific water conservation measures shall include the following:
 - a Ultra-low-flush toilets. For the purposes of this discussion, ultra-low-flush toilets are defined as toilets that use a maximum of 1.6 gallons of water per flush.

- b Low-flow shower heads For the purposes of this discussion, low-flow shower heads are defined as shower heads that use a maximum of 2.5 gallons of water per minute
- c Drought-tolerant landscaping Referred to as a "xeriscapes" program, this will limit lawns to a maximum percentage of the total lot area (to be decided by the Planning Director) and requires specific drought-resistant and native plants for landscaping

Implementation of the first mitigation will reduce project impacts related to drainage to a level of insignificance by limiting the amount of water use on the project site. The water conservation mitigation will reduce the amount of water used by future development.

C. Aesthetic Considerations

- The project proponent shall construct a six-foot-high wall or fence to run the length of the western property line of the project site in a northward direction until it reaches Gabilan Drive. The wall or fence shall be constructed with materials used on similar fences in the vicinity of the project site. The wall or fence design and materials shall be reviewed and approved by the Architectural Review Committee prior to approval of the final map and improvement plans. With the implementation of this mitigation measure, the proposed project will not result in a significant impact.
- The project proponent shall construct a six-foot-high wall or fence along the northern property line of the project site for the length of the project site. The fence or wall shall conform to the required fence or wall along the western property line and shall be constructed with the same design and materials. The wall or fence design and materials shall be reviewed and approved by the Architectural Review Committee prior to approval of the final map and improvement plans.
- The project proponent shall plant street trees along the public right-of-way of Gabilan Drive adjacent to the proposed project site. The location and type of trees shall be approved by the Planning Director.

Implementation of these mitigation measures will reduce the impacts associated with the view of the proposed project from surrounding public viewpoints to a level of insignificance.

D. Traffic and Circulation

- The final subdivision map of the project site shall indicate a "non-access strip" along the southern portion of Gabilan Drive so that access to Gabilan Drive from the proposed project will be achieved by use of public roads only and no access from private lots will be permitted.

Implementation of this mitigation measure will ensure that no disruption on Gabilan Drive, a future arterial roadway, is experienced as a result of project-related traffic, and that the safety of those using the roadway is protected.

E. Public Services and Utilities

- Prior to approval of the final subdivision map, the applicant shall be required to perform tests on the project site and prove, to the satisfaction of the City Engineer, that sufficient residual fire-flow water pressure will be available to proposed homes in the northeast corner of the project site

Should minimum fire-flow pressure not be available, the applicant shall record, in the declaration of restrictions for the proposed project, a list which includes each lot that will not meet the minimum residual fire-flow level. A deed restriction for all lots on the approved list shall be included in the declaration of restrictions for the proposed project requiring that ceiling sprinklers be installed for fire safety purposes. The type, number, and location of sprinklers shall be approved by the City Engineer and City Building Inspector. The applicant shall, prior to approval of the final subdivision map, provide proof to the City Engineer that this deed restriction has been recorded with the declaration of restrictions for the proposed project.

Implementation of this mitigation measure will ensure that adequate fire protection service is provided to the project site

4. Unavoidable Significant Adverse Impacts

- A. The SEIR identified "significant" adverse environmental impacts that are unavoidable. An unavoidable significant adverse impact is a significant impact that cannot be feasibly mitigated to an insignificant level. A statement of overriding considerations is necessary for approval of a project which will result in the occurrence of significant adverse environmental impacts. However, the implementation of the revised project alternative (alternative 2 of the final SEIR) will eliminate two of the project-specific unavoidable significant adverse impacts. These unavoidable significant adverse impacts are presented below. Subsequent to this, the project conditions reducing the impact of these unavoidable adverse impacts to a level of insignificance are presented.

Project-Specific Unavoidable Significant Adverse Impacts

- The proposed project will increase the surface-water drainage volumes and rates on the project site, resulting in flooding of the project site and downstream properties (phases one and two) due to the inadequacy of the existing and proposed surface-water drainage system. This is considered

to be an unavoidable significant adverse impact which cannot be mitigated without revisions to the proposed project.

- The proposed project will create a demand for an additional 20 25 to 24 30 acre-feet (net) per year of water. This water will be supplied by the ground-water basin through the municipal water system. The City of Soledad has indicated that there is adequate water in the ground-water basin to serve the proposed project. Further, the project site historically has used more water for agricultural production than the proposed project will use. However, due to the the current ground-water overdraft problem in the Central Salinas Valley, any additional net usage of ground water is considered to incrementally add to the overall problem. Therefore, the additional net usage of ground water is considered to be an unavoidable significant adverse environmental impact.
- The proposed project will cause traffic disruption and a safety hazard by granting four residential duplex units direct automobile access to Gabilan Drive. This is considered to be an unavoidable significant adverse environmental impact which cannot be mitigated without revisions to the proposed project.

