

RESOLUTION NO. 4020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
ANNOUNCING FINDINGS AND APPROVING AN AMENDMENT OF A
TENTATIVE SUBDIVISION MAP (TSM 2004-03), INITIATED BY SHAW
DEVELOPMENT, TO SUBDIVIDE A 14.98 ACRE PARCEL ON NESTLES ROAD AND
LOS COCHES DRIVE (APN 022-291-018) AS PART OF THE SOLEDAD VILLAGE
CENTER PROJECT**

WHEREAS, on November 22, 2004, the City of Soledad received an application initiated by Shaw Development ("Applicant") for a General Plan Map and Zoning Map amendment, Tentative Subdivision Map, and Conditional Use Permit in order to subdivide and develop a 14.98 acre commercial parcel located at Nestles Road and Los Coches Drive (APN 022-291-018), as part of the Soledad Village Center development (the "Project"); and

WHEREAS, on April 5, 2006, the City Council of the City of Soledad adopted Resolution 3766 certifying the Village at Soledad Mitigated Negative Declaration and Mitigation Monitoring Program and amending the General Plan Land Use Map to change the land use on the Project Site from "Industrial" to "General Commercial; and

WHEREAS, on April 19, 2006, the City Council adopted Ordinance No. 628 rezoning aforesaid parcel from the "M - Industrial" to the "H-C - Highway Commercial" Zoning District; and

WHEREAS, on April 4, 2007, the City Council conducted a duly noticed public hearing on aforesaid tentative map request and following consideration of all public comments received including the testimony of the applicant, and consideration of the staff report for this item, the recommendation of the Planning Commission and consistency findings of the Redevelopment Agency, approved TSM 2004-03 through adoption of Resolution 3948; and

WHEREAS, on April 30, 2007, the applicant submitted a request to amend the Tentative Map in order to modify the size and configuration of parcels shown on TSM 2004-03 as previously approved by the Redevelopment Agency and City Council; and

WHEREAS, approval of this amended Tentative Subdivision Map (dated 05/07/2007) would create eight parcels ranging in size from approximately 32,457 square feet to 160,869 square feet to facilitate development of the Soledad Village Center; and

WHEREAS, on May 10, 2007, the Planning Commission conducted a duly noticed public hearing on the requested amendment of the tentative map and considered all public comments received including the testimony of the applicant, considered the staff report for this item, and adopted Resolution 2007-14, recommending approval of said amended tentative map to the City Council and Redevelopment Agency, subject to conditions; and

WHEREAS, on June 6, 2007, the City Council conducted a duly noticed public hearing on the map request and considered all public comments received including the testimony of the applicant, and considered the staff report for this item, the recommendation of the Planning Commission and consistency findings of the Redevelopment Agency; and

WHEREAS, the project has been the subject of a previously certified Mitigated Negative Declaration on file and available for public review at the Soledad City Hall, Community Development Department, and for purposes of the California Environmental Quality Act, no further environmental documentation is required; 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.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Soledad hereby grants approval of the requested Amendment of Tentative Subdivision Map 2004-03, subject to the findings and conditions set forth in "Exhibit A," attached hereto and made a part hereof.

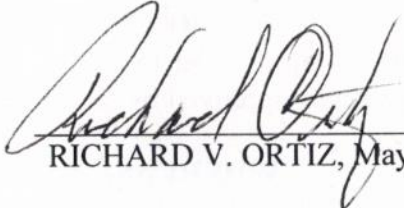
PASSED AND ADOPTED, at a duly noticed regular meeting of the City Council of the City of Soledad held on the 6th day of June, 2007, by the following vote:

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, Councilmember: None


RICHARD V. ORTIZ, Mayor

ATTEST:



NOELIA F. CHAPA, City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL FOR AMENDMENT OF TENTATIVE SUBDIVISION MAP (TSM 2004-03)

CITY OF SOLEDAD CITY COUNCIL

June 6, 2007 CC Resolution No. 4020
APPROVAL DATE AND REFERENCE

TSM 2004-03
PERMIT NO.

