

RESOLUTION NO. 4210

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD APPROVING
A FIVE-YEAR EXTENSION OF THE ORCHARD VILLAS TENTATIVE
SUBDIVISION MAP - TSM 2003-05 WITH MODIFICATIONS TO
THE CONDITIONS OF APPROVAL**

WHEREAS, the City Council of the City of Soledad, by Resolution No. 3630, dated July 20, 2005, approved a vesting tentative subdivision map (TSM 2003-05) for the Orchard Villas Subdivision (hereinafter "Subdivision,") subject to certain conditions; and

WHEREAS, it has been determined that TSM 2003-05 will expire on May 15, 2008, unless extension of said Subdivision Map is approved by the City Council; and

WHEREAS, David R. Sylva, General Counsel for Award Homes, (Subdivider) has submitted a request for an extension to Tentative Subdivision Map TSM 2003-05; and

WHEREAS, improvement plans for the subdivision, a Subdivision Improvement Agreement were approved and a Final Map was accepted by the City Council on September 20, 2006, through adoption of Resolution No. 3873; and

WHEREAS, said Final Map was never duly recorded with the County of Monterey in accordance with applicable provisions of the Subdivision Map Act and Title 16 of the Soledad Municipal Code; and

WHEREAS, by prior action (Resolution No. 4209), the City Council has rescinded its previous action to accept the Final Map for the Orchard Villas Subdivision; and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, Staff is recommending a five-year extension of TSM 2003-05 in expectation of more favorable economic conditions.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City Council of the City of Soledad hereby approves a five (5)-year extension of Tentative Subdivision Map TSM 2003-05 subject to modification of previously approved findings and conditions, attached herein and incorporated by reference as Exhibit A.

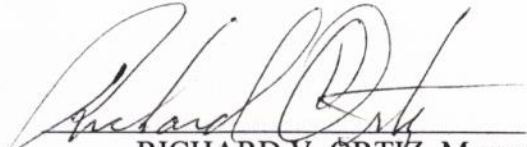
PASSED AND ADOPTED by the City Council of the City of Soledad at a regular meeting duly held on the 7th day of May, 2008, by the following vote:

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

NOES, Councilmembers: None


ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: None



RICHARD V. ORTIZ, Mayor

ATTEST:



ADELA P. GONZALEZ, Interim City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL OF TENTATIVE SUBDIVISION MAP (TSM 2003-05)

July 20, 2005 – CC RESO NO. 3630
APPROVAL DATE SAID REFERENCE

TSM 2003-05
PERMIT NO.

257-111-001, 017, 018 and 020
ASSESSOR'S PARCEL NOS.

AMENDED TENTATIVE MAP CONDITIONS **FOR THE ORCHARD VILLAS SUBDIVISION**

Initiated by Award Homes for the subdivision of a 29.95 acres total parcel into 172 lots of record and **including the dedication and improvement of a 26,800 square foot parcel ("G") as a neighborhood park, dedication of easements and related access improvements thereto for utilities and for pedestrian access to public streets and parks, and dedication of land to the City of Soledad for public roadway right-of-way and related improvements thereto.**

The following are conditions of approval for the tentative subdivision map. Unless otherwise noted, each condition is applicable to the Orchard Villas project proposed by Award Homes for Assessor's Parcel Numbers 257-111-001, 017, 018, and 020.

CONDITIONS OF APPROVAL

GENERAL REQUIREMENTS:

- 1. Subdivision Improvement Agreement.** The Project Proponent shall enter into a subdivision improvement agreement with the City prior to recordation of a final subdivision map for the Project. Said agreement shall set forth the necessary public service improvements to serve the proposed project including transportation, water service, sewer service, and shall include a performance and materials and labor bond to cover such improvements. The agreement for the project will also include work to be performed on the parks located within the Diamond Ridge subdivision, which shall also be subject to necessary bonding requirements.
- 2. Condemnation Costs.** Unless otherwise specified, the Project Proponent shall be responsible and agrees to pay all land costs and related legal fees should it be necessary for the City to use

EXHIBIT A

CONDITIONS OF APPROVAL OF TENTATIVE SUBDIVISION MAP (TSM 2003-05)

July 20, 2005 – CC RESO NO. 3630
May 7, 2008 – CC RESO NO. 4210
APPROVAL DATES SAID REFERENCE

TSM 2003-05
PERMIT NO.

