

RESOLUTION NO 2280**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
APPROVING A MITIGATION MONITORING PROGRAM FOR THE
ANDALUCIA PHASE FOUR SUBDIVISION VESTING
TENTATIVE SUBDIVISION MAP**

WHEREAS, Andalucia, Ltd. is the owner of property adjacent to the City of Soledad identified as Assessor's Parcel Number 22-301-07 and located north of Gabilan Drive and east of West Street; and,

WHEREAS, Andalucia, Ltd. has applied to the City of Soledad for a sphere-of-influence amendment, rezoning and zoning map amendment, annexation, and approval of a vesting tentative subdivision map to allow for the development of single-family residential, dual-family residential, and public land uses; and,

WHEREAS, the City Council of the City of Soledad has adopted a resolution certifying the Andalucia Phase Four Subdivision Final Supplemental Environmental Impact Report (FSEIR) as adequate; and,

WHEREAS, the FSEIR has been prepared in accordance with the requirements of and pursuant to the California Environmental Quality Act (CEQA); and,

WHEREAS, the City Council of the City of Soledad has adopted a resolution requesting the Monterey County Local Agency Formation Commission to initiate proceedings to amend the existing sphere-of-influence boundary to include the entire 54+/- acre project site within the City of Soledad sphere-of-influence urban service area; and,

WHEREAS, the City Council of the City of Soledad has adopted an ordinance rezoning the entire 54+/- acre project site to R-1, Single-Family Residential; and,

WHEREAS, the City Council of the City of Soledad has adopted a resolution requesting the Monterey County Local Agency Formation Commission to initiate proceedings to annex the entire 54+/- acre project site to the City of Soledad; and,

WHEREAS, the City Council of the City of Soledad, has adopted a resolution approving the vesting tentative subdivision map subject to specific conditions; and,

WHEREAS, California Public Resources Section 21081.6 requires the City, when making findings for approval of a proposed project, to adopt a reporting or monitoring program for the changes to the proposed project which it has adopted or made a condition of project approval in order to mitigate significant adverse environmental impacts on the environment, and such program

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is designed to insure compliance with the mitigation measures during project implementation; and,


WHEREAS, the Planning Commission of the City of Soledad held a public hearing on the proposed project on August 18, 1993, and recommended that the City Council of the City of Soledad approve the mitigation monitoring program included in "Exhibit A" attached hereto and incorporated herein by reference; and,

WHEREAS, the mitigation monitoring program for the proposed project, included in "Exhibit A" attached hereto and incorporated herein by reference, fully complies with the requirements of California Public Resources Section 21081.6 and will insure compliance with the mitigation measures during project implementation.

NOW, THEREFORE, be it hereby resolved by the City Council of the City of Soledad as follows:

1. This resolution is hereby adopted by the City Council of the City of Soledad approving the mitigation monitoring program for the proposed project included in "Exhibit A" attached hereto and 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 September, 1993, by the following vote:


MAYOR PRO TEM OF THE CITY OF SOLEDAD

ATTEST:



CITY CLERK OF THE CITY OF SOLEDAD

Exhibit A

Mitigation Monitoring Program

Legal Requirement

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 designed to ensure compliance with mitigation measures during project implementation in order to avoid significant adverse environmental impacts.

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

A definitive set of mitigation measures would include enough detailed information and enforcement procedures to ensure the mitigation measure's compliance. This mitigation monitoring program is designed to provide a mechanism to ensure that mitigation measures are implemented.

Mitigation Monitoring Program

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

The attached checklist (Attachments A and B) is proposed for monitoring the implementation of the mitigation measures. This mitigation monitoring checklist contains all mitigation measures included in the FSEIR. Some of the mitigation measures included in the FSEIR have been incorporated into the proposed project. Therefore, the mitigation monitoring checklist has been updated to indicate that these mitigation measures have been incorporated into the proposed project.

