

RESOLUTION NO. 3988

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
ANNOUNCING FINDINGS AND APPROVING GABILAN TOWHOMES TENTATIVE
SUBDIVISION MAP (TSM 2007-02) TO SUBDIVIDE A 4.6 ACRE PARCEL
(APN 022-441-016) INTO 71 LOTS OF RECORD PURSUANT TO THE OPTIONAL
DESIGN AND IMPROVEMENT STANDARDS OF TITLE 16 OF THE
SOLEDAD MUNICIPAL CODE**

WHEREAS, HMBY, Ltd. is owner of property consisting of approximately 4.6 acres located on the south side of Gabilan Drive west of Orchard Lane and further identified as Assessor Parcel Number 022-441-016 ("Project Site"); and

WHEREAS, HMBY Edenbridge- Soledad ("Applicant") filed an application with the City of Soledad on January 30, 2007, for a Tentative Subdivision Map (TSM 2007-02) to subdivide and develop said 4.6 acre parcel into 71 lots with 71 town houses and related streets, parking, landscaping and other appurtenant onsite improvements; and

WHEREAS, the Applicant is requesting that this tentative subdivision map application be reviewed and approved pursuant to the Optional Design and Improvement Standards of Section 16.24.060 of the City of Soledad Subdivision Ordinance, Title 16 of the Soledad Municipal Code; and

WHEREAS, on March 8, 2007, and April 12, 2007, the Planning Commission conducted a duly noticed public hearing on aforesaid tentative map request and considered all public comments received including the testimony of the applicant, considered the staff reports for this item, and subject to conditions, has recommended approval to the City Council through adoption of Resolution No. 2007-11; and

WHEREAS, on April 12, 2007, the Planning Commission also conducted a duly noticed public hearing on a project-related amendment of Conditional Use Permit 2002-10 to permit the development of a Planned Development of 71 town homes on the Project Site and to allow an exception to the off-street parking requirements pursuant to Section 17.38.230-Planned Developments of the Soledad Zoning Ordinance, and considered all public comments received including the testimony of the applicant, considered the staff reports for this item, and subject to conditions, approved said amendment through adoption of Resolution No. 2007-10; and

WHEREAS, on May 2, 2007, the City Council conducted a duly noticed public hearing on the proposed Tentative Subdivision Map and, after considering all public comments received, including the testimony of the Applicant and the staff report with attached Tentative Map, and subject to conditions, approved said Tentative Map through adoption of the Resolution ; and

WHEREAS, on May 19, 2000, the City Council certified the Final EIR for the Miravale Partners-Hambey Property subdivision, which includes the Project Site, and which is on file and available for public review at the Soledad City Hall, Community Development Department; and

WHEREAS, in addition, the proposed project has been further reviewed for conformance to the California Environmental Quality Act (CEQA) has been determined to be categorically exempt pursuant to Section 15332 of CEQA Guidelines (Class 32—In-fill Development Projects); and

WHEREAS, the City Council has determined that the project, subject to conditions, complies with all applicable City plans, codes and standards and also meets the requirements of the Subdivision Map Act.

BE IT HEREBY RESOLVED, by the City Council of the City of Soledad, on the basis of all of the information, findings and conditions set forth above and in **Exhibit "A"**, attached hereto and made a part hereof, and on the record as a whole, that the Gabilan Town Homes Subdivision Tentative Map and related conditions are hereby approved.

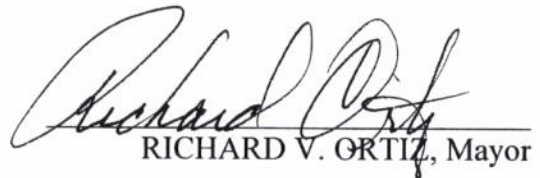
PASSED AND ADOPTED at this special meeting of the City Council of the City of Soledad duly held on the 2nd day of May, 2007, by the following vote:

AYES, and in favor thereof, Councilmembers: Martha Camacho, Juan Saavedra, Patricia Stephens, Mayor Pro Tem Christopher Bourke, Mayor Richard Ortiz

NOES, Councilmembers: None

ABSTAIN, Councilmembers: None

ABSENT, Councilmembers: None


RICHARD V. ORTIZ, Mayor

ATTEST:

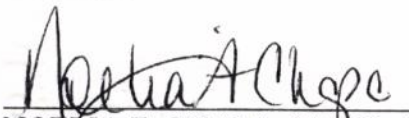

NOELIA F. CHAPA, City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL OF TENTATIVE SUBDIVISION MAP (TSM 2007-02)

Tentative Subdivision Map (TSM 2007-02):

May 2, 2007- CC RESO. NO. 3988
APPROVAL DATE AND REFERENCE

TSM 2007-02
PERMIT NO.