257-111-001, 017, 018 and 020
ASSESSOR'S PARCEL NOS.

AMENDED TENTATIVE MAP CONDITIONS FOR THE ORCHARD VILLAS SUBDIVISION

Initiated by Award Homes for the subdivision of a 29.95 acres total parcel into 172 lots of record and including the dedication and improvement of a 26,800 square foot parcel ("G") as a neighborhood park, dedication of easements and related access improvements thereto for utilities and for pedestrian access to public streets and parks, and dedication of land to the City of Soledad for public roadway right-of-way and related improvements thereto.

The following are amended conditions of approval for the tentative subdivision map as approved by the City Council on May 7, 2008. Unless otherwise noted, each condition is applicable to the Orchard Villas project proposed by Award Homes for Assessor's Parcel Numbers 257-111-001, 017, 018, and 020.

CONDITIONS OF APPROVAL

GENERAL REQUIREMENTS:

- 1. Subdivision Improvement Agreement.** The Project Proponent shall enter into a subdivision improvement agreement with the City prior to recordation of a final subdivision map for the Project. Said agreement shall set forth the necessary public service improvements to serve the proposed project including transportation, water service, sewer service, and shall include a performance and materials and labor bond to cover such improvements. The agreement for the project will also include work to be performed on the parks located within the Diamond Ridge subdivision, which shall also be subject to necessary bonding requirements.
- 2. Condemnation Costs.** Unless otherwise specified, the Project Proponent shall be responsible and agrees to pay all land costs and related legal fees should it be necessary for the City to use its condemnation powers to obtain land that is under separate ownership or leasehold in order to implement the conditions of project approval contained herein.

3. **Tentative Map Improvements Only Conceptual.** The Project Proponent 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 Engineer and Public Works Director, or other agents of the City, prior to recordation of the final map. 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.
4. **Cost Reimbursement.** Project Proponent 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. An account with the City for costs associated with the processing for the project has previously been established by Project Proponent. At the time of submission of the improvement plans and/or final map for the project, the Project Proponent shall deposit funds sufficient to raise said account to the total of \$25,000. The City shall account to Project Proponent 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 Proponent 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 \$5,000. The need for the maintenance of this account shall cease upon; 1) compliance with all tentative map conditions, 2) compliance with all of the provisions of subdivision improvement agreements for the project, 3) compliance with all mitigation measures set forth in the mitigation monitoring plan, and 4) acceptance of the Orchard Villas.
5. **Distribution of Map Conditions.** Each and every owner or prospective owner of all or any lot within the project shall be provided with a copy of these conditions by Project Proponent. Proof of such service shall be provided to City.
6. **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.
7. **Mitigation Monitoring Plan.** The Project Proponent shall be responsible for carrying out all duties set forth in the mitigation monitoring program adopted for the proposed project. Efforts shall be made to design the mitigation monitoring program so as to ensure compliance during project implementation. The Project Proponent's compliance with said mitigation monitoring program shall be subject to review and approval by those agencies and officials designated in the program. The mitigation monitoring program is attached hereto as Attachment "**B**" and is made a part of these conditions by reference.
8. **Subdivision Guarantee.** The Project Proponent 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 by the City Council.