Project Conditions

- 15 The surface-water drainage improvement plans shall include sediment control for all surface water drainage improvements associated with the proposed project. In accordance with the revised project alternative (Alternative 2) of the final SEIR, the surface water drainage improvement plans shall include a detention pond of at least one acre-foot. The surface-water drainage improvement plans shall be submitted to the City Planning Director, City Engineer, and City Public Works Superintendent prior to approval of the final subdivision map and improvement plans
- There are no project conditions which will reduce the unavoidable significant adverse impacts with regard to ground-water overdraft to a level of insignificance
- 4 The project applicant shall prepare a final subdivision map which is in substantial conformance with the tentative map and the development agreement between the city and the property owner (i.e. including a reduction in dual-family units from 15 to six) and shows all required easements subject to the review and approval of the City Engineer and Planning Director prior to approval by the City Council and recordation of the map. The tentative map for the project site shall expire two years from the date of final approval unless an extension of time is granted pursuant to a written request prior to the expiration date. The project applicant shall also provide public improvement plans separate from the submittal of the final subdivision map
- B. The EIR identified cumulative "significant" adverse environmental impacts that are unavoidable. An unavoidable significant adverse

environmental impact is a significant impact that cannot be feasibly mitigated to an insignificant level. The cumulative unavoidable significant adverse impacts are listed below.

There is no project condition which will reduce the level of significance of the following unavoidable significant adverse cumulative impacts to a level of insignificance. These impacts are listed below.

Unavoidable Significant Adverse Cumulative Impacts

- The City of Soledad currently has no master surface-water drainage plan. The design of the previous phases of the Andaluca subdivision and other past projects in this part of the city does not conform to one overall storm drainage plan and thus will cumulatively lead to the potential for flood in the event of a 10-year storm event. Consequently, flooding can be expected within the proposed project site and future sites to the north based on current system plans.
- With the implementation of water conservation measures, the proposed project will create a demand for an additional 20.25 to 24.30 acre-feet (net) per year of water. This water will be supplied by the ground-water basin through the municipal water system. The City of Soledad has indicated that there is adequate water in the ground-water basin to serve the proposed project. Further, the project site historically has used more water for agricultural production than the proposed project will use. However, due to the current ground-water overdraft problem in the Central Salinas Valley, any additional net usage of ground water is considered to incrementally add to the overall problem. Therefore, this additional net usage of ground water is considered to be a cumulative unavoidable significant adverse environmental impact.
- The 1989 Air Quality Management Plan allows for a population increase in Soledad of 1,060 persons between 1990 and 1995. The proposed project, when combined with other proposed, approved, and recently constructed projects, will add an additional 1,099 persons to Soledad between 1990 and 1995. The proposed project is, therefore, inconsistent with the 1989 Air Quality Management Plan on cumulative projects basis.

5. Findings for Approval of the Project:

- A. The adoption of the final SEIR with the revised project alternative (Alternative 2 of the final SEIR) will not have a significant effect on the environment: The City of Soledad City Council has, in approving the project, eliminated or substantially lessened all significant effects on the environment with the exception of those included in item four above.

The project alternative selected by the City Council will reduce project-specific unavoidable significant adverse impacts on surface-water drainage

and traffic and circulation beyond those of the project evaluated in the final SEIR.

All of the mitigation measures recommended in the final SEIR are necessary to avoid or reduce potential significant effects to an acceptable level have been incorporated into the project conditions. The City Council finds that revised project alternative as approved will not have a significant effect on the environment with the exception of the impacts identified in the following section.

- B. Unavoidable significant adverse impacts:** Unavoidable significant adverse impacts are environmental effects that cannot be entirely avoided if build-out of the parcel, in accordance with the project conditions, is realized. The final SEIR, including the revised project alternative for the Andaluca Phase III project, identifies one project-specific unavoidable significant adverse impacts and three unavoidable significant adverse cumulative impacts as a result of project implementation.