022-441-016
ASSESSOR'S PARCEL NO.

Tentative Subdivision Map 2007-02: A Tentative Subdivision Map initiated by HMBY Edenbridge-Soledad for the subdivision of a 4.6 acre site on Gabilan Drive into seventy-one (71) lots of record to allow for the development of 71 town homes, a community center, and related roads, parking, landscaping and appurtenant improvements.

Minor changes may be approved administratively by the Community Development Director upon receipt of a written request by the Applicant, or his or her agents. Prior to such approval, the Director shall confer with each affected City Department and the City Manager and shall verify the request is not in conflict with any City regulations or plans, and is not otherwise of substantial concern to the City. The Director may refer any requests deemed to be significant to the Planning Commission for formal application and consideration.

FINDINGS:

Section 1. Environmental Findings.

- A. The proposed project has been reviewed and processed in conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines:
1. A Final EIR for development of the larger Miravale Partners-Hambey Property, which includes the project site, was completed and certified by the Soledad City Council on May 19, 2000 (State Clearinghouse No. 97121038).
 2. The proposed project has also been determined to be categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15332 (Class 32—Infill Development Projects). No further environmental documentation is required pursuant to CEQA.

Section 2. General Plan Consistency Findings.

- A. The Tentative Subdivision Map is consistent with the Soledad General Plan because:
1. The General Plan Land Use Map, Figure II-9, designates this area as High Density Residential (13 -20 units per acre). This designation and corresponding density range is intended to allow for the development of multi-family housing, including apartments, condominiums and townhomes. The proposed TSM and development consists of 71 townhomes at a density of 15.4 units per acre and is therefore consistent with the General Plan's designation.
 2. The proposed TSM is consistent with other applicable General Plan policies, including those encouraging the infill of existing residential parcels (Policy L-18), and locating residential developments with higher densities along collector and arterial streets and within walking distance of schools and city parks (Policy L-19), and minimizing new driveways along arterials (Policy C-4)..
 3. The Tentative Subdivision Map furthers at least one of the goals of the General Plan Housing Element to "provide an adequate supply of sound, affordable housing in a safe and satisfying environment for all residents of the City of Soledad . . ."

Section 3. Soledad Subdivision Ordinance Consistency Findings.

- A. The Tentative Subdivision Map complies with the findings of approval pursuant to the Subdivision Map Act, to wit:
1. The TSM is consistent with the Soledad General Plan.
 2. The project site is physically suitable for the proposed project as designed and the type of development proposed, which consists of town homes having a density range and design compatible with planned and existing development in the immediate vicinity.
 3. The design of the TSM and proposed improvements will not cause environmental damage or adversely affect plant, fish and wildlife resources on the site. The previously certified Final EIR for larger Miravale Partners-Hambey Property, which includes the project site, document that no such biological resources are present on the project site.
 4. The proposed TSM and development, as conditioned, will not be contrary or detrimental to public health, safety or welfare because conditions and requirements related to storm drainage, sewer, water, utilities, solid waste disposal, streets, sidewalks, lighting and parking have been incorporated herein to ensure minimum standards of subdivision development have been addressed and that adequate improvements will be provided.
 5. The TSM will not adversely affect any public road access easements.

- B. The Tentative Subdivision Map complies with Chapter 16.24—Design and Improvement Requirements of the Soledad Municipal Code as follows:
1. All on-site and off-site improvements will be designed pursuant to conditions to conform to the requirements of Sections 16.24.070 and 16.24.080 except as may otherwise be provided herein.
 2. The project proponents have requested the subdivision be approved pursuant to the “optional design” standards of Section 16.24.060 of the Soledad Subdivision Ordinance in order to increase the number of lots and enable development of a different housing type than that what would otherwise be allowed under standard subdivision requirements.
 3. As conditioned, the variations to minimum lot size, lot width and road width “will result in a community which is a substantial improvement” over that which could have been developed by following standard design standards of the Subdivision Ordinance, Sections 16.24.020 through 16.24.050, due to provision of a community meeting room and a pedestrian walkway providing access to the adjoining future neighborhood park site for residents of both the project and adjoining apartment sites, inclusion of common space open of approximately two-thirds acre and associated recreational improvements..
 4. The reduction in lot size is further justified in order to increase the number of lots and homes in the project which will in turn help make the overall project more affordable to future residents of the project.
 5. The overall density of the subdivision complies with the maximum stated density for the project’s R-3 zone district (16 units per acre for building sites greater than one acre) and is also consistent with the General Plan’s designated density range for the site.
- C. The Tentative Subdivision Map has been processed for consideration consistent with the requirements of the City’s Subdivision Ordinance, Title 16, of the Soledad Municipal Code, and the State Subdivision Map Act, to wit:
1. A complete application has been received and accepted by the Community Development Department for processing, and has been reviewed by the Public Works Department, including the City Engineer, and all City Departments, and other affected public agencies, and the recommendations of these reviewing bodies have been incorporated into the conditions of approval, or are reflected in corrections to the map presented to the Planning Commission for approval.
 2. A Public Hearing Notice was published in the Salinas Californian on April 21, 2007, and was posted at City Hall on April 22, 2007, for a public hearing on May 2, 2007.

