Attachment G

RESOLUTION NO. 5436

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD APPROVING A VESTING TENTATIVE MAP FOR THE MIRAMONTE SUBDIVISION, INVOLVING APPROXIMATELY 647 ACRES

WHEREAS, the adopted City of Soledad 2005 General Plan designates certain lands for urban growth and development within areas designated by the General Plan as the Mirassou, San Vicente West and Northwest Expansion Areas; and

WHEREAS, Soledad General Plan (Program 2.1) does direct the City to pursue an application to the Monterey County Local Agency Formation Commission (LAFCO) for an amendment of its sphere of influence consistent with the General Plan; and

WHEREAS, the City of Soledad and the County of Monterey developed, adopted, and signed a memorandum of agreement (MOU) in 2016, incorporated herein by reference, to cooperate on common planning, growth, and development issues; and

WHEREAS, the MOU established planning principles for both parties to promote logical and orderly development, direct development away from the best agricultural lands, stay within the urban growth boundary established by the City's General Plan and the MOU, encourage "City Center" growth, and provide compact urban form development through the use of specific plans; and

WHEREAS, through adoption of Resolution2018-04, the Planning Commission recommended that the City Council of the City of Soledad initiate proceedings with LAFCO for an amendment to its sphere of influence (SOI) and for Reorganization, including Annexation, to include approximately 647 acres of property ("Subject Property") to the city, which property currently falls within the Mirassou, San Vicente West, the North Entry Commercial Specific Plan Area and Entry Commercial Expansion Area, and Northwest Expansion Areas as set forth in the City of Soledad's General Plan; and

WHEREAS, the subject property is located in unincorporated Monterey County generally between San Vicente Road and Orchard Lane north and west of the current City limits, and consists of Assessor's Parcel Numbers 417-151-082, 417-151-084, 417-151-089, 417-151-090, 417-151-091, 417-151-092,and additional properties in 257-081-005 and beyond to accommodate the San Vicente Road rights of way; and

WHEREAS, the the City Council of the City of Soledad adopted a General Plan Amendment and Specific Plan for the subject properties known as the Miramonte Plan Area through Resolution 5433; and

WHEREAS, the City Council of the City of Soledad adopted Ordinance 718, Pre-zoning the subject properties to be consistent with the Miramonte Specific Plan; and

WHEREAS, the City Council adopted Resolution 4565 in 2010 directing City Staff to pursue a SOI amendment, but those applications were never filed with Monterey County LAFCO to request the amendment; and

WHEREAS, the City of Soledad did, however, comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 et seq., the CEQA Guidelines, California Code of Regulations, Title 14 Section 15000 et seq.; and the City Council, prior to or concurrent with the approval of Resolution 4565, considered and certified the Final Environmental Impact Reports for both the City of Soledad 2005 General Plan (SCN# 2005032722) and for the proposed 2010 Miravale III Specific Plan (SCN# 2006081129); and

WHEREAS, both adequately address the environmental effects of the proposed Specific Plan and boundary change pursuant to CEQA, and with the adoption of the Soledad General Plan on September 21, 2005 the City Council did make certain findings of fact regarding the significant environmental impacts of the General Plan and did adopt a Statement of Overriding Consideration through approval of Resolution 3678; and

WHEREAS, the Applicant for the Miravale III project resubmitted project applications on July 26, 2017, under the name Miramonte, for a reduced size project; and

WHEREAS, in an attempt to address the 2010 City Council concerns, the Applicant reduced the project planning boundary from 920 acres to 647 acres (a 273 acre project reduction) and the project residential density from 4,200 to 2,392 (a 2,081 residential unit reduction), as well as removing residential lots from above the 400 foot contour consistent with the City's General Plan; and

WHEREAS, the City Council finds that due to the reduction in size of the project boundary (by 273 acres) and density (by 2,081 residential units) that the 2010 certified Miravale III FEIR is adequate to evaluate the proposed project with the addition of an Addendum, prepared in accordance with Section 15164 of the CEQA guidelines, to describe the revised and reduced project and to clarify mitigations contained in the 2010 certified FEIR; and

WHEREAS, the City of Soledad City Council adopted the Addendum to and Mitigation Monitoring and Reporting Program for the 2010 certified Miravale III FEIR through Resolution 5431 and Resolution 5432; and

WHEREAS, the principal reasons for the City Council to approve the Miramonte Vesting Tentative Subdivision Map are as follows:

1. The City Council finds that it is appropriate to request LAFCO amend the City's SOI and Reorganize boundaries (including Annexation) for this 647 acre territory, including the San Vicente Road corridor, and that this action is consistent with the MOU by directing growth within the Urban Growth Boundary, directing development away from the best agricultural lands, meeting "City-Centered" growth principles, preparing a specific plan that includes residential densities that ensure a compact urban form and help to preserve and buffer agricultural uses from premature conversion, and provide a substantial public benefit in public parks, open space, and the preservation of hillside views and natural resources; and

2. The City Council finds and recognizes that a LAFCO amendment to the SOI and annexation of the subject properties and adjoining roadways to the City is a prerequisite to implementation of the Miramonte Specific Plan and the effective date of the Vesting Tentative Subdivision Map; and

3. The City Council finds that the amendment to the City's General Plan and adoption of the Miramonte Specific Plan is consistent with and facilitates the fulfillment of the goals, policies and objectives set forth in the City of Soledad General Plan, as the plan area and subject properties are proposed for future development in the 2005 Soledad General Plan; and

4. The City Council finds that the Specific Plan has been revised in accordance with the 2010 City Council direction and/or mitigation measures identified in the certified Miravale III Specific Plan FEIR or the Addendum to that FEIR; and

5. The City Council amended the City's General Plan Land Use Map to include a designation of the "Miramonte Specific Plan" area, noted as "MM-SP" on the map, over the subject properties and adopted the Miramonte Specific Plan through Resolution 5433; and

6. The City Council approved Ordinance 718 Pre-zoning the subject properties known as the Miramonte Specific Plan Area to "MM-SP"; and

7. The City, as a part of their consideration of the SOI Amendment and Reorganization request, General Plan Amendment, adoption of the Specific Plan, and Pre-zoning of the subject properties, reviewed and considered the CEQA and Project Findings, attached to the SOI Amendment Resolution and incorporated herein by reference; and

8. The City Council further finds that the approval of this Vesting Tentative Subdivision Map will promote the general health, safety and welfare of the community; and

WHEREAS, the City of Soledad Planning Commission and City Council members held a joint duly noticed public workshop on September 14, 2017 to review the previous plan area and project history, past actions, the current plan area and project description, available documentation on the project, currently proposed actions, and to hear public testimony; and

WHEREAS, notice of time and place of hearing for the City Council's deliberations regarding consideration of the Miramonte Vesting Tentative Subdivision Map was given in the manner prescribed by law and by the City; and

WHEREAS, the City Council, at special meeting held August 28, 2018, it considered the Miramonte Vesting Tentative Subdivision Map, the Staff Report and presentation, public testimony, documentary evidence introduced and received during the public hearing along with the entire public record, weighed the evidence before it and made CEQA and Project Findings, approved the Miramonte Vesting Tentative Subdivision Map, subject to conditions and to LAFCO approval of the SOI Amendment and Reorganization/Annexation.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Soledad approves the Miramonte Vesting Tentative Map, subject to conditions and LAFCO action to amend the City SOI and Reorganize/Annex the subject properties into the City of Soledad as follows:

1. All of the recitals set forth above are true and correct to the best of the City Council's knowledge, and are incorporated herein by reference and made part of this resolution by this reference; and

2. That the City Council finds that it has been provided with and reviewed all evidence available in the administrative record to support the findings of project consideration, as well as the Staff Report, presentation by staff, written and oral testimony (collectively, the "Record of Proceedings"), and hereby provides notification that the Record of Proceedings is on file with the clerk of the City of Soledad; and

3. The City Council finds it has reviewed and considered the 2010 certified Miravale III FEIR, the Addendum to that document, the Mitigation Monitoring and Reporting Program, the CEQA Findings, including the Statement of Overriding Considerations, and the Project Findings, all of which is incorporated herein by reference; and

4. Based upon the City Council's review of the evidence in the record, it finds that the statement of Overriding Considerations provides substantial evidence that the environmental risks of approving the Miramonte Vesting Tentative Subdivision Map have been balanced against the benefits to the community; and

5. Finds that, after reviewing the Record of Proceedings, findings supported by evidence in the record provide cause for recommending approval of the Miramonte Vesting Tentative Subdivision Map subject to conditions and LAFCO actions to amend the SOI and Reorganize/Annex the territory into the City of Soledad; and

6. The City Council finds by adoption of this Resolution that they have approved the Miramonte Vesting Tentative Subdivision Map for the subject properties (Miramonte Specific Plan Area), illustrated on the map in **Exhibit A**, incorporated herein by reference, subject to conditions of approval contained in **Exhibit B** attached hereto and incorporated herein by reference, and further subject to LAFCO actions to amend the SOI and Reorganize/Annex the territory to the City of Soledad, and adopt the CEQA and Project Findings, attached to the SOI Amendment Resolution and incorporated herein by reference.