APN: 022-291-018
ASSESSOR'S PARCEL NUMBER

Tentative Subdivision Map – Initiated by Shaw Development to create eight parcels ranging in size from approximately 32,457 square feet to 160,869 square feet for the purpose of development, sale, lease and/or financing in connection with the proposed Soledad Village Center. The area to be subdivided comprises an approximately 14.98 acre parcel on Los Coches Drive and Nestles Road at the south end of the City of Soledad, including a 0.71 acre dedication for the Nestles Road public right-of-way.

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 Soledad Village Center project, which includes this Tentative Subdivision Map (TSM) amendment request, has been the subject of a previously certified Mitigated Negative Declaration (MND), and for purposes of the California Environmental Quality Act, no further documentation is required. The mitigation measures contained in this MND and accompanying Mitigation Monitoring Program have been incorporated as conditions of this TSM approval. This Mitigated Negative Declaration is on file and available for public review at the Soledad City Hall, Community Development Department.

Section 2. General Plan Consistency Findings.

- A. The proposed amendment of TSM 2004-03 is consistent with the Soledad General Plan:

1. The proposed project is consistent with the Soledad General Plan Land Use Element in that the property is designated for General Commercial Use and implemented by the H-C Highway Commercial Zoning District, the latter intended to provide for “vehicular-oriented uses with sufficient architectural and landscaping controls to protect the amenities of the area.”
2. Land Use Element provisions encourage new commercial development near Soledad highway interchanges (Policy L-21) and increased shopping opportunities (Policy L-23), and require expansion of the visitor-sector of the local economy (Policy L-26). Economic Development Element Policy E-5 states that one of the city’s priorities is to encourage the development of a movie theater in the City. This subdivision is intended to facilitate development of the Soledad Village Center, a proposed project that will provide city-wide, visitor-serving and regional commercial uses and services consistent with the General Plan.
3. The proposal is consistent with the Circulation Element of the General Plan. The project will be located in an area of convenient access to Highway 101 and to Front Street, will provide for logical connections to existing roads, and will require the applicant to make roadway improvements consistent with the City’s General Plan policy to maintain a acceptable traffic conditions—i.e., Level of Service “D.”

Section 3: Redevelopment Plan Consistency Findings.

- A. The proposed development plan, including the requested amendment of TSM 2004-03, is consistent with the Soledad Redevelopment Plan for the Soledad Redevelopment Project as amended because:
 1. It is consistent with the Soledad General Plan as required by Redevelopment Plan Section 401.
 2. As conditioned, the amended TSM and improvements thereto will provide adequate open space, landscaping, light, air and privacy in compliance with Redevelopment Plan Section 414.
 3. As conditioned, all existing utilities, with the exception of the high voltage transmission lines on Nestles Road, will be placed underground.

Section 4: Conformity to the Soledad Subdivision Ordinance.

- A. The amended Tentative Subdivision Map conforms to the Soledad Subdivision Ordinance because:
 1. The Tentative Map design, as amended, and related improvements are consistent with the adopted Soledad General Plan.
 2. The site is physically suitable for the type of development proposed.
 3. The design of the TSM, as amended, and proposed improvements will not cause

environmental damage or adversely affect plant, fish and wildlife resources on the site. The previously certified Mitigated Negative Declaration on the project and the Initial Study document that there no such resources are present on the project site.

4. As conditioned, the amended TSM conforms to the requirements for improvements as set forth in Section 16.24.080 of the Soledad Municipal Code.
5. As conditioned, the design and implementation of the amended TSM, including proposed improvements, will not be harmful to public health, safety or welfare because mitigation measures and revisions have been incorporated to ensure that minimum standards of subdivision development have been adequately addressed.