3. Public Hearing Notices and location maps were mailed to all property owners within 300 feet of the project site at least ten days prior to the public hearing noticed for May 2, 2007. A certification of mailing is on file with the Community Development Director.
4. A public hearing on this TSM was conducted by the City Council of the City of Soledad to consider the request on May 2, 2007, and members of the public were invited to comment and all comments were considered by the Planning Commission prior to its decision on the request.

STANDARD CONDITIONS

1. **TSM Expiration.** The approved tentative subdivision map shall expire twenty-four months after its approval or conditional approval. The expiration of the tentative map shall terminate all proceedings and no final map of all or any portion of the real property shall be filed without first processing a new tentative map. Extensions of time shall be considered pursuant to the City of Soledad Subdivision Ordinance and the State Subdivision Map Act.
2. **Tentative Map Improvements Only Conceptual.** The Project Developer agrees that the improvements shown on the tentative map are only conceptual, and that the final configuration of the improvements will be determined during review and approval of the final map, improvement plans, and supporting design calculations reviewed by the City, or other agents of the City, prior to recordation of the final map. All improvements as described in Chapter 16.24 of the Soledad Municipal Code, and as required by these conditions and any subsequent improvement agreement or development agreement, shall be designed and installed to the satisfaction of the City. With the exception of landscaping plans, all improvements shall be designed by a Civil Engineer licensed in the State of California. The City reserves the right to make changes to the Project to comply with public health and safety requirements and any Federal, State and local regulations and requirements.
3. **Subdivision Improvement Agreement.** The Project Developer shall enter into a subdivision improvement agreement with the City prior to approval of the final subdivision map for the Project. Said agreement shall set forth the necessary public service improvements to serve the proposed project, including grading, street improvements, temporary secondary access, water service, sewer service and storm drainage, refuse collection service, gas, electric, telephone and cable services, and any other necessary appurtenances and/or services, and shall include provisions requiring security for performance and materials and labor associated with said improvements in accordance with Government Code Sections 66499-66499.10. All security shall be in the amount to cover 100 percent of the cost of such improvements, based on an engineer's estimate provided to the City by the Project Developer, plus an amount necessary for the guarantee and warranty of the work for a period of one year following completion and acceptance of said improvements.
4. **Cost Reimbursement.** Project Developer shall reimburse the City of Soledad for all engineering, inspection, legal, and administrative expenses, incurred or to be incurred by the City in connection with this development, including expenses incurred through the use of outside consultants and additional inspectors, where necessary. At the time of submission of

the improvement plans and/or final map for the project, the Project Developer shall deposit not less than \$25,000 into a developer account set up by the City for the purpose of providing the City with said reimbursement. The City shall account to Project Developer for all expenses for which reimbursement is claimed, providing copies of all back-up materials in a timely manner, and shall return any portion of said deposit in excess of the actual amount of expenses incurred. If, in the judgment of the City Manager, it appears that the amount deposited shall not be sufficient to cover all expenses, Project Developer shall, within 15 days after written request from City, make an additional deposit of funds in an amount determined by the City Manager to be sufficient to make up the deficiency. At no time after submission of improvement plans shall the balance of the deposit fund be less than \$4,000. The need for the maintenance of this account shall cease upon: 1) compliance with all tentative map conditions, and 2) compliance with all of the provisions of the subdivision improvement agreement for the project.

5. **Subdivision Guarantee.** The Project Developer shall submit a subdivision guarantee disclosing any and all easements, deed restrictions, dedications, and changes in ownership in a form acceptable to the City Staff. The subdivision guarantee and tax clearance letter shall be submitted and approved by City staff prior to approval of the final subdivision map.
6. **Commitment to Serve.** The Project Developer shall provide written evidence of commitment to serve from utilities, including, but not limited to, electrical service, natural gas service, telephone and cable television service, garbage disposal service, and postal service. Said evidence shall be reviewed and approved by City Staff prior to approval of the final subdivision map by the City Council.
7. **Earthquake Resistance.** All structures shall be designed and constructed to resist a major earthquake as required by the latest edition of the Uniform Building Code. All recommendations regarding seismic concerns identified in the geotechnical investigation prepared for the site, and supplements thereto, shall be incorporated into the final building and improvement plans for the proposed project. The final map shall be approved and the final improvement plans shall have received City approval prior to issuance of a grading permit.
8. **Complete Infrastructure Improvements.** All infrastructure improvements (streets, sidewalks, storm drainage, sanitary sewer, water, under-grounding of all gas, electric, telephone and cable utilities, an all-weather emergency access, landscaping and other improvements and appurtenances) shall be constructed and in place and accepted by the City prior to the issuance of occupancy permits for this project except as otherwise provided herein..
9. **Offers of Dedication.** Any offers of dedication, and bonding or other financial security, or development agreement concerning same shall be prepared by the Project Proponent and reviewed as to form, accuracy and sufficiency by the City Attorney and City staff, and shall be presented to the City Council for acceptance prior to completion and recordation of the final map in accordance with Section 66562.5 of the Subdivision Map Act.
10. **Project Conditions and Building Plans.** All project conditions as set forth herein shall be placed on the top sheet of building plan sets for all building construction on the project site.