PASSED AND ADOPTED this 23rd day of October, 2018, by the City Council of Soledad, by the following vote:

AYES, and in favor thereof, Councilmembers:
NOES, Councilmembers:
ABSTAIN, Councilmembers:
ABSENT**,** Councilmembers:

_____
FRED J. LEDESMA, Mayor

ATTEST**:**

_____
MICHAEL MCHATTEN, City Clerk

EXHIBIT A

MIRAMONTE VESTING TENTATIVE SUBDIVISION MAP
(SPECIFIC PLAN FIGURE 1-5)

EXHIBIT A WILL BE PRESESNTED ON THE DAIS AT THE MEETING.

EXHIBIT B

MIRAMONTE VESTING TENTATIVE SUBDIVISION MAP

CONDITIONS OF APPROVAL

VESTING TENTATIVE MAP

MIRAMONTE SUBDIVISION

MONTEREY COUNTY, CALIFORNIA

NOTES

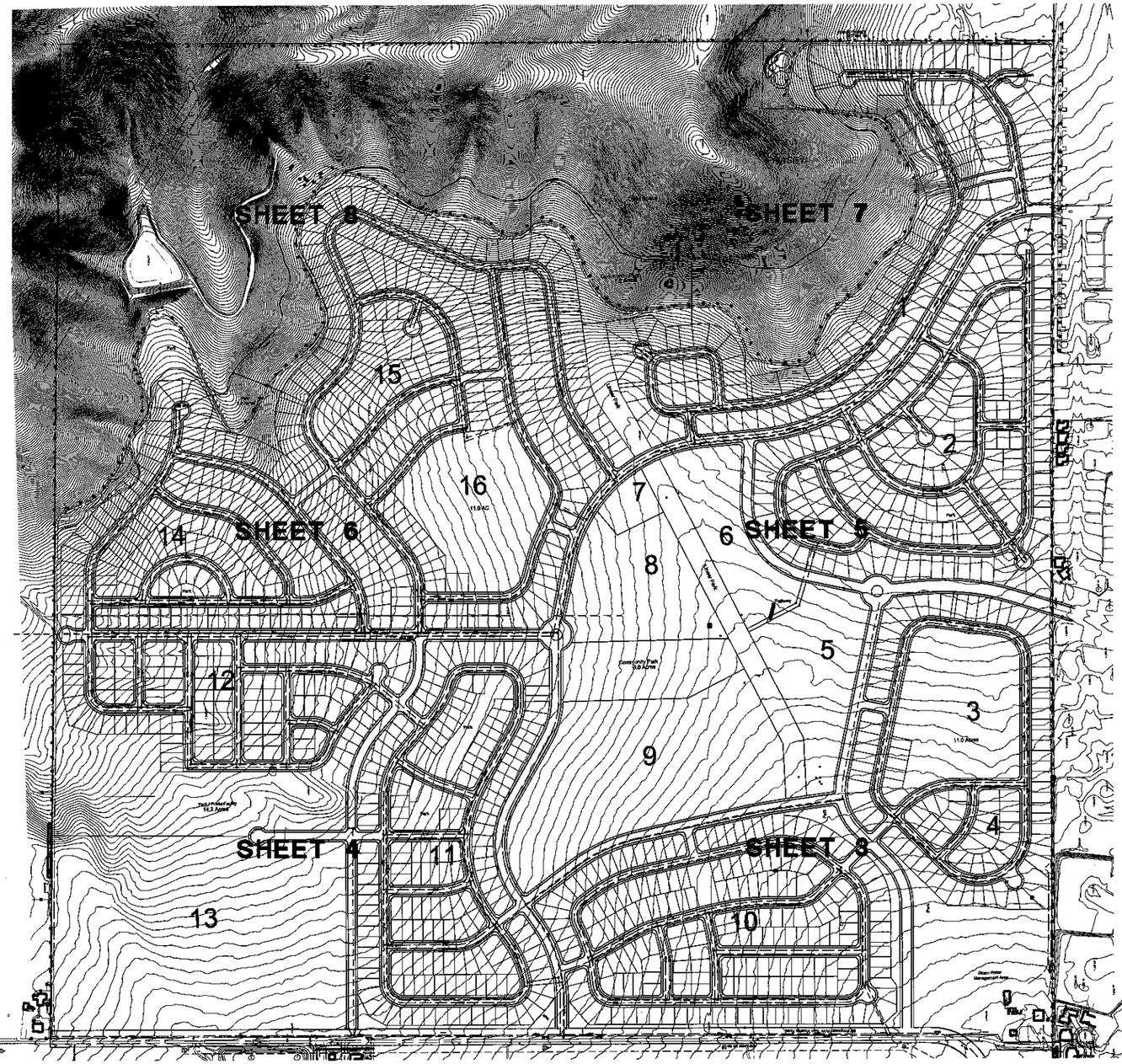
THE PROPERTY TO BE SUBDIVIDED CONSISTS OF SECTION 15: APN 417-151-082, 417-151-084, 417-151-089, 417-151-090, 417-151-091 AND 417-151-092. THE PROPERTIES HAVE FRONTAGE ON SAN VICENTE ROAD.

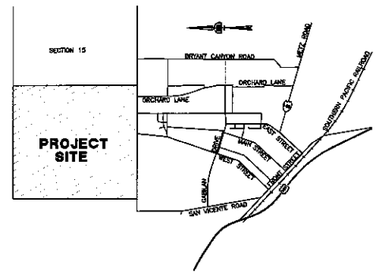
EXISTING ZONING:

MONTEREY COUNTY F/40 (FARMLAND; 40-ACRE MINIMUM FOR ALL PARCELS. APN 417-151-089 ZONING IS MONTEREY COUNTY F/40 AND PG/40 (FARMLAND, 40-ACRE MINIMUM AND PERMANENT GRAZING 40-ACRE MINIMUM).

PROPOSED UTILITY SUPPLIES

ELECTRICITY – PG&E
GAS – PG&E
CATV – CHARTER COMMUNICATION CO.
WATER – WELLS
SANITARY SEWER – PUBLIC UTILITY
STORM DRAINAGE – PUBLIC UTILITY
TELEPHONE – AT&T





VICINITY MAP
NOT TO SCALE

PROJECT TEAM

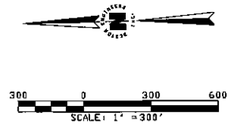
OWNERS:

ANDALUCIA LTD
P.O. BOX 3016
MONTEREY, CA 93942

HMBY, LP
P.O. BOX 3016
MONTEREY, CA 93942

ENGINEERS & PLANNERS:
BESTOR ENGINEERS, INC.
9701 BLUE LARKSPUR LANE
MONTEREY, CA 93940
TEL.# (831) 373-2941

DEVELOPER & SUBDIVIDER:
NADER AGHA
449 ALVARADO STREET
MONTEREY, CA 93940
TEL.# (831) 646-9030



REVISIONS

DESIGNED BY
DRAWN BY
DATE:
ENGINEER
RCE:
EXP:

PRELIMINARY
NOT FOR CONSTRUCTION

BESTOR ENGINEERS, INC.
CIVIL ENGINEERING – SURVEYING – LAND PLANNING
9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940

