

**RESOLUTION NO. 4049**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD  
AUTHORIZING AND APPROVING EXECUTION OF AMENDMENT #6  
TO THE CONTRACT FOR PROFESSIONAL SERVICES WITH EMC  
PLANNING GROUP, INC. IN AN AMOUNT NOT TO EXCEED \$9,300.00 FOR  
ADDITIONAL TRAFFIC IMPACT ANALYSIS RELATED TO HIGHWAY 101  
AND TO ADDRESS THE PROPOSED TENTATIVE SUBDIVISION MAP AS  
PART OF THE SOLEDAD PLAZA COMMERCIAL DEVELOPMENT  
ENVIRONMENTAL IMPACT REPORT**

**WHEREAS**, the City has received a request from Creekbridge Homes (“Applicant”) to process a General Plan Amendment, Zone Change and Site Plan Review to allow commercial use and development of approximately 41 acres of land located on the westerly side of San Vicente Road, between San Vicente and Moranda Road, for a regional shopping center (“Proposed Project”); and

**WHEREAS**, this proposed project would be subject to the requirements of the California Environmental Quality Act (“CEQA”) under Sections 21065 and 21080 (discretionary projects proposed to be carried out or approved by public agencies, including general plan and zoning amendments, subdivisions and annexations) and all other relevant regulations as contained in the Public Resources Code; and

**WHEREAS**, after completing the RFP process, the City selected EMC Planning Group, Inc. (EMC) to prepare the Environmental Impact Report (“EIR”) required by CEQA for the Project, in the base contract amount of \$127,954.00; and

**WHEREAS**, aforesaid contract has been amended previously to provide for additional EIR consultant work determined as necessary to produce an adequate EIR under CEQA, pursuant to contract amendments approved by the City Council on October 19, 2005 (Amendment #1), April 5, 2006 (Amendment #2), January 17, 2007 (Amendment #3), May 2, 2007 (Amendment #4), and June 6, 2007 (Amendment #5); and

**WHEREAS**, on June 20, 2007, Applicant submitted a tentative subdivision map proposing to establish eighteen (18) parcels as part of the Proposed Project; and

**WHEREAS**, aforesaid tentative map application should be included in the EIR project description and discussion to ensure a comprehensive analysis of the Proposed Project; and

**WHEREAS**, Staff has received a request from the Applicant to further amend the existing Professional Services Contract with EMC to conduct additional EIR-related work as described herein; and

**WHEREAS**, funding for the Contract Amendment #6 will be paid entirely by Creekbridge Homes through a Reimbursement Agreement.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of Soledad that an Amendment, attached as 'Exhibit A,' to the Consulting Services Agreement between the City and EMC Planning Group, Inc., in an amount not to exceed \$9,300.00, is hereby approved.

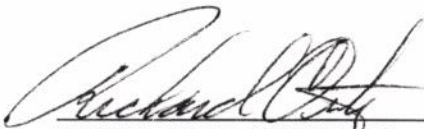
**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Soledad duly held on the 18<sup>TH</sup> day of July, 2007, by the following vote:

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


NOES, Councilmembers: None

ABSTAIN, Councilmembers: None

ABSENT, Councilmembers: Martha Camacho

  
RICHARD V. ORTIZ, Mayor

ATTEST:

  
NOELIA F. CHAPA, City Clerk

**CONTRACT AMENDMENT NO.6  
BETWEEN CITY OF SOLEDAD  
AND EMC PLANNING GROUP, INC.**

**FOR SOLEDAD PLAZA SHOPPING CENTER EIR**

**PURPOSE**

The purpose of this Amendment #6 is to engage CONSULTANT – EMC PLANNING GROUP, INC.— to provide additional technical services required for preparation of the Environmental Impact Report for the Soledad Plaza Shopping Center at the north end of the City of Soledad.

**CONSULTANT'S SERVICES**

**Project Coordination**

All work related to this Contract Amendment #6 shall be coordinated through the City's Community Development Director.

**Scope of Services**

The attached Scope of Work, dated July 3, 2007, defines the specific services, time and related costs to be provided by Consultant and Consultant's sub-contractor.

**TIME OF PERFORMANCE**

It is assumed that CONSULTANT will be given a notice to proceed with this Amendment No. 6 by July 20, 2007, and CONSULTANT will have the services completed by approximately August 24, 2007.