11. **Conditions to Run With the Land.** The conditions of approval contained herein shall be perpetual and it is the intention of the City that the conditions of approval run with the land and bind the landowner, successors and assigns in interest of the subject property, to all of the conditions of approval.
12. **Compliance with Conditions.** Failure to comply with the conditions specified herein as the basis for approval of this application shall render the tentative map invalid.
13. **Hold Harmless and Indemnification.** Project Developer/Owner shall indemnify and hold harmless the City, its elective and appointive boards, commissions, officers, agents and employees from all damages, injuries, claims and any and all liability and costs arising from or about the site or in connection with the conduct of business thereon. Applicant/Owner agrees to, and shall, defend City, its elective and appointive boards, commissions, officers, agents and employees, from any suits or actions at law or equity from damages caused, or alleged to have been caused, by reason of the aforesaid design, construction and uses of the involved site pursuant to this Use Permit. Except as provided above, the terms of this paragraph shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of the aforesaid design or operations referred to herein, regardless of whether or not City has prepared, supplied or approved of plans and or specifications for use of the proposed site. To the extent that Applicant is required to indemnify and hold harmless the parties listed above, it shall have the right to control the litigation, including but not limited to contracting for counsel of its choice, and accepting or rejecting any settlement offer.

SPECIAL CONDITIONS

14. **Prior Conditions.** All conditions of Miravale I VTM 2000-01 shall remain in effect for the parcels included in this Tentative Subdivision Map.

Construction Requirements:

15. **Geotechnical Investigation.** All site preparation and construction recommendations identified in the geotechnical investigation report completed for the project site, and any supplements thereto, shall be incorporated into improvement plans for the proposed project and shall be reviewed and approved by the City or designated agent of the City prior to recordation of the final subdivision map.
16. **Geotechnical Engineer On-Site Monitoring.** A qualified professional geotechnical engineer shall perform on-site monitoring of all grading and excavation activities on the project site. Evidence of an agreement with a geotechnical engineer shall be submitted for review and approval of the City prior to commencement of any grading activities or any underground work. Prior to issuance of building permits, the geotechnical engineer shall submit evidence that grading and excavation were performed consistent with the recommendations of the geotechnical investigation.
17. **Storm Water Pollution Prevention Plan.** The Project Developer shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for the project to include such measures as mulching and re-vegetation of exposed soils and to prevent erosion during grading and construction to prevent sediments from leaving the project site. The SWPPP shall also

provide for the installation of stabilized construction entrances prior to the off-haul or import of any materials for the site, except for those materials necessary to construct the stabilized entrances. Medallions acceptable to the City stating "No Dumping, Flows to Bay" or other approved message will be installed by the Project Developer at all storm drain inlets on the site and fronting the site. The provisions and mitigations measures included in the plan shall be included in the grading plan to be reviewed and approved by the City prior to issuance of a grading permit. The SWPPP shall be reviewed and approved by the City prior to issuance of a grading permit, and SWPPP measures, consistent with the City's Storm Water Quality Ordinance, shall be included in the grading plan that is reviewed and approved by the City.

- 18. Dust Emission Control.** Adequate dust control measures (Dust Control Plan) shall be implemented in accordance with the regulations of the Monterey County Water Resources Agency (regarding use of reclaimed or other sub-potable water for compaction or dust control purposes) and to ensure compliance with applicable air quality particulate emissions standards of the Monterey Bay Unified Air Pollution Control District (Air District). Contractor work specifications shall implement the following dust control measures:
- a. Watering of all active construction areas at least twice daily and more frequently when grading activities are performed during periods of high wind. (over 15 mph), unless weather conditions provide sufficient dampening of surface soils;
 - b. Requiring haul trucks to maintain at least 2 feet of freeboard or to cover all loose materials such as dirt and sand;
 - c. Covering or watering inactive storage piles;
 - d. Installing wheel washers at the entrance to construction sites for all exiting trucks;
 - e. Sweeping Gabilan Street as needed if visible soil material is carried out from the construction site; and
 - f. Posting a publicly visible sign that specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance).