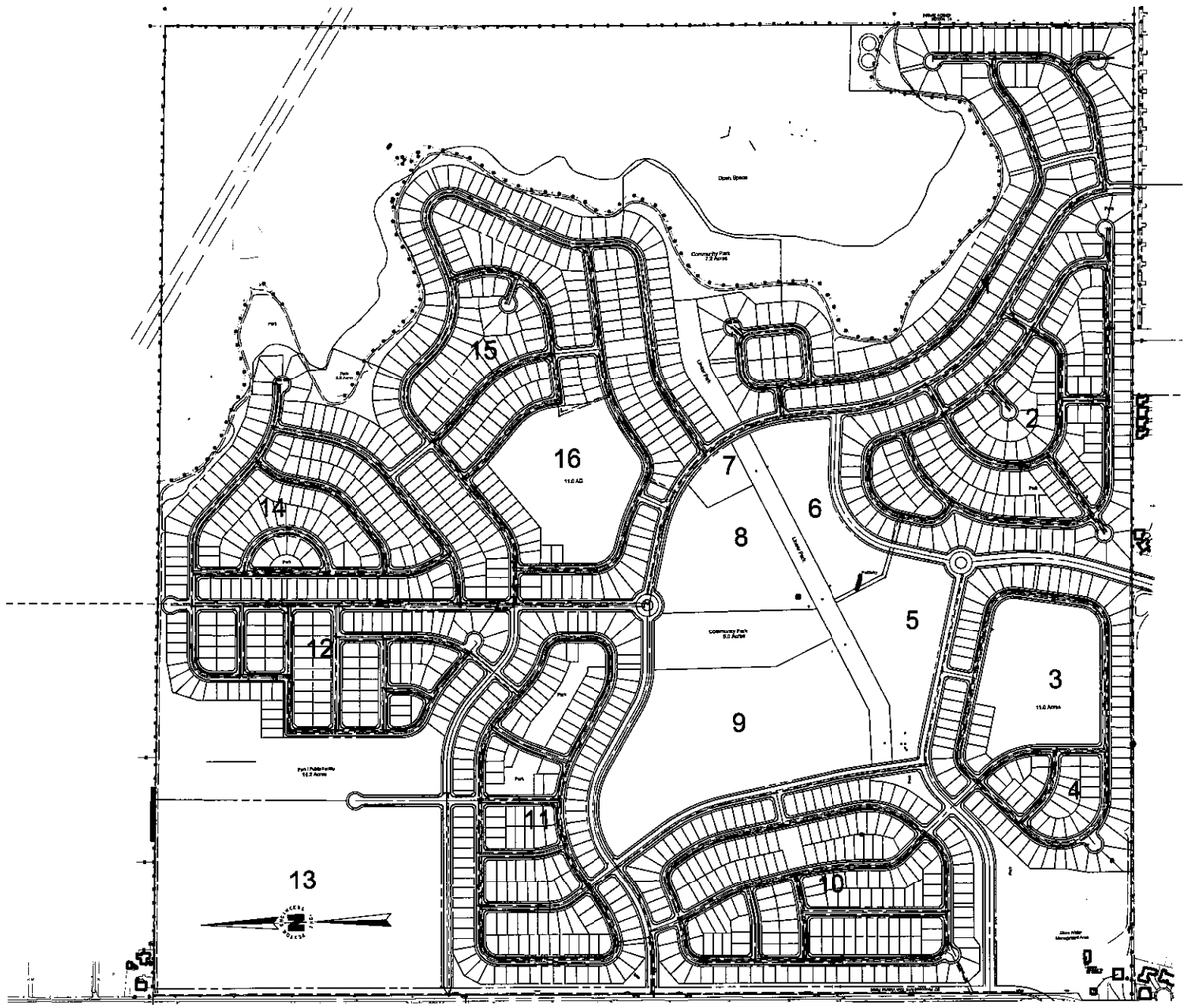
PREPARED FOR: NADER AGHA

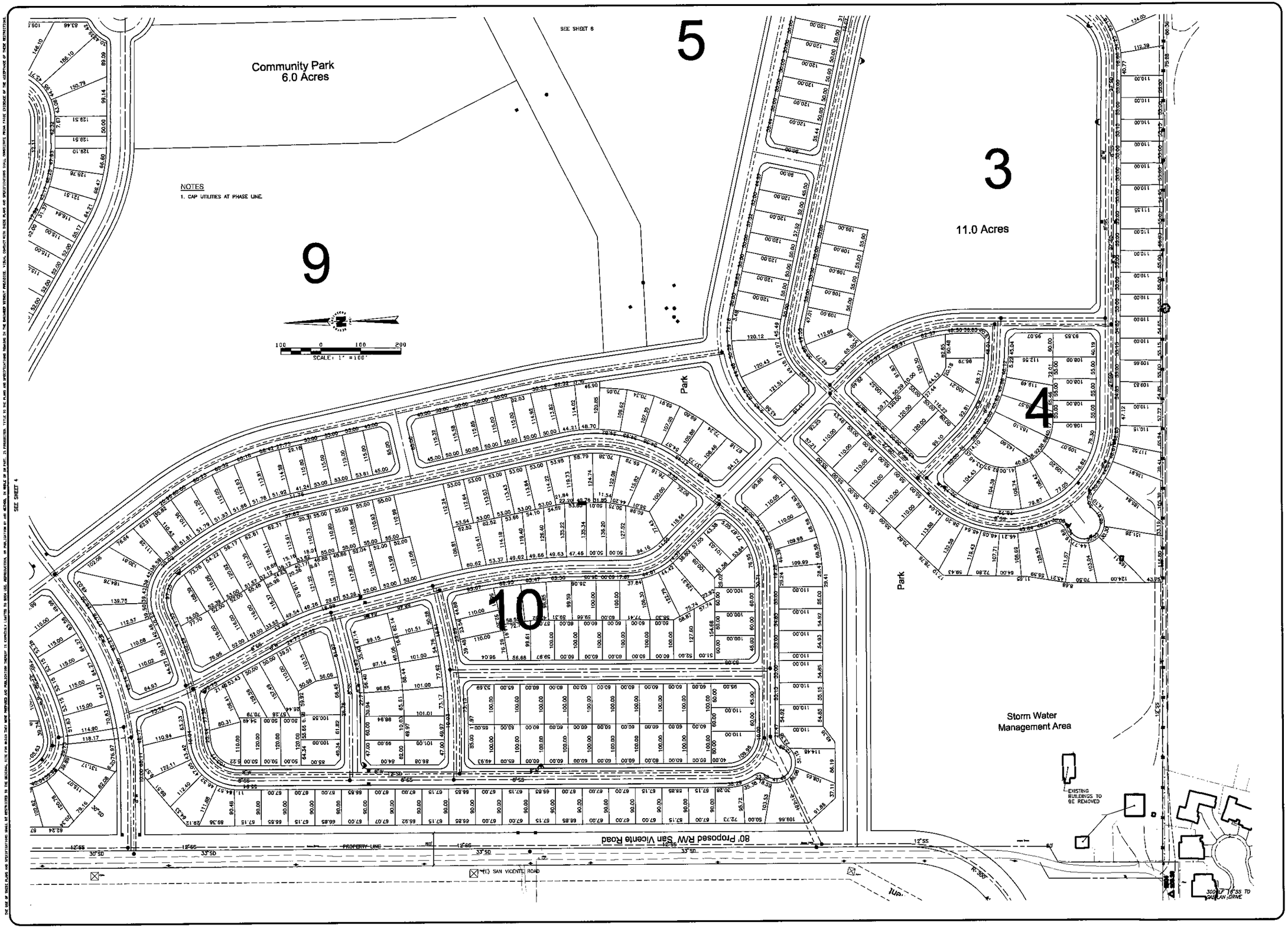
MIRAMONTE SUBDIVISION
VESTING TENTATIVE MAP
SOLEDAD, CALIFORNIA

COUNTY OF MONTEREY, CALIFORNIA

SCALE: 1"=300'
DATE: 8/17/18
SHEET: 1 OF 8
WO: 6310.00

THE USE OF THESE PLANS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. REPRODUCTION OF PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS IN THE CONSULTANT WITHOUT PREJUDICE. VISUAL CONTACT WITH THESE PLANS AND SPECIFICATIONS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.


15
16
14
12
13
11
7
6
8
5
3
9
4
10
2
Open Space
Community Park
Community Park
Park
Park
Park/Multi-Family
Park
Park
Park



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ENGINEER

RCE

EXP:

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9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940

PREPARED FOR: NADER AGHA

MIRAMONTE SUBDIVISION

VESTING TENTATIVE MAP
SOLEDAD, CALIFORNIA
COUNTY OF MONTEREY, CALIFORNIA

SCALE: 1"= 100'
DATE: 5/19/17
SHEET: 3 OF 8
WO: 6310.00

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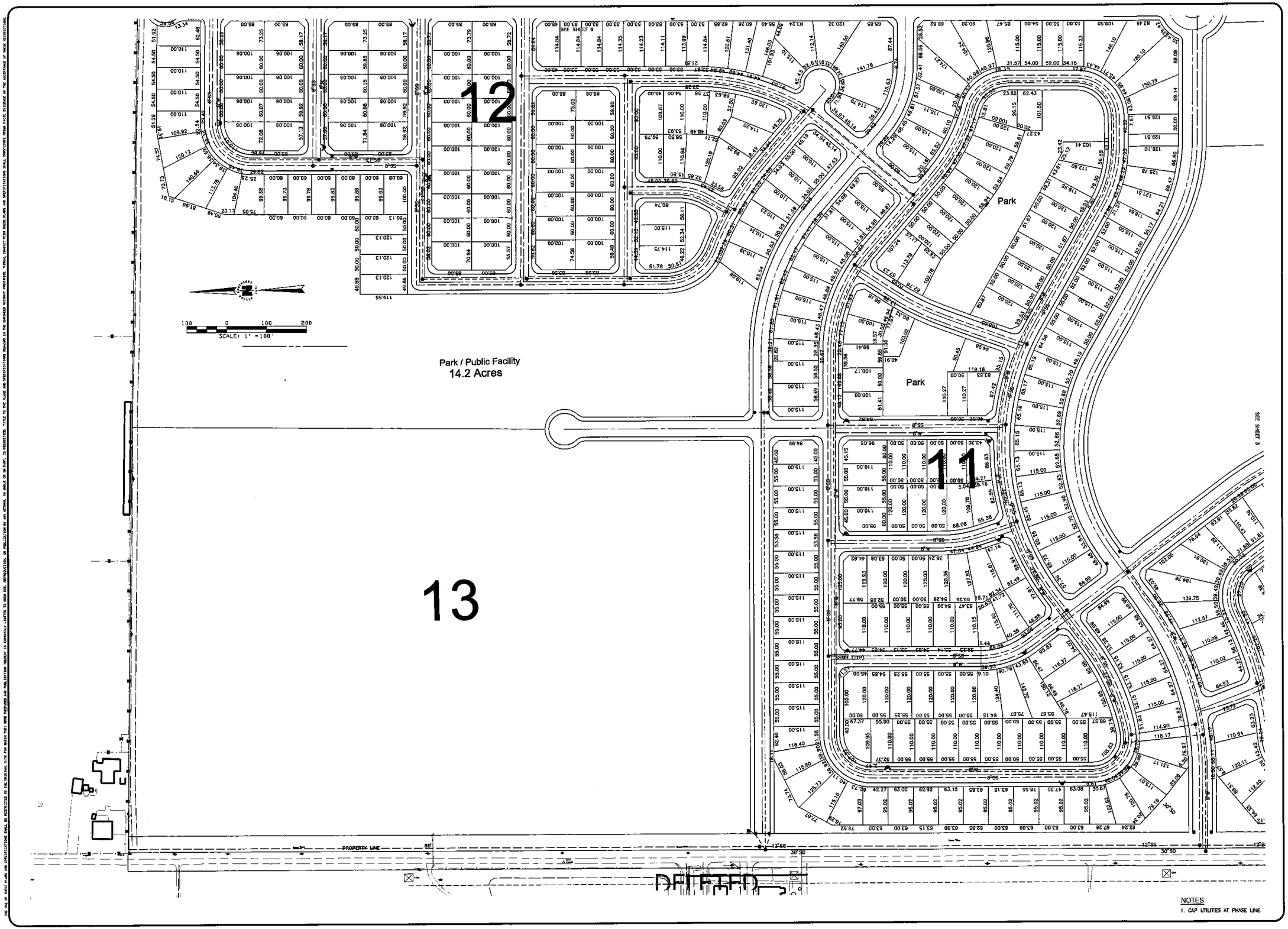