Mitigation Monitoring Program Procedures

The mitigation monitoring program should be implemented as follows

- 1 The lead agency should be responsible for coordination of the mitigation monitoring program, including the mitigation monitoring checklist. The lead agency should be responsible for completing the mitigation monitoring checklist and distributing the mitigation monitoring checklist 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 mitigation measures contained in the mitigation monitoring checklist have been complied with. Once all mitigation measures have been complied with, the responsible individual or agency should submit a copy of the mitigation monitoring checklist to the lead agency to be placed in the project file. If the mitigation measure has not been complied with, the mitigation monitoring checklist should not be returned to the lead agency
- 3 Prior to the issuance of an occupancy permit, the lead agency should review the mitigation monitoring checklist to ensure that all mitigation measures have been complied with to the extent applicable according to the project phase and nature of the mitigation measure. An occupancy permit should not be issued until all mitigation measures included in the mitigation 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, construction may be halted and fines may be imposed, at the discretion of the lead agency

Attachment A
Mitigation Monitoring Program Checklist

Andalucia Phase Four Subdivision FSEIR

Prior to recordation of the **final subdivision map and subdivision improvement plans** for the proposed project, the following mitigation measures shall be carried out:

Mitigation Number	Nature of Mitigation	Party Responsible for Implementation	Party Responsible for Monitoring	Implementation Confirmed by City Staff	Remarks
1	As a construction implementation step, a soils investigation shall be prepared by a soils or geotechnical engineer to provide sound structural design for the proposed housing and public improvements.	Project Proponent	City Staff		
2	As a construction implementation step, the project proponent shall prepare an erosion control plan.	Project Proponent	City Staff		

Mitigation Number	Nature of Mitigation	Party Responsible for Implementation	Party Responsible for Monitoring	Implementation Confirmed by Planning and Building Inspection Department	Remarks
3	A minimum 25-foot buffer zone contiguous with the eastern property line where it is adjacent to active agricultural uses. The buffer shall be required only adjacent to the proposed residential lots, and will not be required adjacent to proposed roadways. This buffer zone shall conform to the existing public utilities easement along the eastern property line. This buffer zone shall contain a fully landscaped earth berm between three and five feet in height. All landscaping shall consist of native indigenous plant materials. A drainage ditch shall be constructed on the easterly side of this fully landscaped earth berm on the adjacent property to ensure that drainage from the adjacent property does not enter the project site.	Project Proponent	City Staff and Architectural Review Committee		
4	The project proponent shall construct a six-foot-high fence or wall along the southern property line of the project site between the residential lots of the proposed project and Gabilan Drive. This fence or wall shall conform to the requirements set by the City Staff and be constructed with materials used on similar fences or walls in the vicinity of the project site.	Project Proponent	City Staff		

Mitigation Number	Nature of Mitigation	Party Responsible for Implementation	Party Responsible for Monitoring	Implementation Confirmed by Planning and Building Inspection Department	Remarks
5	The project proponent shall be responsible for the installation of a new storm drain line west along Gabilan Drive sized to carry the 10-year post-development flow from drainage areas A and B to an existing storm drain interceptor line near West Street, which extends to the wastewater treatment facility	Project Proponent	City Staff		
6	Any storm drainage detention facilities shall provide for sediment control facilities.	Project Proponent	City Staff		
7	A declaration of restrictions shall be recorded which includes specific water conservation measures.	Project Proponent	City Attorney and City Staff		
8	Plant street trees along the southern property line of the project site within the public right-of-way for Gabilan Drive.	Project Proponent	City Staff		
9	Plant street trees along both sides of the public right-of-way for Andalucia Drive (Prado Drive).	Project Proponent	City Staff		
10	Construct the northern half of Gabilan Drive along the project site's southerly frontage, and extend the entire width of Gabilan Drive to West Street.	Project Proponent	City Staff		
11	The offset "T" intersection of Gabilan Drive/Andalucia Drive (Prado Drive) shall be further offset to provide adequate left-turn storage along Gabilan Drive between these two intersections.	Project Proponent	City Staff	Completed	The vesting tentative subdivision map has been revised to incorporate this mitigation measure.