9. **Commitment to Serve.** The Project Proponent shall provide evidence of commitment to serve from utilities, including, but not limited to, electrical service, natural gas service, telephone service, cable television 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.
10. **Deed Restrictions.** Project Proponent 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.
11. **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.
12. **Geotechnical Investigation.** All recommendations identified in the geotechnical investigation of the project site prepared for the site, and supplements thereto, shall be incorporated into improvement plans for the proposed project and shall be reviewed and approved by the City Public Works Director and City Engineer prior to recordation of the final subdivision map.
13. **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 Public Works Director and City Engineer prior to commencement of any grading activities or any underground work. The geotechnical engineer shall submit evidence that grading and excavation were performed consistent with the recommendations of the geotechnical investigation. Evidence shall be submitted prior to issuance of building permits for each individual lot.
14. **Dust Control.** Project Proponent shall be required to prepare and submit a Dust Emission Control Plan for Project Grading. The Plan shall require that contractor work specifications shall include provisions for adequate water to be applied during construction in order to control dust disturbance resulting from grading operations. The Plan and related contractor work specifications shall be reviewed and approved by the City prior to issuance of a grading permit. Dust control measures shall be applied in accordance with all ordinances, rules and regulations of the Monterey County Water Resources Agency regarding use of reclaimed or other sub-potable water for compaction or dust control purposes. Additionally, the Plan will be reviewed to assure compliance with applicable air quality programs, such as those related to particulate emissions, overseen by the Monterey Bay Unified Air Pollution Control District, and for compliance with the City's obligations under the City's Storm Water Quality Ordinance.

15. **Storm Water Pollution Prevention Plan.** The Project Proponent shall prepare and implement a Stormwater Quality Plan, including a Stormwater Pollution Prevention Plan (SWPPP) in conformance with the provisions of Chapter 13.52 of the SMC for the project. ~~to include such measures as mulching and re-vegetation of exposed soils and~~ to prevent erosion during grading and construction and to prevent sediments from leaving the project site. Said plan shall incorporate Best Management Practices and improvements to adequately manage and control storm water runoff, erosion and sedimentation during all phases of construction and post-construction/post-development periods in compliance with the requirements City's Storm Water Quality Ordinance, Chapter 13.52. The Plan shall be reviewed for compliance with the City's obligations under Chapter 13.52 of the SMC, and the plan's provisions and mitigations measures shall be included in the grading plan to be reviewed and approved by the City Public Works Director and City Engineer prior to issuance of a grading permit. Approved SWPPP measures shall also be included in the contractor work specifications that are reviewed and approved by the City. Project Proponent and the construction contractor shall be responsible for installing, constructing and maintaining the Stormwater Quality Plan and SWPPP control measures throughout the duration of the project.
16. **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 Proponent'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.
17. **Complete Infrastructure Improvements.** Complete infrastructure improvements (streets, sidewalks, storm drainage, under-grounding of all utilities, and an all weather emergency access) shall be in place and be acceptable to the City Engineer, Building Official and Fire chief prior to the issuance of occupancy permits for this project.
18. **LAFCO Approval.** The Local Agency Formation Commission of Monterey County ("LAFCO") shall approve the annexation of the Project into the City Limits prior to proceeding with the installation of any improvements or recordation of a final map.

DRAINAGE

19. **Storm Drainage Improvements.** The Project Proponent shall prepare and implement a drainage improvement plan to complete the required downstream storm drain improvements as delineated on the tentative map. Further, interior storm drains shall be designed to accommodate on-site storm water flows from a 10-year storm minimum. The drainage improvement plan and all related calculations shall be reviewed and approved by the City Public Works Director and City Engineer prior to recordation of the final subdivision map or approval of improvement plans. All improvements shall allow for continuous maintenance access. 20' wide minimum easements shall be provided for one underground line and 30 feet for two. The maintenance of all on site drainage facilities, streets and other facilities serving the site shall be included in a

benefit assessment district. All off-site storm drainage improvements shall be installed prior to the completion of in-tract street paving

20. **Lot Drainage.** All lot sites shall be graded and roof water drainage shall be directed away from each of the buildings with positive drainage towards streets with lot runoff directed to drains installed under the sidewalk to the curb and gutter.