NOTES

1. CAP UTILITIES AT PHASE LINE.

REVISIONS

1

DESIGNED BY

DRAWN BY

DATE:

ENGINEER

RCE

EXP:

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9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940

PREPARED FOR: NADER ASHA

MIRAMONTE SUBDIVISION

VESTING TENTATIVE MAP
SOLEDAD, CALIFORNIA
COUNTY OF MONTEREY, CALIFORNIA

SCALE: 1"= 100'
DATE: 8/17/18
SHEET: 4 OF 8
WO: 6310.00

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DRAWN BY
DATE:
ENGINEER
RCE
EXP:

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NOT FOR CONSTRUCTION

BESTOR ENGINEERS, INC.
CIVIL ENGINEERING - SURVEYING - LAND PLANNING
9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940

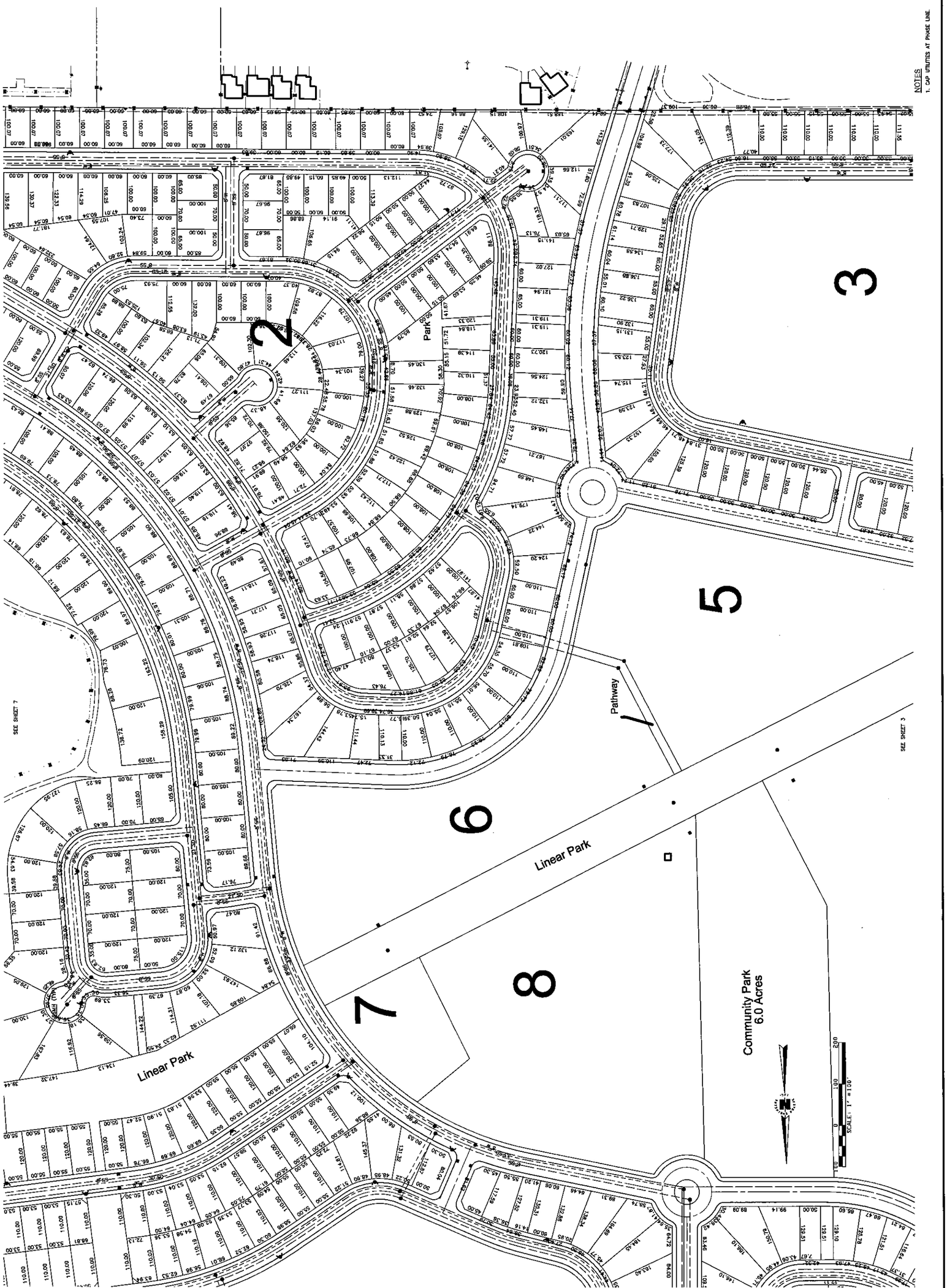
PREPARED FOR: NADER AGHA

MIRAMONTE SUBDIVISION
VESTING TENTATIVE MAP
SOLEDAD, CALIFORNIA

COUNTY OF MONTEREY, CALIFORNIA

SCALE:	1"= 100'
DATE:	8/17/18
SHEET:	5 OF 8
JOB NO.:	6310.00

NOTES
1. CAP UTILITIES AT PHASE LINE.



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SEE SHEET 5

Park

Park
2.2 Acres

15

16

11.0 AC

14

12

Park

Park

SSMH (TYP)

SEE SHEET 4

SEE SHEET 4

SCALE: 1" = 100'

NOTES

1. CAP UTILITIES AT PHASE LINE.

REVISIONS

DESIGNED BY

DRAWN BY

DATE:

ENGINEER

RCE

EXP:

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BESTOR ENGINEERS, INC.
CIVIL ENGINEERING - SURVEYING - LAND PLANNING
9781 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940

PREPARED FOR: NADER AGHA

MIRAMONTE SUBDIVISION

VESTING TENTATIVE MAP
SOLEDAD, CALIFORNIA

COUNTY OF MONTEREY, CALIFORNIA

SCALE: 1" = 100'
DATE: 8/17/18
SHEET: 6 OF 8
WO: 6310.00

POB:SE CORNER
SECTION 16

TWO 1 MILLION GALLON WATER TANKS
WATER LEVEL 420 TO 450

Open Space

Community Park
7.2 Acres

Linear Park

Park

SCALE: 1"=100'

SEE SHEET 8

NOTES
1. CAP UTILITIES AT PHASE LINE.

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DRAWN BY
DATE:

ENGINEER
RCE

EXP:

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9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940

PREPARED FOR: NADER AGHA

MIRAMONTE SUBDIVISION

VESTING TENTATIVE MAP
SOLEDAD, CALIFORNIA

COUNTY OF MONTEREY, CALIFORNIA

SCALE: 1" = 100'
DATE: 8/17/18
SHEET: 7 OF 8
WO: 6310.00

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NOTES

1. CAP UTILITIES AT PHASE LINE.

REVISIONS

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DATE:

ENGINEER

RCE

EXP:

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NOT FOR CONSTRUCTION

BESTOR ENGINEERS, INC.
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9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940

PREPARED FOR: NADER AGHA

MIRAMONTE SUBDIVISION

VESTING TENTATIVE MAP

SOLEDAD, CALIFORNIA

COUNTY OF MONTEREY, CALIFORNIA

SCALE: 1" = 100'

DATE: 8/17/18

SHEET: 8 OF 8

WO: 6310.00

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Exhibit B
City Council Resolution # 5436
Miramonte – Vesting Tentative Map

Standard Conditions

1. Approval of this vesting tentative map (VTM) is conditional upon adoption by the City Council of related amendments to the Soledad 2005 General Plan and prezoning of the site, and upon completion by the Local Agency Formation Commission of annexation of the subject property to the City of Soledad, after which date the vesting map shall be effective and time limits begin to run. Note: The zone classification established through the prezoning procedure shall become effective and enforceable at the time annexation of the territory to the City becomes effective. The expiration of the VTM, unless formally extended, 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 VTM. Extensions of time shall be considered pursuant to the City of Soledad Subdivision Ordinance and the State Map Act.