B. The proposed amendment of TSM 2004-03 has been processed per the City's Subdivision Ordinance, Title 16, of the Soledad Municipal Code, and the State Subdivision Map Act to wit:

1. A complete application was received and filed by the Community Development Department for processing.
2. The application was reviewed by the Public Works Director, City Engineer, other departments and corrections are reflected in the map presented to the Planning Commission for approval.
3. A Public Hearing Notice was published in the Soledad Bee on May 23, 2007, and was posted at City Hall on May 23, 2007.
4. 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 this public hearing. A certification of mailing is on file with the Community Development Director.
5. A public hearing on this request to amend TSM 2004-03 was conducted by the Redevelopment Agency and City Council on June 6, 2007, and members of the public were invited to comment and all comments were considered by the Redevelopment Agency/City Council prior to its decision on the request.

STANDARD CONDITIONS

1. **Redevelopment Agency Approval.** This amended Tentative Subdivision Map is located in the Soledad Redevelopment Plan Area and is subject to approval of the Soledad Redevelopment Agency. The amended TSM shall not be deemed approved until approval by the Redevelopment Agency is granted.
2. **TSM Expiration.** The Tentative Subdivision Map as amended shall expire twenty-four (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 Subdivision Map Act.

3. **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.

4. **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 and any phase thereof, 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 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 by the Project Developer to the City, plus an amount necessary for the guarantee and warranty of the work for a period of one year following completion and acceptance.

5. **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 subdivision improvement agreement for the project.

6. **Subdivision Guarantee.** 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.

7. **Commitment to Serve.** Project Developer shall provide written evidence of commitment to serve from utilities, including, but not limited to, electrical service, natural gas service, telephone service, cable service if available, 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.
8. **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.
9. **Complete Infrastructure Improvements.** All infrastructure improvements (streets, sidewalks, storm drainage, sanitary sewer, water, undergrounding of gas, electric telephone and cable (if available) utilities, landscaping and other improvements and appurtenances) shall be constructed and in place prior to the issuance of occupancy permits for this project except as may otherwise be provided herein.
10. **Reciprocal Easements.** Reciprocal rights of ingress and egress, adequate to ensure access to all users or parcels as approved by the City, shall be granted and recorded for all users of the Project Site. Provisions/agreements for cost-sharing required maintenance of mutual use facilities and installations shall be provided to the City for review and approval.
11. **Offers of Dedication.** Any offers of dedication, and bonding or other financial security, or development agreement(s) concerning same and as specified in the special conditions below shall be prepared by the developer, 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 except as may be provided otherwise by Section 66562.5 of the Subdivision Map Act and Special Condition 22 herein.
12. **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.
13. **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.

SPECIAL CONDITIONS

Note: Conditions excerpted from or consistent with measures from the Village at Soledad project Mitigated Negative Declaration and/or Mitigation Monitoring Program are noted parenthetically as "MND-MMP".

Construction Requirements

14. **Geotechnical Investigation and On-Site Monitoring.** 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. 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.

15. **Storm Water Pollution Prevention Plan.** (a) Project Developer shall submit a Notice of Intent to the Central Coast Regional Water Quality Control Board (RWQCB) and prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for the project, which incorporates Best Management Practices that address source reduction and, if necessary, treatment, and which otherwise complies with Chapter 13.52 of the Soledad Municipal Code. 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 SWPPP shall be reviewed and approved by the City prior to issuance of a grading permit, and SWPPP measures shall be included in the grading plan that is reviewed and approved by the City.