PUBLIC IMPROVEMENT REQUIREMENTS

21. **Water Mains and Appurtenances.** Water main sizes shall be determined by the City through modification of the City-wide water model and shall provide 40 pounds per square inch minimum residual pressure with a fire demand at any fire hydrant of 2,500 gallons per minute. The Project Proponent shall reimburse the City for any and all costs for water main sizing and water model/system map modifications. The Project Proponent 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. Project Proponent shall also install new water valves in Serra Lane for the purpose of equalizing the two water pressure zones.
22. **Allowance for Future Utility Connections.** The Project Proponent shall provide the City with a secondary connection (in addition to Serra Lane) for storm drain and sanitary sewer mains within Parcel "F" as shown on the Map. The City recognizes that these secondary connections are for the benefit of future development to the north of the Orchard Villas project site. As such, the Project Proponent shall receive storm drain and sanitary sewer fee credits in amount sufficient to compensate the Project Proponent for the cost of installing said improvements as the exclusive means of reimbursement for such improvements. A 20' wide easement for underground facilities, or, a 30' wide easement for two underground facilities shall be dedicated to the city of Soledad wherever proposed facilities traverse private property. Said easements shall be free and clear of any structures which will interfere with the replacement of the underground facility.
23. **Wells.** All existing wells shall be destroyed in accordance with Monterey County and State Health Department requirements. Proof of destruction must be provided to City prior to issuance of building permits.
24. **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. All existing overhead utilities shall be re-installed underground. Under-grounding shall be indicated on improvement plans and joint trench schematics shall be reviewed and approved by the City Engineer prior to recordation of the final subdivision map.
25. **Street Lights.** Street lights shall be installed in a number and at locations sufficient to provide adequate lighting levels for public safety as determined by the City Engineer and the Public Works Director.
26. **Engineering Studies/Calculations.** All engineering design, including, but not limited to storm sewers and appurtenances, sanitary sewers and appurtenances, streets including but not limited

to geometrics, sight distances, lighting and sound walls, water systems and appurtenances, signing and striping, landscaping 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 Engineer and Director of Public Works.

27. **Access to Improvements.** The final configuration of the proposed project improvements shall provide for continuous and unimpeded public access to all facilities for the maintenance, repair and replacement of said improvements. In the event that the proposed improvements are installed prior to the construction of the vacant parcel to the north of the project site, the Project Proponent shall construct a half-street extension of Orchard Lane to the north through to the existing Gabilan Drive. In addition, the Project Proponent shall construct a half street along that portion of the project which fronts on Orchard Lane. The Project Proponent shall be required to negotiate with the property owner fronting the extension of Orchard Lane north of the site and achieve an agreement for reimbursement of the cost of those improvements, if reimbursement is desired by the Project Proponent, or a cost sharing agreement, whichever is mutually acceptable between the affected property owners and the City.
28. **Fire Hydrants.** Project Proponent shall install fire hydrants per City specifications, and according to the requirements of the Uniform Fire Code. Fire hydrant locations shall be approved by the Fire chief, Public Works Director and City Engineer. The curb/curb and gutter 7.5 feet each side of the centerline of the proposed hydrants shall be constructed utilizing integral red colored concrete. 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.
29. **Street Trees.** Each residential lot shall have at least one street tree (two per corner lot) planted in the public right-of-way, in accordance with City standards. All landscaped areas shall be maintained free of weeds, trash and debris and all plant material shall be continuously maintained in a healthy growing condition. Automatic irrigation systems shall be installed for landscaping that can be seen from the public right-of-way. Prior to occupancy, the Project Proponent shall complete all landscaping. All planting areas not consisting of turf or grass shall be underlain by weed control fabric acceptable to the City.
30. **Timing of Infrastructure Installation.** All subdivision improvement infrastructure required to serve the development shall be in place prior to occupancy of any homes. The water main system shall be in place, operational, and use approved by the City prior to the beginning of combustible construction or other arrangements made acceptable to the Fire Chief and Fire Marshall for adequate fire protection. Additionally, an all-weather emergency access shall be in place prior to the issuance of building permits for the project.
31. **Timing of Dedications.** Project Proponent shall dedicate Parcels B, C, D, E, and F and G as depicted on the subdivision tentative map, along with other dedications of land specified herein, at the time of recordation of the final map for the project.
32. **Damages to Existing Facilities.** Prior to commencement of any grading or other subdivision improvements, the Project Proponent shall provide proposed trucking routes for all equipment

and material deliveries. The City shall video document the routes to establish preconstruction conditions. The Project Proponent shall repair or replace any public improvements damaged by Proponent's operations.