2. Prior to expiration of the approved VTM, a final map(s) shall be prepared in compliance with this conditional map approval and all applicable City and State regulations. The final map(s) shall be submitted for the review and approval of the Public Works Director/City Engineer and Community Development Director. Improvement plans shall accompany submittal of the final map(s).

3. All improvements as described in Chapter 16.24 of the Soledad Municipal Code and as required in these conditions and any subsequent improvement agreement, development agreement, and all mitigation measures shall be designed and/or installed to the satisfaction of the Public Works Director/City Engineer and Community Development Director. Unless otherwise noted, all improvements shall be designed by a Civil Engineer licensed in the State of California.

4. 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 a geotechnical investigation prepared for the site, as well as all such recommendations set forth in any required hydrology report shall be incorporated into the final building and improvement plans for the project. 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 Engineer prior to recordation of a final subdivision map for each phase of the project. Said engineer will submit evidence that grading and excavation were performed consistent with the recommendations of the geotechnical investigation.

5. The developer shall obtain encroachment permits from the State Department of Transportation (Caltrans) and/or the City of Soledad for any work performed in the public rights-of-way and a contractor licensed in the State of California, having a City of Soledad Business License, shall construct the work.

6. Any offers of dedication, bonding or other financial security, or development agreements, 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 any final map.

7. A development agreement shall be established between the developer and the City, which shall incorporate and provide for implementation of the VTM and the conditions of approval set forth herein. The development agreement shall contain the subdivision phasing plan, comprehensive financing plan required by these conditions, and shall address other issues of concern to the parties including, but not limited to, defining responsibilities of the developer and the City (e.g. dedication of land, utility and roadway infrastructure, water, wastewater, and storm water improvements, affordable housing requirements, timing for commercial development, definition of the Residential Study Area, definition of the conservation easement over the open space area, establishment of and payment provisions for development impact fees (which may vary from those applicable city-wide both in terms of improvements and amount of fees), responsibilities for school district improvements, police/fire substation, etc.). The development agreement shall be approved by both parties and submitted for consideration and approval by the City Council prior to acceptance of the first final map.

8. The developer shall prepare separate subdivision improvement agreements for each phase of the project requiring submittal of a separate final map. Said agreements shall set forth the necessary public service improvements to serve any phase of the project, including transportation, water service, sewer service and storm water improvements, and shall require performance, materials, and labor bonds to cover such improvements. The subdivision improvement agreements shall be submitted for consideration and approval by the City Council prior to or concurrent with requests for approval of final maps.

9. Unless otherwise specified, developer shall be responsible for 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.

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

11. Developer shall reimburse the City of Soledad for all engineering, inspection, legal and administrative expenses, included or to be incurred by the City in connection with the project, including expenses incurred through the use of outside consultants and additional inspectors, where necessary. An account with the City for costs associated with the processing of the project has previously been established by the developer. At the time of submission of improvement plans for the project, the developer shall deposit funds sufficient to raise said account to the total of $50,000. The City shall account to the 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 isinsufficient to cover all expenses, developer shall, within fifteen (15) days after written request for 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 for each phase shall the balance of the deposit fund be less than $25,000. 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 agreements for all phases of the project, and 3) compliance with all mitigation measures set forth in the Mitigation, Monitoring and/or Reporting plan, and 4) acceptance of all phases of the subdivision depicted on the VTM. Developer's failure to maintain the balances set forth in this paragraph shall entitle City and all employees and agents thereof to terminate all work on the project until compliance is achieved.

12. 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. Developer(s) shall be responsible for carrying out all duties assigned to developer in the Mitigation, Monitoring and/or Reporting Program adopted for the project. To the extent necessary, developer's compliance with said Program shall be subject to review and approval by those agencies and officials designated in the Program.

14. 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. The subdivision guarantee shall be submitted prior to approval of any final subdivision map(s).

15. Developer shall provide evidence of commitment to serve from utilities, including, but not limited to, electrical service, natural gas service, telephone service, cable television service, internet service, and postal service. Said evidence shall be reviewed and approved by the City Public Works Director prior to approval of any final subdivision map(s) by the City Council.

16. Developer shall prepare a Covenant of Codes and Restrictions for all units within the project which shall be reviewed and approved by City prior to approval of the final map for each phase, and recorded against each residential unit on the project. The CC&Rs shall include a provision requiring review and approval by the City prior to any future revisions to each unit.

17. Failure to comply with any conditions specified herein as the basis for approval of this application shall render the VTM invalid.

Project Specific Conditions

18. Conditions Precedent: Approval of this VTM is conditional upon completion of Conditions Precedent. Approval of this VTM is also conditional upon adoption by the City Council of related amendments to the Soledad 2005 General Plan and prezoning of

the site, and upon completion of annexation of the subject property to the City of Soledad. Note: The zone classification established through the prezoning procedure shall become effective and enforceable at the time annexation of the territory to the City becomes effective.

a. The applicant/developer(s) are responsible for the preparation of all maps, payment of all processing and impact fees, and costs of City application processing and administrative costs throughout project implementation, including immediate staff and consultant costs for the LAFCO sphere amendment and annexation requests. Prior to City initiation of the sphere of influence amendment and reorganization (annexation) requests, the applicant shall provide at their expense, all engineered base maps necessary for the LAFCO applications, and payment of fees.

19. Consistency with Specific Plan: Final tract maps shall be prepared to be in substantial conformance with Figure 1-4, Miramonte Specific Plan Land Use Diagram, and Figure 2-3, Miramonte Specific Plan Land Use Diagram and Conceptual Lotting Program, which require revisions to the VTM, implemented through final map(s), showing that specific plan policies have been met prior to acceptance of any final map(s) and subject to review and approval by the City Community Development Director (CDD) and City Council.

20. Agricultural Mitigation: Concurrent with recordation of the first final subdivision map, developer(s) shall provide mitigation for conversion of Prime Farmland by entering into a contractual agreement with the City and/or a non-profit to provide agricultural mitigation to compensate for the conversion and loss of Prime Farmland or Farmland of statewide importance to urban uses, as required by the Miramonte Specific Plan Policy LU – J, by one of the following methods:

a. Provide the in-kind direct purchase/acquisition of an agricultural mitigation easement at a 1:1 ratio and dedicate the easement to an agricultural land trust or other qualifying entity; and/or

b. If available, purchase agricultural banked mitigation credits at a 1:1 ratio from a qualifying entity; and/or

c. Pay an in-lieu mitigation fee, which amount shall be determined by the City prior to approval by the City Council of the first final map. The amount of the fee should reasonably be expected to lead to the reservation of agricultural land. Said fee shall be kept by the City in a fund established specifically for agricultural land mitigation purposes; and/or

d. Implement other innovative approaches as approved by the City that results in the preservation of agricultural land within areas targeted by the City.

This requirement shall also be reflected in the development agreement (DA).

21. Deed Restriction – Right-to-Farm: Developer shall prepare a deed restriction for each new lot in the proposed project indicating the right-to-farm for adjacent agricultural operations. The deed restriction shall only be enforced as long as the adjacent

agricultural/vinticultural operations continue and are not converted to urban uses. The deed restriction shall be recorded concurrently with the final subdivision map(s) for each phase and evidence of said recordation shall be submitted to the Community Development Director and Public Works Director concurrent with the recording of the final subdivision map for each phase.

22. Residential Study Area:

    a. The land subdivision, street layout, drainage and utility infrastructure, including a minimum 100-foot wide agricultural buffer on the northern boundary for the Residential Study Area, noted as Sub-area 13 on the Specific Plan Land Use Diagram, shall be included on the final map prior to its acceptance by the City.

    b. The final map within Sub-area 13 shall include a minimum of two acres for the Soledad High School Future Farmers of America program facility prior to acceptance of the final map by the City Council.

23. Affordable Housing:

    a. The developer(s) shall have prepared, at their expense, and enter into an Affordable Housing Agreement with the City, subject to review, discussion, and revision by City Staff and City Council approval prior to or concurrent with City Council approval of the first final map and improvement plans.

    b. The Affordable Housing Agreement shall be subject to the City requirements and include, but not be limited to, affordable housing unit types, numbers, level of affordability, restrictions, financing (if known), and timing/trigger mechanisms for when units are required to be built.

24. Multi-Family Development: Development of multi-family dwellings shall be limited to two story structures, with no more than twenty (20) units allowed per building within a residential multi-family development.