(b) The SWPPP and Project Storm Drainage Improvement Plans shall include a storm water interceptor (oil-water interceptors) as part of the on-site storm system improvements to capture all petroleum distillates from the site and the sizing and location of the same shall be supported by calculations and approved by the City Engineer. (MND-MMP)

(c) During construction, the applicant shall conform to the City's pollution prevention requirements for construction contracts, which shall be placed on the project grading and construction plans (MND-MMP):

- 1) Perform major vehicle maintenance, repair jobs and equipment washing off-site, and properly maintain all vehicles and heavy equipment and inspect regularly for leaks;
- 2) Designate one area of the construction site, well away from any streams, open drainages, or storm drain inlets, for auto and equipment parking and routine vehicle and equipment maintenance;
- 3) Clean up spilled dry materials immediately. Do not wash them away with water and do not bury them;
- 4) Use only the minimal water needed for dust control;
- 5) Clean up liquid spills in paved or impermeable surfaces using "dry" cleanup methods (i.e., absorbent materials, cat litter and/or rags);
- 6) Clean up spills on dirt areas by removing and properly disposing of contaminated soil;
- 7) Report significant spills to the City of Soledad Fire Department first, as well the appropriate responsible agencies;
- 8) Store stockpiled materials, wastes, containers and dumpsters under a temporary roof or secured plastic sheeting;
- 9) Properly store containers of paints, chemicals, solvents and other hazardous materials in garages or sheds with double containment;
- 10) Place dumpsters under roofs or cover them with plastic sheeting at the end of each

- work day and during rainy weather;
- 11) Wash out concrete mixers only in designated washout areas where the water will flow into settling ponds or onto stockpiles of aggregate base or sand. Whenever possible, recycle washout by pumping back into mixers for reuse. Never dispose of washout into the street, storm drains, drainage ditches or streams;
 - 12) Apply concrete, asphalt and seal coat during dry weather. Keep contaminants from fresh concrete and asphalt out of the storm drains and creeks by scheduling paving jobs during periods of dry weather, allowing new pavement to cure before storm water flows across it;
 - 13) Cover catch basins and manholes when applying seal coat, slurry seal, fog seal, etc.; and
 - 14) Park pavers, which tend to drip continuously, over drip pans or absorbent materials.
16. **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 (MND – MMP):
- 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 streets as needed if visible soil material is carried out from the construction site onto Nestles Road and Los Coches Drive; 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.

17. **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. If a Native American site is discovered, then the evaluation process shall include consultation with the appropriate Native American(s). When Native American archaeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archaeologists who are either certified by the Register of Professional Archaeologists (RPA) or meet the federal standards as stated in the Code of Federal Regulations (36 C.F.R. 61), and Native American representatives who are approved by the local Native American community as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. (MND-MMP).

18. **Hazardous Materials.** In the event that subsurface structures are encountered during the development of the site, caution should be exercised in determining whether or not these structures contain asbestos, and, where there is any uncertainty, the Monterey County Department Division of Environmental Health shall be contacted for assistance. If they contain asbestos, they should be removed, handled, transported, and disposed of in accordance with the applicable local, state, and federal guidelines. (MND-MMP)

Infrastructure Improvements and Related Requirements

19. **Storm Drainage Improvements.** Project Developer shall prepare and implement a drainage improvement plan to complete the required onsite and offsite storm drain improvements. 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 prior to recordation of the final subdivision map. The ownership and maintenance of all on-site drainage facilities, driveways and other facilities serving the site shall be the responsibility of the Project Developer. All required off-site storm drainage improvements shall be installed prior to the completion of in-tract paving.
20. **Water Mains and Appurtenances.** Project Developer shall construct adequate on-site water system improvements for commercial, 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 water meters clustered wherever possible on-site to serve each use. Back-flow preventors shall be installed where required by the California Department of Health Drinking Water Division, including fire system and landscape irrigation system, and the back-flow preventors shall be on the State Approved List. Water main easements adequate to allow the City to maintain the system shall be provided throughout the site. Project Developer shall reimburse the City for any and all costs for water main sizing and water model/system map modifications.
21. **Sanitary Sewer Improvements.** Project Developer shall construct the necessary connections to the existing sanitary sewer system within Los Coches Drive and Nestles Road. A clean-out shall be installed at the street right-of-way for each connection to the City's sewer mains, and grease traps shall be constructed on-site for each restaurant and/or use which could cause grease to be introduced into the City sewer system.
22. **Street Frontage Dedication and Improvements.** Project Proponent shall acquire as applicable and dedicate street rights-of-way to the City of Soledad sufficient to provide for full street improvements along all Project Site frontages. Such improvements shall include

but not be limited to street construction, widening or paving, curb, gutter and drainage, installation of sidewalks, street lights, signs, thermoplastic striping, fire hydrants, and landscaping and street trees to City standards. Any existing street frontage improvements which are currently damaged, or which become damaged during construction of the Project, shall be removed and replaced.