33. **As-Built Infrastructure Costs.** Project Proponent shall provide City with an estimate of "as-built" costs of infrastructure improvements that meet GASB 34 compliance requirements, before final acceptance of the subdivision by the City.
34. **Off-Site Sanitary Sewer Improvements.** Project Proponent is responsible for constructing all on-site and off site sanitary sewer mains serving the project. As stated in the Proposed Mitigated Negative Declaration, approximately 17% of the wastewater generated by the project would flow into the existing sewer pipeline located at the projects boundary with Serra Lane, where it then would be conveyed through the existing Granada Street sewer main to the intersection of Granada Street and Andalucia Drive. The final balance of the wastewater will flow through the intersection of Granada Street and Andalucia Drive through a new 8-inch sewer main. The new line will be extended from the southwest corner of the site along the north side of the Soledad Community Center to Walker Drive, then north to Granada Street, and then to the intersection of Granada Street and Andalucia Drive. Flows from the southern portion of the project would then join with flows from the northern portion of the project and with existing flows from that portion of the City served by the existing sewer line in Andalucia Drive. If the advanced sanitary sewer facilities mitigation fees and available City funding is not sufficient to fund the proposed sanitary sewer main improvements, the Project Proponent will be responsible for the completion of the sanitary sewer main installation. Project proponent will be reimbursed from future sanitary sewer mitigation fees collected from future projects. All sanitary sewer improvement necessary to serve the project shall be complete and in place and accepted by the City prior to use of the sanitary sewer system. Except for those permits required for the construction of model homes within the project, building permits will not be issued until all on-site and off-site sewer facilities serving the subdivision are constructed and operational, and the current building permit moratorium has been rescinded. Any improvements constructed prior to the revocation of the moratorium will be at the Project Proponents own risk and the Project Proponent shall defend and hold the City harmless for any litigation encountered due to any expenditure of funds prior to the lifting of the moratorium.

TRAFFIC/CIRCULATION DEDICATION AND IMPROVEMENTS

35. **Street Improvements.** All street improvements shall conform with the requirements of the Americans with Disabilities Act, including the placement of sidewalk at the rear of the driveway at all driveway locations where monolithic sidewalk is installed, and adjacent to the back of curb at all non-driveway locations. The Project Proponent shall install all required traffic improvements identified in the traffic study prepared for the Project. If not already required by the project's traffic study, the Project Proponent shall fund and construct half of Orchard Lane fronting its site to allow two-way traffic from the subdivision if Orchard Lane is not constructed by the time that the subdivision is developed.
36. **Dedication and Improvement of Pedestrian Accessways.** Project Proponent will construct paved pedestrian paths with bollard lighting within Parcels "F" and "B" and between Parcels 95 and 96 (or 96/97) in accordance with City Design Standards. To provide more direct

pedestrian/bicyclist connections to Orchard Lane and to the school on Gabilan Drive, an additional improved pedestrian access shall be provided either between Lots 52/53 or Lots 53/54. Alternatively, Project Proponent may connect Davlos Street to Orchard Lane to provide improved circulation for both motorized vehicles and bicyclists/pedestrians.

- 37. Emergency Access.** The gap between the two northerly cul de sacs, Serra Court and Rusconi Court shall be improved to provide for adequate emergency vehicle access. Project Proponent shall construct and provide those access improvements as specified by the City Engineer and Fire Chief. Alternatively, the two cul-de-sacs may be connected to provide for through traffic between Orchard Lane and Granada Street along with incorporation of appropriate traffic-calming measures.

REFER ALSO TO CONDITION NO. 61 ADDED BY CITY COUNCIL 05/07/08

AFFORDABLE HOUSING REQUIREMENTS

- 38. Affordable Housing.** The Project Proponent shall designate a minimum of 16 single-family "duet style" attached units for use as Affordable Housing. The Affordable Housing units shall be located on 3500 square foot lots, and shall be evenly distributed through the project as shown on the Vesting Tentative Map. All such units shall be constructed simultaneously with the construction of other residential units within the project. For purposes of this condition, the term "Affordable Housing" means housing eligible for the Rural Housing Service Section 502 financing program (for buyers with household incomes of up to 110% of the Area Median Income) and that will count in computing the City's fair share of affordable housing to be provided in Monterey County pursuant to the provisions of Government Code Section 65584. Each Affordable Housing unit shall be restricted so as to insure 1) initial sale only to buyers whose household income qualifies under this Condition; and 2) continued occupancy of such units, as feasible, by buyers whose household income qualifies under this Condition. The specific means by which such units shall be restricted is by deed restriction, for a period of at least 45 years.