25. Multi-Family and Affordable Housing:

    a. The developer shall enter into a Development Agreement with the City that shall require that at least 12 percent of the total project units are available to very low and low income households; 8 percent of the total units are available to moderate income residents; and 30 percent of medium density housing units are available as rentals. These ratios shall apply to each residential development phase, and affordable housing units shall be constructed concurrently with the market rate housing units consistent with specific plan Policy LU – C, and the terms of the Development Agreement.

    b. Housing types for low and very low income residents may be multi-family units or single-family units, such as zero lot line, at not less than 20 du/net acre. For moderate income units, a density of up to 19 du/net acre is required which may be designed as attached single-family and multi-family dwellings.

c. City design review, shall be required for each separate phase of multi-family development.

26. Police/Fire Site Dedication: The developer(s) shall, at their expense, prepare an offer to dedicate the police/fire substation site identified in the Miramonte Specific Plan to the City, at no cost to the City, prior to City Council approval of the first final map; and shall record the dedication concurrent with recordation of the first final subdivision map or as specified in the developmental agreement.

27. Police/Fire Improvements Operations Maintenance: The property owner or developer(s) shall be required to pay public safety impact fees at the time of issuance of a building permit, which may be off-set by designing, funding and constructing police/fire capital facilities (or facility). The Community Facilities District (CFD) for the plan area shall include public safety long-term operations and maintenance costs in the CFD to provide service to the plan area, and may include public safety capital improvement costs.

28. Police and Fire Mutual Aid Agreements: The property owner or developer(s) shall, at their expense, work with the City Fire and Police Departments and supporting agencies to expand current mutual aid agreements to service the Plan Area boundaries prior to issuance of the first building permit.

29. Cal Fire Service: The property owner or developer(s) shall, at their expense, work with the City and Cal Fire to revise any contract between the said parties to extend fire service to the plan area boundaries prior to issuance of the first building permit.

30. Schools:

a. The developer(s) shall prepare, at their expense, an offer to dedicate two elementary school sites and one two-acre site for the Soledad High School Future Farmers of America program, at no cost to the City or the Soledad Unified School District, as identified in the Miramonte Specific Plan, prior to City Council approval of the first final map; and shall record the dedication concurrent with recordation of the first final subdivision map or as specified in the development agreement.

b. The developer(s) shall pay school impact fees prior to issuance of building permits, which may be off-set by school facility capital improvements that are designed, funded, and constructed by the developer.

31. School Site Dedications, Fees and Improvements:

a. Two elementary school sites of approximately 11 acres each, as shown on the specific plan Land Use Diagram, and an additional two acres of Sub-area 13 shall be offered for dedication to the Soledad Unified School District, and included on the final map prior to recordation of the first final map. Proof of the offer of dedication shall be submitted to the City Planning Director prior to acceptance of the first final map.

b. School Impact Fees shall be submitted to the Soledad Unified School District prior to the time of issuance of building permits for the first phase of development, unless otherwise agreed to by the Soledad Unified School District. School impact fees shall include those fees required by State law, as well as any additional amount agreed upon by the developer and the District for each residential lot created by the project. Evidence shall be submitted to the City CCC by the developer that the developer and District have met in good faith in an attempt to agree upon the amount of school impact fees to be paid by developer prior to the recordation of the first final map. Evidence of payment shall be submitted to the City Community Development Department prior to issuance of the first building permit.

32. Library Service:

a. The property owner or developer(s) shall pay development impact fees, including library fees, to support the increase in library service within the City created by the demand from the plan area's increased population growth, prior to recordation of final map(s). These fees will be identified in the required comprehensive financing plan and included in the development agreement approved by the City Council and can be off-set by the developer(s) designing, funding, and constructing library capital facilities (or a facility).

b. The developer(s) shall include in the Plan Area CFD library capital facilities to be designed, financed, and constructed within the plan area boundary. These facilities shall be determined by the City in consultation with the County Library Service and Soledad Union School District, prior to City Council approval of the CFD. The CFD shall also include designated expenditures for on-going costs related to long-term operations and maintenance for those facilities (or facility).

33. Water Supply and Distribution:

a. Prior to acceptance of any final map for development of the uses consistent with the Specific Plan, the developer(s) shall, at their expense, engage an Engineer licensed by the State of California to prepare a Miramonte Hydraulic Analysis and Water Master Plan outlining the required water system improvements for the Specific Plan area and necessary connections to existing infrastructure consistent with City design and performance standards. The Miramonte Specific Plan water supply system shall be designed, financed, and constructed by the developer(s), subject to review and approval of the City Public Works Director and the City Council.

b. The Hydraulic Analysis and Water Master Plan shall at minimum include the following information:

- Location of project;

- Identification of and location of infrastructure improvements including a minimum of two (2) new domestic water wells and a one million gallon

storage tank, or equivalent storage/pumping capacity infrastructure improvements, that provide sufficient water supply to serve the buildout of the Miramonte Specific Plan Area;

- Geological verification is required for any proposed new wells;

- Use of lower zone storage in any upper zone is not allowed;

- Proposed Point(s) of Connection: the plan shall clearly identify the proposed tie-ins to the existing City system. Show proposed connection points to future adjacent development areas, based on best available information;

- Proposed System Layout: Indicate the size and route of proposed dedicated infrastructure including:
    - Elevation data and indicate maximum and minimum elevations of service and anticipated pressures; and
    - Show pressure zone boundaries and additional pressure zones if required. Zones are defined by elevations where water storage can provide gravity water pressures from 45-90 PSI to all water services in that Zone;

- The location(s) of all proposed new pump stations, wells, or reservoir facilities and hydraulic data (as available at this point in the project); and

- Calculations of average day, maximum day, and peak hour demand for the proposed development using demand factors approved by the City Engineer.

c. Use of lower zone storage in any upper zone is not allowed;
d.
e. Geological verification is required for any proposed new wells;
f. Adequate fire flows shall include calculations demonstrating minimum fire flow requirements of 1,500 gpm for 2 hours in residential areas and 2,500 gpm for 3 hours for commercial and industrial developments; and fire hydrant residual pressure of 20 PSI must be clarified to be over 20 PSI during required fire flow and during the Peak Hour of the Max Day.

g. Backbone water supply and distribution facilities improvements shall be constructed by the developer(s) of the subdivisions first phase.

34. <u>Existing Wells - Non-Potable Water Use:</u>

a. Existing agricultural wells on the site shall not be used for potable water.

b. The use of the existing wells on the site for non-potable water use is subject to approval by the Monterey County Health Department and the City Engineer.

c. If existing wells are utilized for non-potable use, the developer shall identify this use and as part of the Miramonte Hydraulic Analysis and Water Master Plan and shall conduct sufficient testing that demonstrates that the use of on-site wells will not jeopardize the water quality of the City's groundwater supply.

d. All non-potable water generated within the Plan Area for irrigation use shall meet California Regional Water Quality Control Board (RWQCB), Central Coast Region (RWQCB) regulations to adequately treat domestic wastewater to the point that the recycled water (effluent) meets the requirements of existing Title 22, Chapter 3 regulations of the California Code of Regulations.

35. Recycled Water: If utilized, all purple pipe recycled water lines shall be designed and constructed in compliance with City Code Section 13.11.110, the size and location and/or type of recycled water service lines, service connections, meters, backflow protection devices, and any/all other appurtenances shall be included in the Miramonte Water System Master Plan, and are subject to review and approval of the City Public Works Director.

36. Landscape Plan: Prior to issuance of grading or building permit for each phase of development, the developer(s), at their expense, shall prepare a landscape plan, prepared by a licensed landscape architect, subject to approval of the Community Development Director and City Council. The landscape plan shall include, but not be limited to standards for consistent entry monumentation for major project entries and separate and distinct entry monumentation for neighborhood entries, parks, open space, and trail and walkway connections throughout the plan area, and all public spaces, and shall include number size and species of landscape plants for residential front yards. It shall be the developer(s) responsibility to design, finance, and construct the landscaping defined in the landscape plan.

37. Signage Plan: Prior to issuance of grading or building permits for each phase of development, the developer(s), at their expense, shall prepare a signage plan, prepared by a licensed landscape architect, subject to approval of the City Community Development Director and the City Council. The signage plan shall include entry monumentation (for both major plan area entries and distinct neighborhood entries), wayfinding, educational, public space, and commercial signage. It shall be the developer(s) responsibility to design, finance, and construct the signage defined herein.

38. Storm Water Master Plan:

a. Prior to acceptance of any final map for development of the uses in substantial conformance with the VTM, the developer(s) shall, at their expense, engage a licensed engineer to prepare a comprehensive Storm Water Collection System Master Plan that identifies design and performance standards for all on and off-site storm water infrastructure improvements necessary to serve development of the Plan Area. The Storm Water Collection System Master Plan shall include, at minimum, the following information:

- Location of project;

- Location of infrastructure improvements, including design and construction of new storm water facilities and method of connection to existing storm water facilities on and off the site that are necessary to serve the buildout of the Miramonte Specific Plan Area;

- Proposed System Layout: indicate the size and route of proposed dedicated infrastructure including:
    - Elevation data; and
    - Calculations of storm water flows using factors approved by the City Engineer; and

- Low Impact Development (LID) designs.

b. The storm water collection system shall be designed, financed, and constructed by the developer(s), subject to review and approval of the City Public Works Director.

c. Low Impact Development (LID) designs shall be required for all proposed storm water improvements and shall be incorporated into the Storm Water Collection System Master Plan and into final map improvement plans. Prior to issuance of building permits Best Management Practices and LID shall be identified on the improvement plans demonstrating compliance with the Central Coast Regional Water Quality Control Board's Post-Construction Storm Water Management Requirements for Development Projects in the Central Coast Region, Resolution No. R3-2013-0032, dated July 12, 2013. Each phase of development will incorporate infiltration-based systems to treat and retain the runoff associated with the 95th Percentile Storm. All runoff associated with storms larger than the 95th Percentile Storm may be directed to the linear park and retention basin. This approach complies with the Central Coast Regional Water Quality Control Board Post Construction Stormwater Management Requirements for Development and Projects in the Central Coast Region, Resolution No. R3-2013-0032, dated July 12, 2013.