Prior to issuance of a grading permit, the Dust Control Plan and related contractor work specifications shall be reviewed and approved by the City or agent of the City to assure compliance with this condition.

- 19. Archaeological Remains.** Should archaeological remains be discovered during project implementation, further disturbance of the project site shall cease until the Monterey County Coroner and, if necessary, the Native American Heritage Commission is contacted. Upon recommendation of a qualified archaeologist, appropriate mitigation measures may be implemented at Project Developer's expense. The City Building Official is responsible for assuring that this provision is contained in contractor work specifications prior to issuance of a grading permit in accordance with State guidelines.

20. **Construction Hours.** As required by the Conditions of Approval for the VTM 2001-01 for Miravale I, construction shall be limited to the following hours and days:

Between the hours of 7:00 a.m. and 7:00 p.m. weekdays,
Between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays,
Prohibited on Sundays and holidays.

Work requiring inspection, shall not be performed in the absence of an inspector unless otherwise approved by the City. The Project Developer's contract shall provide weekly construction schedule updates to the City's inspector.

Infrastructure Improvements and Related Requirements:

21. **Storm Drainage Improvements.** The Project Developer shall prepare and implement a drainage improvement plan to complete the required onsite and offsite storm drain improvements. Project storm drainage facilities shall be designed to retain storm water flows onsite from a 10-year storm minimum. Calculations shall be completed that show that the existing off-site storm water basin has adequate capacity to accommodate additional storm water runoff from the project site. The drainage improvement plan and all related calculations shall be reviewed and approved by the City prior to recordation of the final subdivision map. The maintenance of all on-site drainage facilities, streets and other facilities serving the site shall be the responsibility of the homeowners association. All required off-site storm drainage improvements shall be installed prior to the completion of in-tract street paving.
22. **Water Mains and Appurtenances.** Project Developer shall construct adequate onsite water system improvements for residential, fire and landscape irrigation purposes. Water main sizes shall be determined by the City, or agents of the City, through modification of the City-wide water model. The water system shall be looped and back-flow preventors shall be installed where required by the California Department of Health Drinking Water Division. Water main easements adequate to allow the City to maintain the system shall be provided. The Project Developer shall reimburse the City for any and all costs for water main sizing and water model/system map modifications. The Project Developer shall provide meter box lids suitable for installation of automatic meter reading sensors and shall pay the additional cost for remote reading meters over and above the current hook-up fee for regular water meters.
23. **Sanitary Sewer Improvements.** Project Developer shall construct all onsite and offsite sanitary sewer mains and/or connections serving the project. A clean-out shall be installed at the street right-of-way for each connection to the City's sewer mains.
24. **Street Frontage Improvements.** (a) The Project Developer shall be responsible for constructing any improvements to Gabilan Drive along the project frontage needed to accommodate project traffic. At minimum, the existing striping on Gabilan Drive shall be modified to the satisfaction of the Director of Public Works to accommodate the new project entrance. The applicant shall submit plans showing existing striping and new striping (for left and/or right turn lanes).
25. **On-Site Street Improvements and Guest Parking.** (a) Project Developer shall be responsible for constructing all onsite private street improvements in accordance with the

approved Final Map and improvement plans. The Final Map shall include cross sections showing the following road improvements:

- A minimum 35 foot-width project entrance with four (4) foot sidewalks on both sides and two striped or separated travel lanes;
- Private internal streets with a paved curb-to-curb width of sixteen (16) feet , designed for one-way traffic flow with four (4) foot sidewalks on both sides of street; and
- First east-west trending street parallel to Gabilan Drive, having a paved road width of twenty (20) feet and designed for two-way traffic, and with four (4) foot sidewalks on both sides of street except for the street section with guest parking. Along aforesaid section, sidewalk may be limited to a single sidewalk on the northerly side of street

(b) All street and sidewalk improvements shall conform with the requirements of the Americans with Disabilities Act, including, but not limited to, sidewalks crossing town home driveways, pedestrian access to and ADA parking alongside mail box facility, etc.

(c) Parking shall be allowed only in designated parking areas, and on-street parking shall be prohibited. Street curbs/sides throughout the project shall be stained "safety red" and stamped "No Parking-Fire Lane" on top. "No Parking Fire Lane" signs shall also be posted at various locations throughout the project.

(d) A second speed "bump" should be added to each one-way north-south trending street to reduce the potential for speeding.

(e) A turning radii analysis showing adequate available space to perform the required turning movements for emergency vehicles shall be shown on the final improvement plan submittals and shall be approved by the City.