The Project Proponent and the City shall cooperate in efforts to establish a legal and feasible means of providing the 16 affordable housing units to qualified employees of the City of Soledad and/or the Soledad Unified School District, on a right-of-first refusal basis. In addition, the Project Proponent, City and Soledad Redevelopment Agency shall cooperate in efforts to identify and secure public and/or private subsidies that will enable the City/Agency to make some or all of the 16 affordable units available to buyers whose household income does not exceed 80% of the Area Median Income.

IMPACT MITIGATION

- 39. Water Facilities Mitigation Fees.** Project Proponent shall submit water 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 the time of building permit issuance. The Project Proponent shall also pay the City the additional cost for automatic remote reading meters in excess of the cost of normal water meters. The Project Proponent shall advance water facilities mitigation fees as required to provide for the installation of water service

facilities on and off site as necessary to meet project demand, and said improvements shall be in place prior to issuance of building permits for any affected lots.

40. **Sanitary Sewer Facilities Mitigation Fees.** Project Proponent shall submit sewer facilities mitigation fees at the time of issuance of building permits for all lots within the proposed project as established at that time. Should the City determine an increase in fees are required to facilitate construction of the required sanitary sewer facilities to serve the Project, and the cost is equitably distributed among future development, the Project Proponent hereby agrees to pay the increased fee. The Project Proponent shall advance sewer facilities mitigation fees as required to provide for the installation of sewer service facilities on and off site as necessary to meet project demand, and said improvements shall be in place prior to issuance of building permits for any affected lots.
41. **Storm Drain Facilities Impact Fees.** Project Proponent 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 Project Proponent 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 Proponent shall agree to advance any 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.
42. **School Impact Fees 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 lots in the proposed project. School impact fees shall include those fees required by the state, as well as any additional amount agreed upon by the Project Proponent and the District for each residential lot created by the proposed project. City shall require proof that the Project Proponent and the District have met in good-faith in an attempt to agree upon the amount of school impact fees to be paid by Project Proponent prior to the recordation of the final map for the project.
43. **Police Mitigation Fees.** Police Mitigation 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.
44. **Fire Mitigation Fees.** Fire Mitigation 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.
45. **General Government Fees.** General Government 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.
46. **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. 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.

47. **General Mitigation Measures.** The Project Proponent shall provide all mitigation measures identified in the adopted mitigated negative declaration prepared for the project, and any other mitigation measures, and/or requirements, required by LAFCO and conform to the requirements of any approved use permit for the development. The Project Proponent shall also conform with the plan for services. Should any of these map conditions be in conflict with the mitigation measures, or plan for services contained within the Project mitigated negative declaration, the more stringent condition shall apply.

PARKS

48. **Park Dedication and Impact Fees.** The Project Proponent shall dedicate and improve that 26,800 square feet portion of the project designated as "Parcel G" on the Tentative Map to the City of Soledad, in fee, for use as a neighborhood park. The Project Proponent shall design and construct landscaping and recreational improvements within Parcel G, as depicted on the conceptual drawing attached hereto as Exhibit B unless subsequently modified through mutual agreement of the City and Project Proponent in accordance with the approved Parks Master Plan. The final park design shall be approved by the City prior to construction. Park construction shall commence within ninety (90) days of final design approval. The Project Proponent shall be required to pay a park impact fee of \$880.28 per single family unit constructed within the current impact fees for the Project, calculated at the applicable rate set by ordinance and resolution on the date said fees become due. However, the Project Proponent shall receive a credit against said impact fees for the previously incurred cost of designing and/or constructing the all off-site park improvements as well as the cost of park improvements within Parcel G. Notwithstanding the foregoing, Project Proponent agrees that in the event park design and construction costs exceed the amount of park impact fees collected in the subdivision, Project Proponent shall be solely responsible for payment of the difference between collected fees and park design and development costs.