Unavoidable Significant Adverse Impact (project-specific)

The proposed project will create a demand for an additional 20 25 to 24 30 acre-feet (net) per year of water. This water will be supplied by the ground-water basin through the municipal water system. The City of Soledad has indicated that there is adequate water in the ground-water basin to serve the proposed project. Further, the project site historically has used more water for agricultural production than the proposed project will use. However, due to the the current ground-water overdraft problem in the Central Salinas Valley, any additional net usage of ground water is considered to incrementally add to the overall problem. Therefore, the additional net usage of ground water is considered to be an unavoidable significant adverse environmental impact.

Unavoidable Significant Adverse Impacts (Cumulative)

- 1 The City of Soledad currently has no master surface-water drainage plan. The design of the previous phases of the Andaluca subdivision and other past projects in this part of the city does not conform to one overall storm drainage plan and thus will cumulatively lead to the potential for flood in the event of a 10-year storm event. Consequently, flooding can be expected within the proposed project site and future sites to the north based on current system plans.
- 2 With the implementation of water conservation measures, the proposed project will create a demand for an additional 20 25 to 24 30 acre-feet (net) per year of water. This water will be supplied by the ground-water basin through the municipal water system. The City of Soledad has indicated that there is adequate water in the ground-water basin to serve the proposed project. Further, the project site historically has used more water for agricultural production than the proposed project will use. However, due to the the current ground-water overdraft problem in the Central Sal-

nas Valley, any additional net usage of ground water is considered to incrementally add to the overall problem. Therefore, this additional net usage of ground water is considered to be a cumulative unavoidable significant adverse environmental impact.

- 3 The 1989 Air Quality Management Plan allows for a population increase in Soledad of 1,060 persons between 1990 and 1995. The proposed project, when combined with other proposed, approved, and recently constructed projects, will add an additional 1,099 persons to Soledad between 1990 and 1995. The proposed project is, therefore, inconsistent with the 1989 Air Quality Management Plan on cumulative projects basis.

C **Alternatives to the project:** The final SEIR identifies and has evaluated potential alternatives to the proposed project, including alternative sites. The following findings are made with respect to the project alternatives:

Pursuant to section 15126(d) of the California Environmental Quality Act (CEQA), an EIR must contain a discussion of potential project alternatives that could reduce or eliminate any significant adverse environmental impacts associated with the proposed project. The SEIR considered a "no project" alternative, a revised project alternative, and two alternative location alternatives.

Pursuant to section 15126(d)(2) of CEQA, the discussion of alternatives must identify the "environmentally superior alternative" among the alternatives presented. If the "no project" alternative is the environmentally superior alternative, then the environmentally superior alternative among the other alternatives must be identified.

Alternative Number One: No Project

This alternative would result in the project site remaining fallow under its current land-use designation of Agricultural Farmlands—40-acre minimum. The land, which has not been used for agricultural production in more than 10 years, would likely remain fallow indefinitely. If the no-project alternative were implemented, the significant adverse impacts identified in this report would not occur. However, this alternative will not contribute to meeting an existing housing demand, particularly within the middle income categories. This alternative is the environmentally superior alternative.

Alternative Number Two: Revised Project

This alternative would result in the implementation of the proposed project with two revisions. These revisions include the implementation of an on-site or off-site detention pond, the relocation of duplex units within the project site, and the extension of Serra Lane to the eastern edge of the project site (through lot number 184).

The implementation of this alternative would eliminate the project-specific significant unavoidable adverse impacts with regard to surface-water drainage and

traffic and circulation. All other unavoidable significant adverse environmental impacts regarding ground water (project-specific and cumulative) would remain. Exclusive of the no-project alternative, this alternative is the environmentally superior alternative.

Alternative Number Three: Alternative Location Number One

Two alternative locations have been identified that would achieve the objectives of the proposed project.

The first alternative location would result in the implementation of the proposed project on a 63-acre parcel along Morisoli Road on the west side of Highway 101.

In terms of public service capability, this parcel is located near current residential areas of service for the city (east of Highway 101) but is not included in the urban service area of the city.

The parcel is currently under intense agricultural use. Termination of agricultural use on this land would detract from the agriculturally productive lands of Monterey County. The parcel has not been designated for future urban growth by Monterey County due to the productivity of the land for agriculture.

Should this site be designated for urban growth in the future, public services to the site would be very feasible. The project site currently has a productive well which could be used for domestic use in the future, subject to regulation by the Soledad municipal water system. In addition, the site lies along the route of sewer trunk lines which transport waste water to the city waste-water treatment plant west of Soledad.

Use of this parcel for the proposed project would not eliminate the project-specific unavoidable significant adverse impacts regarding surface-water drainage and traffic and circulation unless the project were redesigned specifically with these impacts in mind. In addition, the use of this parcel would not eliminate the project-specific and cumulative unavoidable significant adverse environmental impacts with regard to ground-water use and would create a project-specific and cumulative unavoidable significant adverse environmental impact by converting prime agricultural land to urban uses.