(a) **Nestles Road Dedication:** Except as may otherwise be provided herein, the dedication for the public right-of-way for Nestles Road shall include the following: (1) a 32-foot right-of-way, comprising the 0.71 acre street dedication area, (2) the easterly 14-foot of the existing 20-foot easement area contiguous with the property's westerly boundary, extending from the southerly boundary of the Soledad Mission Shopping Center to a point approximately mid-way between the two most southerly residences on Nestles Road; and (3) the easterly 9 feet of the existing 20 foot easement area contiguous with the project's westerly boundary, extending from a point mid-way between the two southerly residences to approximately 40 feet from the southerly end of the project site.

In the event that Project Proponent is unable to acquire all or a portion of the off-site right-of-way as specified herein, Project Proponent shall provide written evidence documenting efforts to acquire said off-site land to the satisfaction of the City prior to approval of subdivision improvement plans. In this event, the subdivision improvement agreement shall require Project Proponent to dedicate a 35-foot right-of-way for the street dedication area along that section of Nestles Road where off-site right-of-way could not be acquired.

(b) **Nestles Road Improvement:** Project Proponent shall improve a typical 46-foot wide public right-of-way section for Nestles Road along the project frontage to include the following: 25-foot curb-to-curb pavement width, 10-foot sidewalk/planter strip along the project site frontage, 4-foot sidewalk along residential properties on the west side, and 5-foot landscaped strip (with screening) separating sidewalk from street. In addition, a left-turn lane shall be provided at the entrance road between Parcels 6 and 7. Required landscaped strip may be reduced to approximately two feet along the property line of the most southerly residence on Nestles Road to allow for adequate setback between said residence and right-of-way. Improvements may terminate approximately 40 feet before the southerly property line; bollards shall be provided at the said terminus; and Project Proponent shall landscape the section between terminus and the southerly property line and maintain said landscaping. In the event that Project Proponent is unable to acquire all or a portion of the off-site right-of-way as specified herein, improvements along the affected residential frontage shall be limited to 8-feet of additional pavement.

23. **Traffic Signing and Striping and Other Site Improvements:** The Project Developer shall provide stop bars and markings at the bottom leg of intersections and shall also provide stop signs with stop bars and markings at designated intersections of major site parking aisles. Project Developer shall also provide site lighting, fire hydrants, trash enclosures, transformer locations/improvements, site utilities, parking stalls, bus shelter and any other appurtenant improvements in accordance with City standards and the requirements of other agencies having jurisdiction. Easements shall be provided for each improvement, as required, in a location and of widths specified by the agencies/departments having jurisdiction. Minimum sight distances as determined by the applicable agencies/departments shall be provided for, especially as related to intersections, landscaping, signage improvements and building sizes/locations.

