

RESOLUTION NO. 4131

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
APPROVING A SECOND EXTENSION OF THE LOS COCHES INDUSTRIAL
(BURCH) TENTATIVE SUBDIVISION MAP - TSM 2003-02**

WHEREAS, Mr. Joe Burch, General Manager of Pacific States Industries, Inc. (Subdivider) has submitted a request for an extension to Tentative Subdivision Map TSM 2003-02, which was originally approved by the City Council on December 17, 2003; and

WHEREAS, improvement plans for the subdivision have been submitted but are not yet approved; and

WHEREAS, a draft Subdivision Improvement Agreement for the Project has been prepared but has not been finalized or approved; and

WHEREAS, pursuant to Soledad Municipal Code Section 16.08.080, the City Council has the authority to grant an extension to a tentative subdivision map; and

WHEREAS, a twelve month extension of TSM 2003-092 was previously approved by the Council on December 6, 2007; and

WHEREAS, Staff is recommending a second twelve (12) month extension of TSM 2003-02 in expectation of more favorable economic conditions, and to allow for completion of the Subdivision Improvement Agreement (SIA) and public improvement plans.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City Council of the City of Soledad hereby approves a twelve (12) month Extension of Tentative Subdivision Map TSM 2003-02, commencing from the date of approval of this resolution and subject to modification of previously approved findings and conditions, which are attached hereto and incorporated herein by reference as Exhibit A.

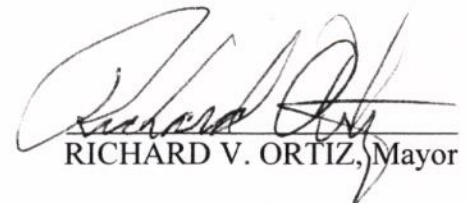
PASSED AND ADOPTED by the City Council of the City of Soledad at a regular meeting duly held on the 2nd day of January, 2008, by the following vote:

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

NOES, Councilmembers: None

ABSTAIN, Councilmembers: None

ABSENT, Councilmembers: Mayor Richard Ortiz


RICHARD V. ORTIZ, Mayor

ATTEST:

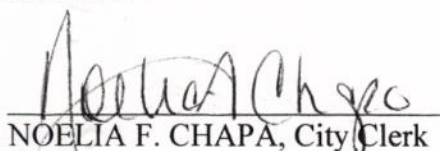

NOELIA F. CHAPA, City Clerk

EXHIBIT A

FINDINGS AND CONDITIONS OF APPROVAL OF TENTATIVE SUBDIVISION MAP 2003-02

CITY OF SOLEDAD CITY COUNCIL

APPROVAL DATES

December 17, 2003

January 2, 2008

REFERENCE

TSM No. 2003-02

City Council Resolutions 3405 and 4131

ASSESSOR'S PARCEL NO.

022-224-005

Tentative Subdivision Map 2003-02: A Tentative Subdivision Map subdividing 19.34 acres into eleven (11) industrial lots, plus the construction and dedication of a 1.67acre cul-de-sac.

TSM FINDINGS:

Section 1: Environmental Findings.

- A. An Initial Study was prepared and a Negative Declaration filed October 24, 2003, analyzing the subdivision of 19.34 acres into 11 separate lots ranging in size from 0.58-acres to 2.50-acres. The potential environmental effects have been studied and there is no substantial evidence in the record as a whole that supports a fair argument that the project, as designed, and conditioned, may cause a significant effect on the environment. The criterion for a subsequent analysis is not required per CEQA Guidelines Section 15162.
- B. The location and custodian of the documents and materials that constitute the record of proceedings is the City of Soledad. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts have been submitted, which refute the conclusions reached by these studies, data, and reports or which alter the environmental determinations based on investigation and the independent assessment of those studies, data, and reports by staff from various City departments, including Planning, Public Works, Police, and Fire Departments.
- C. The Planning Commission recommended adoption of the Initial Study/Negative

Declaration for the project on November 13, 2003.

Section 2: General Plan Consistency Findings.

- A. The project is consistent with the Land Use Plan Map of the Soledad General Plan that calls for the industrial development of the project area.
- B. The project's consistency with the policies of the Soledad General Plan was thoroughly analyzed and documented in the staff report to the Planning Commission for its meeting of November 13, 2003 and such report is adopted by reference and made a part of these findings.
- C. The project, subject to required conditions of approval, is consistent with all other elements and applicable policies of the General Plan.

Section 3: Zoning Ordinance Consistency Findings.

- A. The project is consistent with Chapter 17.30 of the Zoning Ordinance:
 - 1. The applicant proposes efficient use of the land and has ensured compatibility and harmony with existing and planned uses on adjacent properties.
 - 2. All lots will remain zoned industrial ensuring consistent zoning throughout the Los Coches Industrial Park.

Section 4: Conformity to Soledad Subdivision Ordinance.

- A. The Tentative Subdivision Map conforms to the Subdivision Ordinance :
 - 1. The Tentative Subdivision includes requirements as set forth in Chapter 16.08 of the Soledad Municipal Code as a standard subdivision.
 - 2. As conditioned, the Tentative Subdivision Map conforms to the requirements for improvements as set forth in Chapter 16.08 of the Soledad Municipal Code.
- B. The Tentative Subdivision Map has been processed for consideration consistent with the requirements of Soledad Municipal Code Chapter 16 (Subdivisions) and the State Map Act :
 - 1. An application has been received and accepted by the Planning Department for processing, and has been reviewed by the City Engineer and all affected City Departments, and other public agencies, and the recommendations of these reviewing bodies have been incorporated into the conditions of approval.