**PAYMENT TO CONSULTANT**

All payments shall be made in accordance with the process set forth in the existing contract between the City and CONSULTANT. The total cost for the proposed additional services, as set forth in the attached Scope of Work, shall not exceed \$9,300.00.

**COORDINATION WITH ORIGINAL CONTRACT**

Unless otherwise noted herein, the terms and conditions of the original Contract between City and EMC Planning Group, Inc., dated June 1, 2005, as approved by the City Council on March 2, 2005, and thereafter amended, shall remain in full force and effect and all work referenced herein shall be performed in accordance therewith.

**EFFECTIVE DATE**

This Contract Amendment No. 6 is effective as of the date of execution by both parties.

Exhibit     "A"

IN WITNESS WHEREOF, duly authorized representatives of the City and of the CONSULTANT have executed this Contract Amendment No. 6 evidencing its issuance by City and acceptance by CONSULTANT.

CITY OF SOLEDAD, a municipal corporation

By: Neelva A Chapa  
City Manager

Attest: Neelva A Chapa  
City Clerk

EMC Planning Group, Inc.

By: \_\_\_\_\_  
Principal

Approved as to form:

[Signature]  
City Attorney



RECEIVED

JUL 06 2007

*Planning for Success.*

PLANNING DEPARTMENT

July 3, 2007

Susan Hilinski  
City of Soledad  
248 Main Street  
Soledad, CA 93960

**Re: Contract Amendment #6 – Soledad Plaza EIR  
REVISED**

Dear Susan:

The purpose of Contract Amendment #6 is twofold: 1) to address the tentative subdivision map, which is an addition to the project description, and 2) for Higgins Associates to conduct an assessment of fair-share regional transportation facility impact fees for the proposed project. This task has been requested by Peter Le. Higgins Associates has prepared a scope of work that has been reviewed by Peter (see attachment). The attached Contract Amendment #6 Budget summarizes the total amount requested.

The table below shows the new **total** contract amount. The total contract amount includes the original contract amount plus Contract Amendments #1 through #6.

Task	Budget
Original Contract Amount	\$127,954.00
Contract Amendment #1	\$32,062.00
Contract Amendment #2	\$21,396.10
Contract Amendment #3	\$60,905.11
Contract Amendment #4	\$100,292.01
Contract Amendment #5	\$22,866.40
Contract Amendment #6	\$9,300.00
<b>New Total Contract Amount</b>	<b>\$374,775.62</b>

**EMC PLANNING GROUP INC.**  
A LAND USE PLANNING & DESIGN FIRM

301 Lighthouse Avenue Suite C Monterey California 93940 Tel 831-649-1799 Fax 831-649-8399  
www.emcplanning.com

Susan Hilinski  
City of Soledad  
July 3, 2007, Page 2

If you have any questions, please do not hesitate to contact me.

Sincerely,

*Teri Wussler Adam for:*

Ron Sissem

Principal Planner

Soledad Plaza EIR - Contract Amendment #6 Budget - REVISED

Task	Principal	Principal Planner	Senior Planner	Administrative	Total Hours	Total Cost
Staff						
Billing Rate (Per Hour)	\$200.00	\$150.00	\$125.00	\$75.00		
CA #6 Admin & Text Additions	0.0	3.0	0.0	0.0	3.0	\$450.00
Addition to Project Description (T-Map)	2.0	10.0	16.0	0.0	28.0	\$3,900.00
Subtotal (Hours)	2.0	13.0	16.0	0.0	Total Hours	Total Cost
Subtotal (Cost)	\$400.00	\$1,950.00	\$2,000.00	\$0.00	31.0	\$4,350.00

Additional Costs

Production Costs						
Travel Costs						\$0.00
Postal/Deliverables						\$0.00
Communication						\$0.00
Miscellaneous						\$0.00
Administrative Overhead 10%						\$0.00
Total						\$0.00

Subconsultant Fees

Higgins Associates - Regional Fee Calcs						\$4,500.00
Subconsultant Overhead 10%						\$450.00
Total						\$4,950.00

Total Costs

\$9,300.00



HIGGINS ASSOCIATES

CIVIL & TRAFFIC ENGINEERS

June 18, 2007

Mr. Ron Sissem  
EMC Planning Group, Inc.  
301 Lighthouse Avenue, Ste. C  
Monterey, CA 93940



**RE: Soledad Plaza Shopping Center, Soledad, California  
Proposal for Regional Traffic Impact Analysis**

Dear Ron,

Per our email discussions with you and Peter Le (City of Soledad), Higgins Associates is pleased to submit this proposal to determine the regional traffic impacts for the proposed Soledad Plaza Shopping Center (Project) in Soledad, California. It is our understanding that the City of Soledad (City) would like us to determine the Project's regional traffic impact to the Highway 101 corridor in the greater Soledad area. This includes the Camphora-Gloria Road interchange, the northern Front Street-Moranda Road interchange, and the southern Front Street interchange, as well as the Highway 101 segment between the Camphora-Gloria Road interchange and the northern Front Street-Moranda Road interchange.