Mitigation Number	Nature of Mitigation	Party Responsible for Implementation	Party Responsible for Monitoring	Implementation Confirmed by Planning and Building Inspection Department	Remarks
12	Align Andalucia Drive with Prado Drive at the north end of the project site and change the name from Andalucia Drive to Prado Drive.	Project Proponent	City Staff	Partially Completed	The vesting tentative subdivision map has been revised to align Andalucia Drive with Prado Drive.
13	Install appropriate traffic controls on the Andalucia Drive (Prado Drive) southbound approach to Gabilan Drive.	Project Proponent	City Staff		
14	Provide a second pedestrian connection from the project site to the northerly portion of the proposed high school site.	Project Proponent	City Staff	Completed	The vesting tentative subdivision map has been revised to incorporate this mitigation measure.
16	All applicable pumping, piping, and controls for connection to the city water system are the responsibility of the project proponent.	Project Proponent	City Staff		
17	The project proponent shall be responsible for the installation of a new sewer line west along Gabilan Drive sized to carry sewage generated by the proposed project and future adjacent development to an existing sewer interceptor line near West Street which extends to the wastewater treatment facility	Project Proponent	City Staff		

Mitigation Number	Nature of Mitigation	Party Responsible for Implementation	Party Responsible for Monitoring	Implementation Confirmed by Planning and Building Inspection Department	Remarks
18	The project proponent shall be required to provide evidence to the satisfaction of the City Staff and the City Fire Chief that sufficient residual fire-flow water pressure will be available to all of the proposed residential units within the proposed project.	Project Proponent	City Staff		
19	The project proponent shall be required to install a temporary booster system or addition to the existing temporary booster system. The temporary booster system shall be provided by the project proponent to create additional water pressure to correspond with the residual fire-flow water pressure requirement that is necessary for all residential units located in the upper pressure zone.	Project Proponent	City Staff		
20	All applicable pumping, piping, and controls for connection to the city water system are the responsibility of the project proponent. In addition, the project proponent shall provide a pump and valve array system that will allow for additional storage facilities, and shall provide a stable source of water (storage tank) for the proposed project in accordance with city, county, and state standards.	Project Proponent	City Staff	Deleted	This mitigation measure was found to be redundant with Mitigation Measure 16.
22	The project proponent shall convey or dedicate in fee the proposed four acres for a park as designated on the vesting tentative subdivision map.	Project Proponent	City Staff		

Mitigation Number	Nature of Mitigation	Party Responsible for Implementation	Party Responsible for Monitoring	Implementation Confirmed by Planning and Building Inspection Department	Remarks
24	Shall provide an offer to dedicate in fee to the Soledad Union School District 7.25 acres of land for an elementary school site.	Project Proponent	City Staff and Soledad Union School District	Deleted	The project proponent has entered into an agreement with the Soledad Union School District.

Attachment B
Mitigation Monitoring Program Checklist

Andalucia Phase Four Subdivision FSEIR

Prior to the issuance of a **building permit** for the proposed project, the following mitigation measures shall be carried out:

Mitigation Number	Nature of Mitigation	Party Responsible for Implementation	Party Responsible for Monitoring	Implementation Confirmed by City Staff	Remarks
15	The project proponent or subsequent property owners shall pay the water impact fees for the upper pressure zone.	Project Proponent	City Staff		
21	The project proponent or subsequent property owners shall pay applicable public safety impact fees.	Project Proponent	City Staff		
23	In accordance with state law, the project proponent or subsequent property owners shall pay school impact fees to both school districts.	Project Proponent	City Staff and Soledad Union School District and Gonzales Union High School District		