- 26. Emergency Vehicle Access.** Project Developer shall provide a secondary all-weather emergency access through the adjoining property to the east (i.e., Gabilan Apartments) as noted on the tentative map. Said secondary emergency access shall be constructed to provide all weather access for all emergency vehicles and shall connect with a driveway onto a completed and accepted street. Until that adjoining property is developed, the Project Developer will be responsible for maintaining the access road through the site to Gabilan Drive. This all-weather emergency access shall be in place prior to issuance of building permits for the project. When the adjacent site has been developed, a permanent all-weather access shall be provided there-through.
- 27. Fire Hydrants.** Project Developer shall install fire hydrants on internal project streets and, if required, on Gabilan Drive per City specifications and in accordance with the requirements of the Uniform Fire Code and as approved by the City. All hydrants shall be painted "Neon Grass" and all visible components between the fire hydrant and fire hydrant concrete pad shall be painted flat black, unless otherwise directed by the City.
- 28. Automatic Sprinklers.** All town homes in the subdivision shall be equipped with automatic fire sprinkler systems per the specifications of the Uniform Fire Code; and the design and installation of such shall be approved by the City.

29. **Under-Grounding Utilities.** All new utilities on the project site, and associated with the proposed subdivision, including gas, electrical, telephone, cable T.V. and electrical transformers, shall be placed underground. Any existing overhead utilities shall be re-installed underground. Under-grounding shall be indicated on improvement plans and improvement plans (joint trench schematics) shall be reviewed and approved by the City prior to recordation of the Final Map.
30. **Engineering Studies/Calculations.** All engineering design, including, but not limited to storm drains and appurtenances, sanitary sewers and appurtenances; water systems and appurtenances; streets including geometrics, sight distances, lighting, retaining walls, signing and striping; and landscape irrigation and appurtenances shall be supported by applicable engineering studies/calculations and any changes to the tentative map due to the findings and subsequent review of these studies/calculations shall be incorporated into the final plans subject to the review and approval of the City .
31. **Timing of Infrastructure Installation.** With the exception of water mains, all infrastructure improvements required to serve the development pursuant to these conditions, subsequent improvement agreement, development agreement and Chapter 16.24 of the Soledad Municipal Code shall be designed and installed to the satisfaction of the Public Works Department prior to the issuance of occupancy permits. The water main system shall be in place, operational, and use approved by the City prior to the beginning of combustible construction, unless other arrangements are made for adequate fire protection acceptable to the Fire Chief.
32. **Access to Improvements, Utility Easements, Encroachment Permits.** The final configuration of project improvements shall provide for continuous and unimpeded public access to all utilities and facilities for the maintenance, repair and replacement of said improvements, and utility easements shall be shown on the final map(s). . Easements shall be a minimum of 20 feet wide for one main line and a minimum of 25 feet for two main lines. No structures other than street surface improvements will be allowed within the easements unless approval is granted by the City. City encroachment permits for work undertaken within the public right-of-way shall be secured before work is commenced
33. **Street Lights.** Project Developer shall install street lights in a number and at locations sufficient to provide adequate lighting levels for public safety as determined by the City. Lighting on project streets shall incorporate baffles and lens cut-offs to direct lighting downward.
34. **Americans with Disabilities Act (ADA) Compliance.** Project Developer shall provide site and frontage improvements in accordance with ADA requirements as incorporated in the California Uniform Building Code.

Landscaping and Recreational Improvements:

35. **Landscaping, Street Trees and.** (a) Project developer shall submit detailed landscape and irrigation plans (Master Landscaping Plan) per City standards for City review and approval. The Master Landscaping Plan shall be included as part of the subdivision improvement plans for this project and shall encompass all landscaped areas of the subdivision, including but not limited to: common open space areas, pedestrian corridors, intersections, residential front

yards, rear yards of Gabilan Drive units (planting of trees only), and frontage along Gabilan Street right-of-way.

(b) The Master Landscaping Plan shall include specifications for planned improvements for all common recreational areas, including play equipment. Recreational improvements provided by the Developer within the common area(s) shall include a pedestrian pathway, play equipment for different age groups, turf, picnic table, benches, and barbecue grills—the type, location and specifications of which shall be approved by the City. The community center shall be equipped with electricity and plumbing adequate for accommodation of a kitchen facility, and the Developer shall be responsible for providing ADA-compliant restroom facilities in said center.