39. Wastewater:

a. Prior to acceptance of any final map for development of the uses in substantial conformance with the VTM, the developer(s) shall, at their expense, engage a licensed engineer to prepare a comprehensive Wastewater Collection System Master Plan outlining the required wastewater collection system improvements for the Specific Plan area, and necessary off-site improvements consistent with City design and performance standards. The Miramonte Sewer Collection System Master Plan is subject to review and approval by the City Public Works Director prior to approval of the first final map. The Miramonte Wastewater Collection System Master Plan shall include, at minimum, the following information:

- Location of project;

- Location of infrastructure improvements, including method of connection to existing sanitary sewer mains on San Vicente Road and construction of new sanitary sewer mains and related sewer infrastructure necessary to serve the buildout of the Miramonte Specific Plan Area;

- Proposed Point(s) of Connection: the plan shall clearly identify the proposed tie-ins to the existing City system;

- Proposed System Layout: Indicate the size and route of proposed dedicated infrastructure including:
  - Elevation data; and
  - A pre-design report in accordance with Section 5 of the Public Works Engineering Standards (PWES) for any proposed pumping facilities or dedicated infrastructure.

- Calculations of Average Dry Weather (ADWF) and Peak Wet Weather Flows (PWWF) using the flow factors approved by the City Public Works Director for all land use types;

- Modeling of flows from adjacent properties that will be tributary to the proposed infrastructure; and

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b. The wastewater collection system shall be designed, financed, and constructed by the developer(s), subject to review and approval of the City Public Works Director.

40. Street Names: Street names shall be approved by the City Council as a part of the approval of each final map.

41. Phasing Plans for Final Map(s) Submittal and Infrastructure Improvement Plans:

a. Prior to submittal of the first final map, the developer shall prepare for City Public Works Director review and approval, an infrastructure-phasing plan. Timing of installation of all improvements shall be determined by the City Public Works Director based on this plan and in consultation with the developer. The infrastructure-phasing plan shall be coordinated with the intended phasing of final subdivision map(s).

b. Prior to submittal of the first final map, the developer shall submit for City review and approval, a phasing plan that establishes the overall sequence of any phased final maps. The first phase of development shall commence with Specific Plan neighborhoods 1-4 as indicated on the Specific Plan Lotting Plan (Figure 2-3). The phasing plan shall specify that development proceeds contiguously adjacent to the City's existing development and from the lowest topographic area, of each phase in progress, to the highest in order to assure continuity in infrastructure.

c. Development shall be phased to ensure preservation and ongoing use of adjacent farmland to the extent feasible, and adequate provision of urban services within the Specific Plan area.

42. Public Improvements and Infrastructure: The developer shall install and dedicate the following improvements at its sole cost, or shall pay the City its full cost to install the improvements through contribution of development impact fees, funds generated by the Mello Roos CFD or other special charges as determined by the City. The final configuration of the project improvements shall provide for continuous and unimpeded public access to all facilities for the maintenance, repair and replacement of such improvements.

a. Public Streets. All public streets within the specific plan area, as shown on the conditionally approved VTM (Exhibit I) and Miramonte Specific Plan Circulation Diagram (Exhibit II), including the construction, dedication and extensions of Market Street, Gabilan Drive, and the improvements and related dedications of San Vicente Road, and all other off-site local streets adjacent to or within the subdivision and all associated curbs, gutters, and sidewalks designed and constructed to City of Soledad standards, or any modified standards that may be agreed to during submission of final map(s), improvement plans, or as a provision of the Development Agreement, shall be installed as approved by the City Public Works Director and/or applicable agencies having jurisdiction.

b. Storm Drainage Facilities. All storm drainage improvements within the specific plan area, as shown on the conditionally approved VTM, including any off-site improvements as identified in the Storm Water Collection System Master Plan and related infrastructure phasing plan, to serve the proposed project and adjacent or tributary future projects, shall be designed and constructed to City of Soledad Standards, or any modified standards that may be agreed to during submission of final map(s), improvement plans, or as a provision of the Development Agreement, and shall be installed as approved by the City Public Works Director or applicable agency having jurisdiction.

c. Water System. All water system improvements within the specific plan area, as shown on the conditionally approved VTM, including any off-site improvements as identified in the approved Hydraulic Analysis and Water Master Plan and related infrastructure phasing plan, to serve the proposed project and adjacent or tributary future projects, shall be designed and constructed to City of Soledad Standards, or any modified standards that may be agreed to during submission of final map(s), improvement plans, or as a provision of the Development Agreement, and shall be installed as approved by the City Public Works Director or applicable agency having jurisdiction.

d. Street Trees and Landscaping.

- Street trees shall be planted along all public rights-of-way and on each lot per City standards. Developer shall submit detailed landscape and irrigation plans using Xeriscape principles, per City standards, for all

landscaped areas of the subdivision, including but not limited to open space areas, parks, public rights-of-way, residential front yards, multi-family development, and commercial areas as denoted on the VTM;

- 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 by the developer until acceptance by the City or inclusion in an appropriate maintenance district;

- All landscaping appurtenant to each phase of development shall be in place and completed and accepted by the City prior to occupancy approval of any development within said phase. The City may authorize that installation of landscaping be deferred when necessary to ensure it is not damaged by construction of the improvements. Unless otherwise agreed to by City and project proponent in writing, all landscaping shall be installed on a phase-by-phase basis, prior to the first occupancy permit being issued within a given phase.

e. Undergrounding of Utilities. All new utilities on the project site associated with the proposed subdivision, including gas, electrical, telephone, cable TV, and electrical transformers, shall be placed underground. All existing overhead utilities shall be reinstalled underground. Undergrounding shall be indicated on the final subdivision map improvement plans for each phase and shall be reviewed and approved by the City Public Works Director prior to recordation of each final map(s) (phase), unless otherwise agreed upon by the City Council.

f. Street Lights. Street lights shall be installed in a number and at locations sufficient to provide adequate lighting levels for public safety. An exterior street lighting plan shall be prepared and submitted to the City for approval by the Police, Public Works and Community Development departments.

g. Retaining Walls. Where grading of pads will result in slopes steeper than 3:1, masonry retaining walls shall be installed at rear and/or side property lines to a height commensurate with the grade being retained to ensure long-term viability and maintenance for future property owners. Wooden fences shall be installed on top of the retaining walls, but in no case shall the overall height of the walls and fencing be greater than six (6) feet as measured in relation to the highest adjacent grade.

43. Other Agency Permitting Requirements:

a. All detention/retention ponds shall be constructed to meet the requirements of the Monterey County Water Resources Agency and be fenced for public safety as needed. If determined to be safe for public use, the detention/retention ponds are intended to serve as dual park and recreation areas. Natural runoff shall be contained on the site and shall not exceed pre-development levels to mitigate impacts to downslope properties. Necessary improvements shall be constructed in

accordance with approved plans and permits/agreements as required have been obtained.

b. The applicant shall provide evidence that all required local, state and federal permits have been acquired prior to construction. Agencies include, but are not limited to, California Department of Fish & Wildlife and the California Regional Water Quality Control Board.