24. **Undergrounding Utilities.** All new utilities on the project site, and associated with the proposed subdivision, including gas, electrical, telephone, cable T.V. (if available) and electrical transformers, shall be placed underground. The existing utility service drops crossing Nestles Road and serving the residences shall be re-installed underground from the transmission line to the houses. Existing above-ground transmission lines and overhead utilities on the existing pole line are not required to be placed underground. Any required undergrounding of other utility lines shall be indicated on improvement plans (joint trench schematics) which shall be approved by the City prior to recordation of the Final Map.
25. **Public Transit Stop.** Project Developer shall provide a bus stop shelter within the Los Coches Drive public right-of-way in accordance with the design standards of the Monterey-Salinas Transit District. This shall be shown on the Final Map and the specifications for such included in the required Improvement Plans.
26. **Off-site Traffic-related Improvements.** Project Developer shall construct (or the City shall construct where noted and the Project Developer shall fund through a reimbursement agreement) the following improvements to adequately mitigate project-related traffic subject to a warrant study and approval, where required, from the California Department of Transportation (CalTrans):
- Re-stripe the Nestles Road/Los Coches Drive intersection and change the control to all-way stop;
 - Signalize the intersection of Front Street and Oak Street (to be constructed by City);
 - Signalize the intersection of Front Street/East Street and re-stripe the southbound and westbound approaches to said intersection (to be constructed by City);
 - Signalize the intersection of Front Street/Highway 101 Northbound Off-ramp and Hector de la Rosa Street (to be constructed by City); and
 - Signalize the intersection of Front Street/Highway 101 Southbound On-ramp and Nestles Road (to be constructed by City). (MND- MMP).

Engineering Studies/Calculations. All engineering design, including, but not limited to storm sewers and appurtenances, sanitary sewers and appurtenances; water systems and appurtenances; streets including geometrics, sight distances, lighting, retaining walls, signing and striping; storm drainage facilities; 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 .

27. **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 City Public Works Department prior to 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 that are acceptable to the Fire Chief.
28. **Access to Improvements.** 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). City encroachment permits for work undertaken within the public right-of-way shall be secured before work is commenced.

29. **Street Lights.** Project Developer shall install street lights of a type approved by the City and in a number and at locations sufficient to provide adequate lighting levels for public safety as determined by the City.
30. **Americans with Disabilities Act (ADA):** The Project Developer shall provide site and frontage improvements in accordance with ADA requirements as incorporated in the California Uniform Building Code.

Site Design and Landscaping

31. **Driveway Entrances and Parking.** All driveway entrances shall be constructed to City standards. A primary site entrance of minimum 42 foot curb-to-curb width shall be provided with sidewalk or walkway along at least one sides connecting to onsite buildings, and with travel lanes separated by a landscaped median having a 5-foot minimum inside-curb width. The location of parking stalls shall not obstruct or conflict with onsite vehicular circulation.
32. **Interim Landscaping on Parcels 4 and 6.** Prior to issuance of the first occupancy permits, interim landscaping of Parcels 4 and 6 shall be completed. Interim landscaping shall consist of turf and/or fast-growing ground cover and shall be irrigated and maintained by the Project Proponent.
33. **Parking Lot and Median Landscaping.** Parking lot landscaping shall be designed and implemented in accordance with provisions of Chapter 17.36 regarding parking lot landscaping. Interior landscaped planters shall have a minimum width of five (5) feet, exclusive of curbs.
34. **Project Site Lighting.** Project developer shall include a lighting plan for onsite pedestrian-scale lighting prepared by a qualified professional as part of the required subdivision improvement plans for the project site.
35. **Required Landscaped Yard Setbacks.** (a) In accordance with Chapters 17.28 and 17.36 of the Soledad Municipal Code, a landscaped setback, including shade trees, shall be provided along the Los Coches Drive frontage (required front yard) and between parking and the Nestles Road right-of-way. Notwithstanding the aforesaid provision, a minimum landscaped setback of fifteen (15) feet shall be provided on Parcel 8 at the intersection of Los Coches Drive and Nestles Road, and a minimum five (5) foot setback should be maintained between the drive-through lane and property line on said parcel. The area (square feet or acreage) of landscaped setback along both Los Coches Drive and Nestles Road shall be noted on the final landscaping plan and verified for consistency with City requirements prior to approval of the Final Map.
36. **Master Landscaping Plan.** (a) Project Developer shall submit detailed landscape and irrigation plans (Master Landscaping Plan) using "xeriscape" principles 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: required and other proposed setback areas, median(s), interior landscaped areas, and landscaped storm water retention area(s).