CONDITIONS OF APPROVAL FOR TSM 2003-02

Standard Conditions

1. The approved Tentative Subdivision Map (TSM) shall expire 24 months after its approval or conditional approval. The expiration of the TSM shall terminate all proceedings and no final map on all or any portion of the real property shall be filed without first processing a new TSM. Extensions of time shall be considered pursuant to the City of Soledad Subdivision Ordinance and the State Map Act.
2. Within 60 days of final City approval of the TSM shown in Attachment A, the map shall be revised to incorporate all changes required by any of the conditions of approval, and the revised map shall be submitted to the Community Development Director for administrative acceptance and filing. Any significant deviations from the approved map shall constitute a revised application.
3. If deemed necessary by the parties, a project agreement will be established between the applicant and the City, which shall incorporate applicable development guidelines, deadlines, and conditions to be used in the development of the project. The project agreement shall be approved/conditioned by both parties prior to submittal of the first final map.
4. The applicant shall prepare and enter into a subdivision improvement agreement concurrent with submittal of the final map. Said agreements shall set forth the necessary public service improvements to serve any phase of the project and shall require performance and materials and labor bonds or other security acceptable to City to cover such improvements. Applicant shall concurrently submit a subdivision guarantee disclosing any and all easements, deed restrictions, dedications, and changes in ownership in a form acceptable to the City Staff.
5. Prior to expiration of the approved TSM, a final map(s) shall be prepared in compliance with this map approval and all applicable State and City codes and regulations and shall be submitted for the review and approval of the Public Works Director/City Engineer. Improvement plans shall accompany submittal of the final map(s).
6. All improvements as described in Chapter 16.08 of the Soledad Municipal Code and as required in these conditions and any subsequent improvement agreement, project agreement, and applicable mitigation measures shall be in accordance with the City's applicable public works standards, specifications, and master plans, unless otherwise approved in writing by the Director of Public Works. All improvements shall be installed to the satisfaction of the Public Works Director/City Engineer. Unless otherwise noted, all improvements shall be designed by a Civil Engineer licensed in the State of California.
7. All structures shall be designed and constructed to resist a major earthquake as required by the applicable Uniform California Building Code as adopted by the City.

8. The applicant shall obtain encroachment permits from the City of Soledad for any work performed in the public rights-of-way and a contractor licensed in the State of California shall construct the work.

9. Any offers of dedication and bonding or other financial security or project agreements concerning any work performed in the public rights-of-way as specified in the special conditions below, shall be prepared by the applicant 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 any final map.

10. Applicant agrees that the improvements shown on the TSM are preliminary only and that the final configuration of the improvements will be determined during review and approval of the final map(s), improvement plans and supporting design calculations will be reviewed by the City Engineer and Public Works Director prior to recordation of the final map(s).

11. Applicant shall reimburse the City of Soledad for all engineering, inspection, legal, and other similar expenses, included, or to be incurred by the City in connection with the project, including expenses incurred through the use of outside consultants and additional inspectors, where necessary.

Special Conditions

A. Street Names

1. All proposed street names shall be reviewed and approved by the City Council prior to submittal of the first final map.

B. Public Improvements and Infrastructure

2. The City currently has capacity to serve this project. However, the City provides capacity on a first come first served basis. In conditionally approving this TSM, the City makes no representations to the applicant with respect to the availability, or timing of availability of sewer capacity necessary to serve this project.

3. Upon securing Building Permits, the applicant shall be required to pay all impact fees at the rate in place at the date of permit issuance, all as established by the City of Soledad.

4. Per Section 16.24.080 of the Soledad Municipal Code, the final map and improvement plans shall include all curb, gutter, and sidewalk improvements designed in accordance with the City's Design Standards.. Improvements to the Nestles Road right-of-way fronting the project site shall include a 5 ½ foot wide sidewalk with curb and 4 ½ foot landscaped planter strip. Subdivider shall be responsible for constructing or installing all public improvements to the satisfaction of the City Engineer.

5. All new utilities on the project site associated with the proposed subdivision, including gas, electrical, telephone, electrical transformers and all utility structures, shall be

placed underground. Undergrounding of utility lines shall be indicated on the final subdivision map and improvement plans and shall be reviewed and approved by the City Engineer prior to recordation of the Final Map.

6. Landscaping plans of sufficient detail to include landscape materials, size, quantity, location, and irrigation details shall be submitted to City for review and approval. Landscaping along the Nestles Road frontage shall include shade trees planted at approximately 30 foot intervals. Trees along the new access road serving the subdivision shall be planted at approximately 50-60 foot intervals.

7. New street lights shall be provided on all new streets along the section of Nestles Road fronting the project site as part of the public improvements.

C. **Soils Hazards**

9. The project improvements, including site preparation, shall be constructed in accordance with the recommendations of the associated geotechnical investigation report unless the geotechnical investigation recommendations are less stringent than City standards.

10. The project geotechnical engineer shall provide certification that the project improvements have been constructed in accordance with the geotechnical investigation and any supplemental recommendations prior to occupancy of any units.

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.

Applicant:

Dated: _____

Joe Burch

Noelia F. Chapa, City Clerk