(c) In accordance with the approved master landscaping plan, Project Developer shall be responsible for planting 15 gallon street trees at minimum 30 foot intervals along the project site's Gabilan Street frontage and for planting one tree in each rear yard of all lots along Gabilan Drive. Selection of street trees along the site's Gabilan frontage should be from the City's official street tree list except that alternative trees as recommended by the project proponent's landscape architect may be approved by the Community Development Director. Selection of shrubs and groundcover plant materials shall utilize xeriscape and low water use/drought tolerant principles and shall maximize ease of maintenance. Adequate sight distance shall be maintained at the intersection of the project entrance road with Gabilan Drive and at the intersections of all internal streets through the selection of appropriate plant materials which will not exceed 30 inches height. Any entry or monument signs shall also comply with site distance requirements.

(d) Unless otherwise noted, all common landscaping and recreational improvements shall be installed prior to occupancy of any lot within the subdivision except that the City may authorize that installation of landscaping be deferred when necessary to ensure it is not damaged by construction of improvements or buildings.

(e) Common open space improvements will not be credited toward the Project Developer's required park-in-lieu fees.

(f) The pedestrian walkway shall be realigned between Lots 67-69 and 56 – 59 to provide increased area for the tot lot and increased separation between lots and walkway and to provide for a shoulder along both sides of walkway. To provide such separation and shoulder, the rear corners of Lots 67, 68 and 58 nearest the walkway should be modified to eliminate a triangular section (at each corner) with sides of approximately 5 feet in length. These changes shall be reflected in the Final Map and applicable improvements plans.

- 36. Common Landscape and Recreational Maintenance.** All landscaped and recreational areas shall be maintained free of weeds, trash and debris; all plant materials shall be continuously maintained in a healthy, growing condition; and all recreational furniture and play apparatus shall be maintained and repaired or replaced as needed. The master landscaping plan, including irrigation system, shall be incorporated within the CC and R's for the subdivision.

37. **Water Conservation.** Home construction shall comply with the water conservation requirements of Chapter 13.08 of the Soledad Municipal Code with respect to drought resistant landscaping, drip irrigation, installation of low flow fixtures and other water conservation measures.
38. **Parks/Open Space Assessment District.** The applicant also agrees that, prior to closing escrow on any of the lots contained within the site, they will participate in a parks and open spaces landscape maintenance assessment district, by being annexed to the existing Miravale I/Diamond Ridge district, which will assess the future lot owners their fair share for the maintenance of off-site parks and street lighting for which they receive a benefit, or will receive a benefit, under current law.
39. **Fencing and Walls.** (a) In accordance with the Conditions of Approval for VTM 2000-01, Project Developer shall construct a masonry wall, or wall of other materials of equal durability and set in concrete, along the rear and side yards of units adjoining the neighborhood park site to provide fencing that is both durable and attractive and, at a minimum, conforms to the existing masonry wall installed along the north side of Gabilan Drive opposite the project site. Such wall shall extend along the site's common boundary with the future parksite except for openings for designated pedestrian access to the park. In addition, either a masonry wall or wrought iron fence, not exceeding six feet above sidewalk grade, shall be provided along the interior perimeter of the landscaped easement in the rear yards of lots along Gabilan Drive. If a masonry wall along Gabilan Drive frontage is to be used, its design and materials shall be similar to or consistent with that of the wall along the project's boundary with the parksite. Plans for these improvements shall be included with the required subdivision improvement plans submitted for City review and approval.
- (b) Retaining walls shall be designed and constructed at rear and/or side property lines in accordance with City Design Standards and to a height commensurate with the grade being retained to ensure long-term viability. All retaining walls shall have a more decorative look (e.g., split face) and avoid utilizing the standard Portland cement concrete face. Wooden fences shall be installed on top of the retaining walls at the rear property lines of lots, but in no case shall the overall height of the walls and fencing be greater than eight (8) feet as measured in relation to the highest adjacent grade on adjoining property.

Impact Mitigation Fees:

40. **Water Facilities Mitigation Fees.** Project Developer shall submit water facilities mitigation fees at the time of issuance of building permits for all lots within the proposed project. The Project Developer shall also pay the City the additional cost for automatic remote reading meters in excess of the cost of normal water meters.
41. **Sanitary Sewer Facilities Mitigation Fees.** Project Developer shall submit sewer facilities mitigation fees at the time of issuance of building permits for all lots within the proposed project.
42. **Storm Drain Facilities Impact Fees.** Project Developer shall submit storm drain facilities mitigation fees at the time of issuance of building permits for all lots within the proposed project. Fees for permits for single family residences shall be as established at that time. The