Regional traffic impact fees will be calculated based on the number of project trips distributed to Highway 101 per the Caltrans methodology in *Guide for the Preparation of Traffic Impact Studies*, December 2002. We will use the traffic projections from both the draft *Soledad Plaza Shopping Center Traffic Impact Analysis*, May 11, 2007, and the Omni-Means memorandum, *Draft Year 2030 Traffic Projections*, February 28, 2007, as a basis in determining the percentage contribution for the proposed Project. Contribution costs will be determined upon receiving improvement cost information from the City. As noted in the *Soledad Plaza Shopping Center Traffic Impact Analysis*, Highway 101 will need to be widened from a 4-lane freeway to a 6-lane freeway and ramp improvements will be made at the Front Street-Moranda Road interchange. Also, it is our understanding that Omni-Means is developing recommendations for reconstruction of the other two interchanges.

The findings and conclusions of the analysis will be documented in a formal letter report, including appropriate tables and graphics. The report will initially be prepared as an administrative draft for your review. Upon the receipt of comments on the administrative draft, we will revise the report and submit the final draft report to the City of Soledad.

Our total fee for this analysis is \$4,500. Billings will be submitted for actual Time and Expenses (T&E) based on the Fee Schedule (effective through December 2007) which is attached with payment terms of net 30 days and a 1½% monthly service charge on all past due accounts. Work beyond the above scope will be billed on a time and expenses basis in accordance with the attached Fee Schedule. All collection costs, including attorney's fees, will be the responsibility

Ron Sisseem  
June 18, 2007  
Page 2

of the client. This proposal is valid for 60 days. The Fee Schedule and corresponding project fee may also be adjusted if extensive delays outside of the Consultant's control are incurred in the commencement or during the execution of the project. Invoices will be deemed accurate and accepted by the client unless questions are submitted in writing to Higgins Associates within 14 days of the date of the invoice.

If the scope of work, fee and schedule, and terms of payment are acceptable, please sign and return a copy of the attached Authorization-to-Proceed.

If you have any questions regarding this proposal, please do not hesitate to contact me. Thank you for the opportunity to be included in your project team.

Respectfully submitted,



Dan Takacs, TE  
jmw:cl

enclosures

**Soledad Plaza -- Additional Work**  
**Fee Estimate for Regional Traffic Impact Analysis**  
 Submitted by  
 Higgins Associates, Inc.  
 June 18, 2007

Personnel and Hourly Billing Rates										
	President \$230	Principal Associate \$185	Associate Engineer \$149	Assistant Engineer \$124	CAD Tech. \$99	Clerical \$72	Count Sup. \$61	Field Tech \$47	Total Hours	Total Fee
1. Traffic Impact Fee Calculations	2		8	8					18	\$2,644
2. Documentation										
5.1 Administrative Draft	0.5		4	2		2			8.5	\$1,103
5.2 Final Draft	0.5		2	2		1			5.5	\$733
Printing	3		14	12		3			32	\$4,480
Travel Expenses										\$20
<b>Subtotal</b>										

<b>Total:</b>	<b>\$4,500</b>
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Note: This fee estimate is based on hourly rates effective until December 31, 2007.



# MATTHEWS HOMES

July 24, 2007

City of Soledad  
City Council  
248 Main Street  
Soledad, CA. 93960

RE: Miravale II Unit II Subdivision

Honorable Mayor and Council Members,

I'm asking the City Council to overturn a previous decision made by the City of Soledad Planning Commission. At their last meeting in July, we approached the Commission with a problem we found at one of our subdivisions. The subdivision in question is called Miravale II, located near Orchard Lane and Gabilan Drive. The Vesting Tentative Map was approved by the City Council almost four years ago on October 15, 2003.

