

## RESOLUTION NO. 1989

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD  
APPROVING THE ANDALUCIA PHASE III MITIGATION  
MONITORING PROGRAM

WHEREAS, Jerry L. Whitney and Associates have an option on certain property in the City of Soledad; and,

WHEREAS, Jerry L. Whitney and Associates have applied to the City of Soledad for a sphere of influence amendment, rezoning and zoning map amendment, annexation request, and approval of a tentative subdivision map to allow for the development of a single family residential project and,

WHEREAS, the City Council has adopted a resolution requesting the Monterey County LAFCO to amend the City of Soledad sphere of influence to include the project site, and,

WHEREAS, the Planning Commission has approved an Ordinance rezoning the Andaluca Phase III property as single family residential and amending the zoning map; and,

WHEREAS, the City Council has adopted a resolution of requesting that the Monterey County LAFCO consider the

annexation of the Andaluca property to the City of Soledad; and,

WHEREAS, a final supplemental environmental impact report (final SEIR) for the Andaluca Phase III property has been prepared in accordance with the requirements of and pursuant to the California Environmental Quality Act (CEQA), and the City Council has approved a resolution that the tentative subdivision map for the Andaluca Phase III project be approved subject to specified project conditions; and,

WHEREAS, California Public Resources Section 21081.6 requires the City, when making findings for approval of a tentative subdivision map, to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or

avoid significant effects on the environment, and such program is designed to insure compliance during project implementation; and,

WHEREAS, the mitigation monitoring program for the Andalucia Phase III subdivision, attached hereto as "Exhibit A" and incorporated by reference herein, fully complies with the requirements of Public Resources Code Section 21081.6 and will insure compliance with the mitigation measures identified in the final SEIR during project implementation.

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

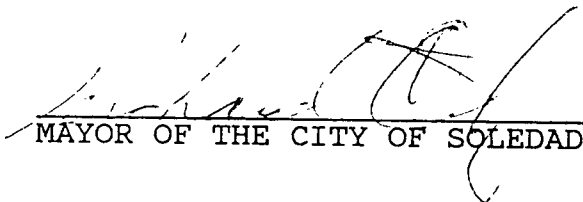
The conditions attached as "Exhibit B" of the resolution approving subdivision of the project site (Item 7) of this Project Consideration Packet are hereby incorporated into the mitigation monitoring program by reference.

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:

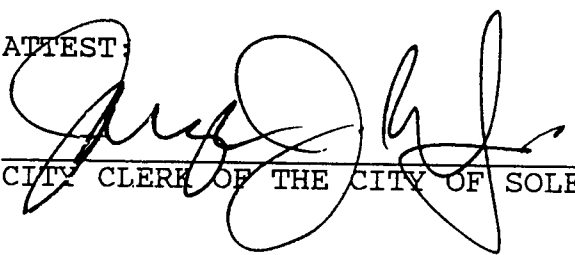
AYES, and in favor thereof Councilmembers: Manuel Campos, John Holguin, Fred Ledesma, Mayor Pro Tem Joe Ledesma, Mayor Richard Ortiz

NOES, Councilmembers: None

ABSENT, Councilmembers: None

  
MAYOR OF THE CITY OF SOLEDAD

ATTEST:

  
CITY CLERK OF THE CITY OF SOLEDAD

## MITIGATION MONITORING PROGRAM

### Introduction

On January 1, 1989, the California State Legislature passed into law Assembly Bill 3180. This bill requires all public agencies to adopt reporting or monitoring programs when they approve projects subject to environmental impact reports (EIRs) or negative declarations (NDs) that include mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

The law was passed in response to historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

This monitoring program is designed to provide a mechanism to ensure that mitigation measures and subsequent conditions of project approval are implemented.

### Monitoring Program

The basis for this monitoring program is the mitigation measures included in the final EIR. These mitigation measures are designed to eliminate or reduce significant adverse environmental effects to levels of insignificance. These mitigation measures become conditions of project approval which the project proponent is required to complete during and after implementation of the proposed project.

The attached checklist (Attachment A) is proposed for monitoring the implementation of the mitigation measures. This monitoring checklist will contain all appropriate mitigation measures contained in the final EIR. Additionally, conditions of project approval that are not mitigation measures in the final EIR are included in the monitoring checklist.

### Monitoring Program Procedures

It is recommended that the City of Soledad utilize the attached monitoring checklist for the proposed project. The monitoring program should be implemented as follows:

1. The Planning Director should be responsible for coordination of the monitoring program, including the monitoring checklist. The Planning Director should be responsible for completing the monitoring checklist and distribution to the responsible individuals or agencies for their use in monitoring the mitigation measures.