~~The Project Proponent shall also design and construct landscaping and recreational improvements on approximately 4.39 acres of vacant parkland located within the Diamond Ridge Subdivision. Said improvements shall be constructed at the Project Proponent's sole cost and expense, a portion of which shall be funded from park impact fees collected in the Diamond Ridge Subdivision, and shall be consistent with the conceptual drawings attached hereto as Exhibits A, B, and C. The design of the park improvements shall be approved by the City prior to construction. Park construction shall commence within ninety (90) days of final design approval.~~

SOUND WALLS & LANDSCAPING

49. **Sound Walls.** The Project Proponent shall provide the City with an acoustical analysis which determines decibel on Orchard Lane and required height and location of sound walls. All sound wall locations will be depicted on the final improvement plans. The final improvement plans shall show sound wall treatments consistent with Caltrans standards and guidelines. Masonry

walls shall be provided along the sites border with the existing park/retention pond , future development to the north, existing lands of the Pentecostal Church of God, and along Orchard Lane. The design of all walls, any sound walls and relevant landscaping shall remain consistent and shall be designed to be attractive and create visual interest. The final subdivision map and final improvement plans shall be reviewed and approved by the City Public Works Director and City Engineer prior to recordation of the final subdivision map. The Project Proponent shall use its best efforts to obtain permission from the adjacent property owners to install the required walls and fences on the common property line (with wall pilasters extending into each owner's respective property as necessary) and shall provide conforms from side yard fences to the new fences/walls. Architectural plans showing all walls shall be submitted to the Council DRC and Architectural Review Committee for review and approval prior to construction of said walls.

50. Landscaping. (a) Developer shall submit detailed landscape and irrigation plans using "xeriscape" principles per City standards for City review and approval for all landscaped areas of subdivision, including but not limited to common areas, pedestrian corridors, intersections, entrances as denoted on the vesting tentative map, residential front yards and sound walls. Landscaping plans shall also require the installation of street trees along all street frontages. Plans shall be submitted for Council Development Review Committee review prior to approval by the Community Development Director or his or her designee.

(b) All landscaping appurtenant to the development shall be in place and complete and accepted by the City prior to final City acceptance of the subdivision. All landscaping, not including grass or turf or similar plantings, shall be underlain by weed control fabric acceptable to the City. All landscaped areas shall be maintained free of weeds, trash and debris, and all plant material shall be continuously maintained in a healthy, growing condition.

51. Water Conservation Measures - Deed Restriction. The Project Proponent shall prepare a deed restriction for each new lot in the proposed project requiring the use of water conservation techniques and fixtures including the following: All future proposed structures shall incorporate low-flow water use fixtures. The deed restriction shall specify that toilets shall use a maximum of 1.5 gallons per flush and showers and faucets shall use a maximum of 2.5 gallons per minute. All front yards of all lots shall be landscaped at the time of construction and shall utilize low water use "xeriscape" landscaping as defined by the City of Soledad Water Conservation Ordinance. Turf grass shall be limited to a maximum of 15 percent of the entire landscape for all lots. Turf area may be increased to 25 percent of the entire landscape if a drought-tolerate species is used. The deed restriction shall be recorded concurrent with the final subdivision map of the proposed project and evidence of said recordation shall be submitted to the City Building Official prior to issuance of any building permits for any new lots in the proposed project. Each residential lot shall have one street tree (two per corner lot) planted in the public right of way, in accordance with City standards. Additional trees shall be planted on southfacing and westfacing exposures pursuant to the adopted Mitigation Plan for the Project. All landscaped areas shall be maintained free of weeds, trash and debris and all plant material shall be continuously maintained in a healthy, growing condition. All landscaping described above shall be installed prior to occupancy.