Our original request was for a Zoning Code text revision to revise the lot coverage restrictions to 45% rather than 40%. Originally staff reviewed the VTM and they found that the Conditions of Approval stated that a Planned Development plan must be implemented as a condition of the Vesting Tentative Map. Unfortunately this never happen, those a fault for this mistake are no longer with either of our organizations. Future research by staff has confirmed that a Planned Development was not required, although specifically stated in the Conditions of approval. An Optional Design Standard was implemented on the design of this subdivision in conformance with City Standards.

Allow me to discuss the nature of the problem. While the Zoning Code maintains a minimum lot size of 6,000 square feet (Section 17.10.040.A.1), due to the Optional Design Standard process, this subdivision was allowed to revise the minimum requirement to 5,000 square feet. Lot coverage limitations were never addressed in the original Planning Commission decision. City of Soledad Zoning Code Section 17.10.040.G states that the maximum lot coverage is 40% of the overall lot area. While this is usually adequate for a 6,000 square foot lot, the condition applied to a 5,000 square foot lot becomes problematic. Matthews Homes asked the Planning Commission for a revision in the lot coverage requirements for an R-1 District. That request was denied by the Planning Commission. In lieu of a revision, the Commission directed us to build smaller homes on the 5,000 square foot lots. Matthews Homes disagrees with the findings of the Planning Commission and is requesting the City Council reconsider a new request by Matthews Homes to submit a Planned Development Plan.

I would like to take a moment to describe the reason for our request. Applying the 40% lot coverage to a 5,000 square foot lot yields 2,000 square feet of actual buildable area. If we constructed a single story house with a two car garage (approximately 450 square feet), the largest single story plan that could be located on a 5,000 square foot lot would be 1,550 square feet. The single story square footage includes all covered porches, patios and accessory structures. Constraining construction of a single story to 1,550 square feet seems to be detrimental to your city's streetscape.

A standing argument to maintaining the 40% lot coverage throughout is to just build two story plans on the 5,000 square foot lots, leaving the large single story plans for the 6,000 square foot lots. Not allowing larger lot coverage's would result in large two story plans with huge vertical massing, located directly adjacent to one another along a streetscape. This would lead to a row type housing element and an unpleasant streetscape. I believe the city wants to improve the streetscapes within the city, therefore allowing larger single story plans to be located on smaller lots will add a smaller vertical mass variation that will enhance the city.

Some may say that the lot coverage revision should only apply to the 5,000 square foot lots. I would propose that this revision apply to all lots. At the Miravale subdivisions, we have a two story plan with a square footage of 3,079, not including the garage [actual first floor covered area is 2227 sq. ft.]. As the zone code currently states, this plan would not be allowed on a 5,000 square foot lot. Even though it is well within the setback



# MATTHEWS HOMES

requirements and has a good size rear yard. Also this plan has a standard 2-car garage with a tandem space (3 stalls) and an option to add a 3<sup>rd</sup>-car garage and maintain the tandem space (4 stalls) [actual first floor covered area is 2440 sq. ft.]. Plan 3079 with the additional garage could not even be built on a 6000 sq. ft. lot. In my previous discussions with City of Soledad planners, I understand that there is currently a problem with homeowners not parking their cars in the garages and instead parking multiple cars on the street. This option would help eliminate the parking problem in Soledad, yet due to the current Zoning Code we cannot build this plan.

Matthews Homes is requesting the City Council make the following motion:

***"I move to direct C. H. Builders, (dba Matthews Homes) to proceed with a Planned Development Plan containing the following: 6,000 square foot lots with a 45% lot coverage limitation and 5,000 square foot lots with a 45% lot coverage limitation for the Miravale II subdivision."***

I thank the City Council and staff for it consideration of this proposal. Should you have any questions please feel free to contact my office at any time.

Sincerely,

Bryan Pennino, P.E.

Director of Architecture



October 8, 2007

Ron Sissem  
Principal Planner  
EMC Planning Group, Inc.  
301 Lighthouse Avenue, Suite C  
Monterey, California 93940

RE: AMENDMENT NO. 6 TO CONTRACT REGARDING SOLEDAD PLAZA

Dear Mr. Sissem:

Enclosed is a signed original of Amendment No. 6 to the Professional Services Agreement regarding the Soledad Plaza Commercial Development EIR approved by the City Council on July 18, 2007. Please review and if acceptable, please sign the amendment, keep a copy for yourself and return the original to my attention.

If you have any questions, please feel free to call me at 831/223-5012.

Sincerely,

A handwritten signature in cursive script that reads "Lupe A. Martinez".

LUPE A. MARTINEZ  
Deputy City Clerk

Enclosures