- 2 Each responsible individual or agency will then be responsible for determining whether the project conditions contained in the monitoring checklist have been complied with. Once all project conditions have been complied with, the responsible individual or agency should submit a copy of the monitoring checklist to the Planning Director to be placed in the project file. If the mitigation measure has not been complied with, the monitoring checklist should not be returned to the Planning Director.
- 3 Prior to issuance of a building permit, the Planning Director should review the checklist to ensure that all conditions of project approval included in the monitoring checklist have been complied with. A building permit should not be issued until all mitigation measures and additional conditions of project approval included in the monitoring checklist have been complied with.
- 4 If a responsible individual or agency determines that a non-compliance has occurred, a written notice should be delivered by certified mail to the project proponent describing the non-compliance and requiring compliance within a specified period of time. If a non-compliance still exists at the expiration of the specified period of time, all permits may be suspended and fines may be imposed at the discretion of the City of Soledad.

Attachment A

CONDITION MONITORING PROGRAM CHECKLIST

ANDALUCIA PHASE III SUBDIVISION

Prior to the approval of the **Final Subdivision Map** for the proposed project, the following condition monitoring checklist shall be completed by City of Soledad staff

Condition Number	Nature of Condition	Party Responsible for Implementation	Party Responsible for Monitoring	Implementation Confirmed By Planning Director	Remarks
13	Submittal of Geotechnical and Soils Report	City Engineer	Planning Director		
14	Submittal of Erosion Control Plan	City Engineer	"		
15	Submittal of Surface-Water Drainage Improvement Plans	Planning Director Public Works Supt. City Engineer Building Inspector	"		
16	Recordation of Declaration of Restrictions for Water Conservation Measures	City Engineer -	"		
20	Approval of Location and Type of Trees Planted in all public rights of way	Planning Director	"		
21	Construction of Gabilan Drive to be shown on final subdivision map	Planning Director	"		
22	Indication of Non-Access Strip Along Southern Portion of Gabilan Drive on Final Subdivision Map	Planning Director	"		

23	Indication of Public Street Dedication and Location of All Infrastructure Improvements on Final Subdivision Map	Planning Director	"		
24	Submittal and approval of street landscape plan	Planning Director	"		
26	Recordation of Offers of Dedication	Planning Director	"		
28	Testing for adequate fire-flow at northeast corner of project site and recordation in declaration of restrictions for sprinklers in specified units if necessary	City Engineer Public Works Superintendent Fire Chief	"		
29	Type and location approval of all fire hydrants	Fire Chief	"		
30	Inclusion of roadway and building design standards on the final subdivision map (a-f)	Planning Director	"		
31	Inclusion of various emergency service items in the declaration of restrictions	Planning Director	"		

Attachment A

CONDITION MONITORING PROGRAM CHECKLIST

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15	Submittal of Surface-Water Drainage Improvement Plans	Planning Director Public Works Supt. City Engineer Building Inspector	"		
16	Recordation of Declaration of Restrictions for Water Conservation Measures	City Engineer -	"		
20	Approval of Location and Type of Trees Planted in all public rights of way	Planning Director	"		
21	Construction of Gabilan Drive to be shown on final subdivision map	Planning Director	"		
22	Indication of Non-Access Strip Along Southern Portion of Gabilan Drive on Final Subdivision Map	Planning Director	"		

Prior to the issuance of a **Grading Permit** for the proposed project, the following condition monitoring checklist shall be completed by City of Soledad staff:

Condition Number	Nature of Condition	Party Responsible for Implementation	Party Responsible for Monitoring	Implementation Confirmed By Planning Director	Remarks
17	Examination of on-site existing well for possible human consumption by City Engineer and connection to city water system	City Engineer	Planning Director		
18	Review and Approval of Six-Foot High Wall or Fence to Run the Length of the Western Property Line.	Planning Director	"		
19	Review and Approval of Six-Foot High Wall or Fence to Run the Length of the Northern Property Line.	"	"		

Prior to the issuance of an **Occupancy Permit** for the proposed project, the following condition monitoring checklist shall be completed by City of Soledad staff:

Condition Number	Nature of Condition	Party Responsible for Implementation	Party Responsible for Monitoring	Implementation Confirmed By Planning Director	Remarks
25	Installation of street signs, traffic delineations, guard rails, barricades, and other similar devices.	City Engineer Public Works Director	Planning Director		
27	Implementation of biking and footpaths in conjunction with project street development	Planning Director	"		

The following item shall be included in the **Contractor Specifications** for the proposed project.

Condition Number	Nature of Condition	Party Responsible for Implementation	Party Responsible for Monitoring	Implementation Confirmed By Planning Director	Remarks
32	Steps to follow upon discovery of archaeological remains on the project site during grading or excavations	Planning Director City Engineer	Planning Director		

"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.