43. Project Developer shall advance storm drainage facilities mitigation fees as required to provide for the installation of storm drainage facilities off-site as necessary to meet project demand, or shall install said facilities, and said improvements shall be in place prior to issuance of building permits for any affected lots. Should the cost of installing said facilities exceed the storm drain facilities impact fees for the project, the Project Developer shall agree to advance the project's proportionate share of the funds necessary for the installation of those facilities and receive reimbursement from the City for the excess costs from future storm drainage facilities fees received by the City.
44. **School Impact Fees.** School impact fees shall be submitted to the Soledad Unified School District prior to the time of issuance of building permits for all lots in the proposed project.
45. **Police and Fire Mitigation Fees.** Police and fire mitigation fees shall be submitted to the City at the time of issuance of building permits for all lots within the proposed project. All fees will be calculated at the applicable rate set by ordinance and resolution, on the date said fees become due.
46. **General Government Fees.** General Government Fees shall be submitted to the City at the time of issuance of building permits for all lots in the proposed project. All fees will be calculated at the applicable rate set by ordinance and resolution, on the date said fees become due.
47. **Transportation Fees.** Transportation Fees shall be submitted to the City at the time of issuance of building permits for any new lots in the proposed project. All fees will be calculated at the applicable rate set by ordinance and resolution, on the date said fees become due.
48. **Park Fees.** In-lieu park fees shall be submitted to the City at the time of issuance of building permits for any new lots in the proposed project. All fees will be calculated at the applicable rate set by ordinance and resolution, on the date said fees become due.

Miscellaneous—Homeowners' Association, CC & R's, Easements, Effective Date:

49. **Deed Restrictions.** Project Developer shall prepare a Declaration of Covenants, Conditions and Restrictions (CC&Rs) for all units within the proposed project which shall be reviewed and approved by the City staff and recorded against each residential unit on the project prior to the sale of any lot. The CC&R's shall include a provision requiring review and approval by the City prior to any future revisions.
50. **Homeowners Association.** (a) The Project Developer shall establish a homeowner association for maintenance of project site common areas and improvements thereto. The homeowners association shall be responsible for maintenance and operation of all amenities of benefit to the future residents of the project site, including but not limited to: common on-site landscaping and common open space, including landscaped setback along Gabilan Drive, and appurtenant irrigation systems; onsite fences and walls (along Gabilan Drive and public park) and retaining walls maintenance, including graffiti removal, painting, repairs and replacement thereof; onsite street lights and lighting costs, street sweeping, striping and repairs thereof; electric current; storm drain lines cleaning, repair and replacement thereof; supervision of all necessary repairs and replacement; debris removal; and any and all other items of work necessary and incidental for the proper maintenance, operation thereof, and administration (including required annual storm water monitoring and reporting). The homeowners association shall also assume responsibility

for monitoring future structural improvements to individual units to help preclude conversion of any floor plan having an "extra" habitable size room to a third bedroom, and this should be reflected in the association's governing CC & R's.

(b) The homeowners association and governing CC & R's shall be established prior to recordation of the final subdivision map for the proposed project and shall be reviewed and approved by the City.

51. **Reciprocal Easements and Agreements.** A reciprocal agreement shall be recorded allowing residents of the adjoining Gabilan Apartment and Gabilan Square pedestrian access through the project site to the future park site during daylight hours. Reciprocal and/or other forms of easements shall be recorded over the adjacent parcels as necessary for the City's or Site's, and/or the adjacent parcels benefit, as determined during review of final improvement plans, to provide for the installation and maintenance of secondary emergency access, storm, water, and sanitary sewer improvements.
52. **Fire Lane Maintenance, Parking and CC & R's.** Fire lanes shall be re-stained and tops of curbs remarked, as necessary, but no less frequently than once every five (5) years. All "Fire Lane-No Parking" signs shall be replaced when damaged or removed when they fade. These provisions shall be included in the project Covenants, Conditions & Restrictions (CC & R's). The project's CC & R's shall also include provisions limiting permanent onsite parking by project residents to the two spaces provided on each lot, limiting the duration of guest parking, prohibiting the conversion of garages for storage purposes or uses other than vehicle parking, prohibiting parking of recreational vehicles and boat trailers onsite, and providing for removal of vehicles parked in violation of the project's CC & R's. The project's CC&R's shall further prohibit the placement of any structure, permanent or portable, within the street right-of-way which impedes the use of or access to project sidewalks and streets.
53. **Improvement Assessment District.** If requested by the Project Developer, an improvement assessment district shall be formed by the City, to fund the provision, maintenance and/or operation of public improvements required to be provided to serve the project. Mutual agreement shall be reached by the Project Developer, and the City, as to the improvements to be included and those improvements shall be deemed eligible in accordance with all applicable laws.
54. **Effective Date of TSM Approval.** This approval of TSM 2007-02 shall become effective upon the legally effective date of Ordinance No 644 amending Section 17.38.230-Planned Developments, Title 17-Zoning, of the Soledad Municipal Code.

I hereby declare under penalty of perjury that I have read the foregoing conditions and that they are, in fact, the conditions, which were imposed upon the approval of this Tentative Subdivision Map. I agree to abide fully by these conditions.

Dated:

7-19-07

Applicant

Community Development Director