52. Parks and Open Space Maintenance Assessment District. The Project Proponent and the City shall work together to establish an identified parks and open spaces maintenance assessment district for the maintenance, operation and servicing of public improvements,

including landscaping. To the extent allowed by law, the district shall include maintenance and operation of all public amenities of benefit to the future residents of the project site, including but not limited to public landscaping and irrigation improvements on adjacent parks, landscaped strips of land adjacent to curbs, planter walls, retention ponds and bank protection, appurtenant irrigation systems, ornamental plantings including lawns, shrubs, and trees, including necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal and any and all other items of work necessary and incidental for the proper maintenance and operation thereof. The park and open space maintenance district shall be established prior to recordation of the final subdivision map for the proposed project.

- 53. Benefit Assessment District.** The Project Proponent and the City shall work together to establish a benefit assessment district for public areas of the project site provided for community benefit. To the extent allowed by law, the benefit assessment district shall include maintenance and operation of all public amenities of benefit to the future residents of the project site, including but not limited to sweeping, street lights, street striping, lighting costs, storm drain lines, cleaning, repairs, replacement, electric current, supervision, debris removal and any and all other items of work necessary and incidental for the proper maintenance and operation thereof, retention basins and percolation ponds, common on-site landscaping, on-site fences and walls, and streetlights. The benefit assessment district shall be established prior to recordation of the final subdivision map of the proposed project.

MISCELLANEOUS

- 54. Lot Width and Size.** All lots shall meet minimum width requirements at the building line as and size as shown on the approved tentative map.
- 55. Uniform Codes.** All construction shall be in accordance with the Codes and standards in effect at the time of construction.
- 56. Transportation Demand Management Program.** A Transportation Demand Management (TDM) Program, consistent with the requirements of the Transportation Agency of Monterey County shall be prepared to result in a reduction in traffic generated by the proposed project to reduce pollutant emission levels for ROG, CO, NO_x, SO_x and PM₁₀. The TDM Program shall be subject to the review and approval of the Community Development Director prior to recordation of the final subdivision map for the project.
- 57. Architectural Relief for Same Plan.** When the same plan is repeated along a street, acceptable architectural treatments will be employed to give the appearance of at least three different designs, and front yard setbacks will be varied, to the extent feasible in compliance with City regulations, to provide a more pleasing and attractive appearance to the neighborhood. Additional provisions to provide for attractive neighborhoods include the following:
- a. Thirty percent (30%) of the garages shall be designed to recede by a minimum of three (3) feet or more to avoid having a building façade dominated by garages and to create additional on-site parking within driveway aprons;
 - b. Homes on each block should be a mix of one-story and two-story dwellings;

- c. Building footprint and home size shall be in proportion to the predominantly smaller lot sizes (i.e., 161 5,000 square foot lots). Accordingly, the average home size should not exceed 2,400 square feet and the number of bedrooms should not exceed five; and
- d. A master site plan for each street demonstrating substantial conformance with these provisions shall be submitted for review and approval by the Community Development Director prior to issuance of building permits.

58. Driveways. Driveways will be located on the side of the lot farthest from the intersection if the lot is a corner lot. The pairing of driveways (i.e., Siamese driveways) will be paired shall be avoided whenever possible.

59. Improvement Assessment District. If requested by the Project Proponent, an improvement assessment district shall be formed by the City, to fund public improvements required to be provided to serve the project. Mutual agreement shall be reached by the Project Proponent, and the City, as to the improvements to be included and those improvements shall be deemed eligible in accordance with all applicable laws.

60. Automatic Fire Sprinklers. Project Proponent shall submit plans for review and approval of the Fire Marshall and shall install automatic fire sprinklers in all units in accordance with the provisions of Chapter 15.08 (Building and Fire Codes) of the Soledad Municipal Code .

61. Dedication of Land for Street Right-of-Way. In order to provide for adequate circulation and access for the project as well as abutting parcel (APN 022-281-001) pursuant to the General Plan and Section 16.24.050 of the Soledad Subdivision Ordinance, Lot #84, opposite Luna Drive, shall be reserved for dedication and improvement as a street stub, contingent upon the provision of fair market compensation to the Project Proponent.

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: _____

Applicant

City Clerk

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