Alternative Number Four: Alternative Location Number Two

This alternative location would result in the implementation of the proposed project on a 66-acre parcel off Morisoli Road (also on the west side of Highway 101).

In terms of public service capability, this parcel is further removed from current residential areas of service for the city (east of Highway 101) and is not included in the urban service area of the city for future development.

Should this site be designated for urban growth in the future, public services to the site would be very feasible. The site lies along the route of sewer trunk lines

which transport waste water to the city waste-water treatment plant west of Soledad. By connecting to this trunk line, the project site could gain relatively simple access to the waste-water treatment plant.

The property is currently under intense agricultural use. Termination of agricultural use on this land would detract from the agriculturally productive lands of Monterey County.

Use of this parcel for the proposed project would not eliminate the project-specific unavoidable significant adverse impacts regarding surface-water drainage and traffic and circulation unless the project were redesigned specifically to avoid these impacts. In addition, the use of this parcel would not eliminate project-specific and cumulative unavoidable significant adverse environmental impacts regarding ground-water use and would create an unavoidable adverse environmental impact by converting prime agricultural lands to urban uses.

D Statement and Finding of Overriding Considerations and Concerns

All of the mitigation measures recommended in the final SEIR to avoid or reduce significant environmental effects to an acceptable level have been incorporated into the project conditions. The project alternative selected by the city staff as the preferred alternative for the project further reduces impacts of the project evaluated in the final SEIR of project-specific impacts with regard to surface-water drainage and traffic and circulation, and makes the proposed project consistent with the development agreement for the project site between the property owner and the City of Soledad.

On the evidence presented, the incorporation of the mitigation measures into the project conditions as explained in these findings reduces all remaining significant adverse environmental effects to an acceptable level except for the identified project-specific unavoidable significant adverse environmental impact regarding groundwater overdraft, and the unavoidable significant adverse cumulative impacts regarding surface-water drainage, groundwater aquifer depletion, and air quality. The specific social, economic, environmental, and other benefits of the project that outweigh any unavoidable adverse environmental effects include the following:

- 1 The City of Soledad has a household occupancy average of 4.21 persons per household, thus creating a household overcrowding problem. The implementation of the revised project alternative contemplated under the final SEIR will result in the addition of up to 95 moderate-income level housing units to the City's housing stock. The project will fulfill a significant unmet need for this type of housing within the City.
- 2 The implementation of the proposed project will supply needed housing units to the City of Soledad, therefore benefitting those in need of housing as evidenced by the current vacancy rate of 1.5 percent, the lowest in Monterey County.

3. Implementation of the project will provide additional housing to the City of Soledad, thus providing needed revenues to the City of Soledad through increased property taxes.
4. The 12 duplex units included in the revised project alternative in the SEIR will expand the number of affordable rental housing units for moderated-income renters. There is a current high demand for housing of this nature in the City of Soledad.
5. Implementation of the revised project alternative included in the final SEIR will act as infill in an area that is not used for agricultural purposes and is surrounded by current residential uses on three sides.
6. Implementation of the revised project alternative in the final SEIR will eliminate brush and grass growing on the subject property adjacent to existing residential uses. This will eliminate a potential fire hazard.
7. Implementation of the revised project alternative in the final SEIR will eliminate an abandoned irrigation pond which is currently used as an unauthorized dumping area. It is difficult to enforce or control the dumping that currently exists on the project site. Further, the dump creates a health and safety hazard, especially to young children who may play unsupervised in this area.
8. Construction of an off-site detention pond as a project condition, will enhance groundwater recharge in the Soledad area and will eliminate the potential for flooding on the project site and will reduce the potential for flooding on surrounding properties.
9. Implementation of the proposed project will, as specified in the plan for services, provide for a looped municipal water system on the project site and surrounding project area, thereby increasing pressure and improving fireflow in the system.
10. The extension of Gabilan Drive to Main Street as project condition, will implement the circulation plan and improve City-wide circulation in the area of the project.

6. Monitoring Program

The City recognizes the requirements of Public Resources Code Section 21081.6 which requires the adoption of a reporting or monitoring program designed to ensure compliance with mitigation measures during project implementation. "Exhibit A" of the Resolution for the Mitigation Monitoring Program included in the attached Andalucia III project consideration packet includes the required monitoring program and incorporates the project conditions as approved by the City Council.