(b) Selection of shrubs and groundcover plant materials shall utilize xeriscape and low water use/drought tolerant principles and shall maximize ease of maintenance.

(c) Adequate on-site furniture (seating) shall be provided in front of and/or in close proximity to the theater to serve theater patrons and shoppers.

(d) Unless otherwise noted, all offsite and onsite common landscaping improvements shall be installed prior to issuance of certificate(s) occupancy, 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.

37. **Common Landscape Maintenance.** Project Developer shall maintain all landscaped areas along the project site frontage and all landscaped areas within the site free of weeds, trash and debris; all plant materials shall be continuously maintained in a healthy, growing condition; and all pedestrian furniture and any play apparatus shall be maintained and repaired or replaced as needed.

IMPACT MITIGATION FEES

38. **Water Facilities Mitigation Fees.** Project Developer shall submit water facilities mitigation fees at the time of issuance of building permits. 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.

39. **Sanitary Sewer Facilities Mitigation Fees.** Project Developer shall submit sewer facilities mitigation fees at the time of issuance of building permits.

40. **Storm Drain Facilities Impact Fees.** Project Developer shall submit storm drain facilities mitigation fees at the time of issuance of building permits for the project in accordance with established fees at that time. The Project Developer shall advance storm drainage facilities

41. 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.

42. **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.

43. **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 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. **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.
45. **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. Pursuant to the approved Mitigated Negative Declaration/Mitigation Monitoring Program for this project, the City will construct and the Project Developer will be responsible for ~~constructing~~ funding those signals at the intersections of Front Street/East Street, Front Street/Oak Street, Front Street/Nestles Road/Highway 101 Southbound On-ramp, and Front Street/Highway 101 Northbound Off-ramp/ H. de la Rosa Street, ~~contingent upon approval by CalTrans,~~ and reimbursed through a Reimbursement Agreement. ~~the City's collection of traffic impact fees such that the project would ultimately pay its "fair share" toward the signals.~~

Miscellaneous

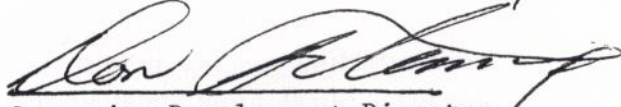
46. **Conditional Use Permit Approval Required.** Prior to approval of the Final Map by the Soledad City Council, the Project Proponent shall obtain a conditional use permit to allow the proposed uses and development of the Soledad Village Center. A revised site plan consistent with applicable conditions herein shall be submitted for consideration and approval by the Planning Commission at this time. In addition, preliminary landscaping and lighting plans, building elevations and color palettes for the project shall be submitted concurrent with the revised site plan for consideration and approval by the Planning Commission acting as the Architectural Review Committee pursuant to Section 17.08.030 of the Soledad Zoning Ordinance.
47. **Development Agreement.** Project Developer and City agree that within ninety (90) days of the recordation of the final map, they will enter into a negotiated Development Agreement, which among other matters, may incorporate and provide for implementation of the final map and the conditions of approval, set forth and clarify development responsibilities, include provisions concerning the timing of development and may include alternative methods of payment of impact fees, sharing of infrastructure costs and similar considerations. The Development Agreement must be executed and recorded, at Project Developer's Cost, prior to the issuance of building permits for any lot in the Subdivision. This condition shall be binding upon Project Developer, its heirs, successors and assigns. Project Developer shall be charged with the responsibility of providing notice of this requirement to any successor and assign, and City approval of any assignment or transfer of ownership of any interest in this Project shall be conditioned on written acknowledgment of this condition.
48. **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.

I hereby declare that I have read the foregoing conditions and that they are, in fact, the conditions, which were imposed upon the approval of this vesting tentative map. I agree to abide fully by these conditions.

Dated: 7/17/07

Applicant: William J. Shum

Date: 07/17/07


Community Development Director