44. Open Space and Park Dedications and Improvement Plans:

a. Park Dedication. The developer(s) shall, at their expense, offer to dedicate parkland identified in the Miramonte Specific Plan to the City, at no cost to the City, prior to City Council approval of the first final map; and shall record the dedication concurrent with completion of the required improvements and prior to occupancy of the twentieth (20) home in the subdivision phase. Park and Open Space dedications shall be provided as shown on the Specific Plan totaling 196.4.8 acres.

b. Park Facilities. The developer(s) shall be required to improve parks within the Plan Area and pay park impact fees at the time of issuance of a building permit. These park impact fees may be off-set by designing, funding, and constructing park facilities, and may also include park facility capital improvements in the CFD for the plan area, but shall include park facility long-term operations and maintenance costs in the CFD to provide parks services to the plan area.

c. Parking for Parks. Prior to recordation of the final map in each phase, all public parks shall be designed to include sufficient parking within the park space (and not on the public street), subject to approval of the Public Works Director, and said parking shall be designed, financed, and constructed by the developer(s). These park parking facilities may of-set park impact fees and may be included in the CDF.

d. If within any proposed parkland, a storm water storage basin, above or below ground detention or retention facility, or other similar drainage system is proposed as an interim measure, this area shall not be counted towards meeting the City requirements for parkland dedication until such time as the temporary facilities have been removed and the parkland area is reconstructed for use by the public. Any such facility shall be the responsibility of the developer for seasonal inspections and maintenance until such time as permanent drainage facilities have been constructed, are functioning and have been accepted by the responsible public agency.

e. Following completion of permanent drainage facilities, developer shall modify the detention or retention facilities area to serve as parkland. Detailed plans shall be prepared, subject to the review and approval of the Public Works Director and Community Development Director prior to re-construction and installation of permanent parkland facilities and shall be installed immediately following abandonment of temporary drainage/storage facilities so that no public nuisance shall be created. If parkland reconstruction work is performed after completion of

the final phase of development, the developer shall provide a bond or other financial security sufficient to guarantee completion of the parkland reconstruction. All park improvements will be continuously maintained by developer until acceptance by City or inclusion into a CFD, park and open space maintenance district or benefit assessment district.

f. Park design and improvement plans shall be submitted, with each final map if development is phased, to the City for review and acceptance by the Public Works Director and Community Development Director. A breakdown of developers share of costs and any credit to developer for cost of improvements shall be determined by the City Manager and City Council as part of a developers subdivision agreement, prior to approval of a final map. Developer's park designer shall consult with the City to develop the most efficient method of maximizing park improvements to be included. At a minimum, all public parks and open space areas required by these conditions shall be improved with landscaping, irrigation, lighting, signage, furniture, play and sports equipment prior to acceptance by the City offers of dedication improvements and for the project phase within which they are located.

g. The developer(s) may retain ownership of the large open space area above the 400' contour, but are required to prepare, at their expense, a conservation easement, subject to City review, to be either dedicated to the City, a non-profit, or another qualifying entity prior to recordation of the first final map, that preserves the area for passive recreation, clubhouse type use to serve the community or neighborhood, alternative energy, infrastructure, and agricultural grazing.

h. The developer(s) shall design, fund, and construct as an off-set to impact fees or as part of the CFD, trail, trail furniture, educational and interpretive signage, landscaping and other improvements, subject to the review and approval of the City CCD, prior to occupancy of adjacent development in sub-areas 1, 14 and 16.

i. The property owner or developer(s) shall provide vehicle access and parking adjacent to the open space area in at least two locations, along with multiple pedestrian and bike access points from within the residential neighborhoods, subject to review and approval of the Public Works Director.

j. The property owner or developer(s) shall design, finance, and construct emergency vehicle access into the open space area, with a minimum of two (2) points of ingress and egress, subject to review and approval of the Fire Chief, Police Chief, and Public Works Director.

45. <u>Finance of Public Improvements and Maintenance:</u>

a. Comprehensive Financing Plan:

- Prior to City Council approval of the first final map and improvement plans, the developer(s) shall have prepared, at their expense, a Comprehensive Financing Plan, subject to City Staff review and City Council approval. The

Comprehensive Financing Plan shall identify capital improvements necessary to serve the Plan Area and shall allocate funding between impact fees, Mello-Roos Community Facilities District (CFD) bond financing, and may include other potential financing mechanisms. The CFD financing mechanism will be designed to fund capital improvements and long-term operations and maintenance of dedicated utility and roadway infrastructure, public parks and open space, and other public facilities infrastructure improvements required herein and in the adopted mitigation measures. At minimum, the following items shall be included in the Comprehensive Financing Plan:

- Project-specific development impact fee study, including an assessment of ongoing governmental administrative and public safety costs customized to the Miramonte Specific Plan Area;

- Project-specific traffic impact fee study; and

- On- and off-site capital improvement plans with cost estimates attached.

b. Unless otherwise noted, the developer shall pay to the City the above fees equal to the project's fair share of the costs of providing capital improvements to the sanitary sewer collection system, storm drainage collection system and roadway network identified in the specific plan, mitigation measures, and conditions of approval herein, in an amount required to serve all uses in the Plan Area, while maintaining existing levels of service. If such improvements must be completed at one time, rather than on an incremental basis coordinated with project phases, developer agrees that it will advance up to 100 percent of the impact fees for the entire project at the time of filing a final map for the first phase and in accordance with the timing established in the Development Agreement for this project. Required fees are as follows:

- Wastewater Impact Fees;
- Water Impact Fees
- Storm Drainage Impact Fees;
- City of Soledad Traffic Impact Fees;
- Park Fees;
- Police Fees;
- Fire Fees;
- TAMC Regional Traffic Impact Fees; and
- General Government Fees.

c. Financing Program:

- In order to coordinate financing of public improvements, and/or following construction to maintain the improvements in good condition, the developer shall initiate and complete formation of a CFD assessment district(s), or some other financing mechanism acceptable to the City, prior to filing final map(s) as follows:

- Community Facilities District (CFD) for the Acquisition, Construction, and on-going maintenance of Public Improvements. Prior to recordation of the final subdivision map for the first phase of the project, the developer may request the formation of an appropriate CFD that will enable bonds to be let to pay for the acquisition, construction, and on-going maintenance of specified public facilities, including park improvements; and/or

- Benefit Assessment district. Prior to recordation of the final subdivision map for the first phase of the project, the developer shall initiate and complete formation of a benefit assessment district for the acquisition and construction of public improvement; and

- Parks and Open Space Maintenance Assessment District. Prior to recordation of the final subdivision map for the first phase of the project, the developer shall initiate and complete formation of a "Parks and Open Space Maintenance Assessment District" for the permanent maintenance of all parkland, open space and/or public landscaped areas and street lighting within the VTM areas.

46. Neighborhood Design: Prior to submittal of the final map for any phase, the developer shall submit and the City Community Development Director will review an overall plan showing the location of housing units on each lot. These plans shall provide for the following:

a. Building footprint on each lot showing building setbacks. Setbacks shall vary in accordance with the adopted specific plan regulations and community design guidelines in order to provide a pleasing appearance to the neighborhood.

b. Residential lots wider than 60 feet shall have one side yard setback sufficient to allow vehicle access to the rear yard area, typically a minimum of nine (9) feet.

c. Due to the varied lot sizes, the standard sized lots (6,000 sq. ft. +) and the smaller lots (5,000 sq. ft. or less) shall each have a minimum of four (4) house plans to provide variation in appearance. The eight (8) variations of house plans (for smaller and larger lots) shall be similar in architectural style so as to appear unified in architectural style and details.

47. Construction Hours of Operation:

Weekdays: between 7:00 am and 7:00 pm
Saturdays: between 8:00 am and 6:00 pm
Sundays and Holidays: prohibited

48. Greenhouse Gas and Criteria Air Pollutant Reduction Plan

a. Prior to submittal of the first final map, the developer shall prepare Emissions Reduction Plan in accordance with the requirements of mitigation measure 4.3-3. The Emissions Reduction Plan shall include a description and quantification of

measures that are proposed to be implemented by the entire specific plan area, including one or more of the greenhouse gas (GHG) and criterial air pollutant reduction measures provided in Appendix F-1 of the certified Miravale III Specific Plan EIR, attached hereto and incorporated herein by reference (Exhibit X). The recommended emissions model for land use emissions is CalEEMod, California Emissions Estimator Model.

b. The Emissions Reduction Plan shall include quantified evidence that demonstrates the baseline GHG and criteria air pollutant (CAP) emissions compared with reductions that will be achieved by implementation of the chosen emissions reduction measures, and other applicable mitigation measures and conditions of approval related to emissions sources.

c. As part of the Emissions Reduction Plan, the following programs are required to be prepared by the developer and are subject to the review and approval of the Public Works Director prior to recordation of the final map for each phase of the project.

- A Transportation Demand Management Program shall be prepared consistent with the requirements of the Transportation Agency of Monterey County. The Program shall demonstrate reductions in vehicle miles travelled and related mobile source criteria air pollutant emission that would be achieved through the implementation of measures (See Exhibit X) that reduce traffic generated by the proposed project; and

- A Waste Diversion and Reduction Program identifying waste diversion measures consistent with state requirements and with the City Code Chapter 13.05 subject to the review and approval of the Community Development Director prior to recordation of the final map for each phase of the project.

d. For each of the measures not included, the applicant shall describe why the measure was not included. The Emissions Reduction Plan shall present estimated reductions in GHG and CAP emissions based on best available information sources.

e. No certificate of occupancy for any phase, or portion thereof, of the project shall be granted until all of the applicable measures have been implemented by the project proponent. The proponent shall demonstrate that measures that must be implemented throughout the life of the project are included in all applicable CC&Rs, commercial center rules and/or regulations, and draft tenant lease agreements.

49. Acceptance of Mitigation, Monitoring and/or Reporting Program: The Conditions of Approval include the mitigation measures identified in the project EIR, project EIR Addendum, and Mitigation Monitoring and Reporting Program. The Mitigation, Monitoring and Reporting Program is attached hereto and incorporated by reference with this document. Acceptance of the Mitigation, Monitoring and/or Reporting Program is required and evidence by the signature on the original document. Return the original document to the City within 30 days of project approval. At no time may any of the conditions be eliminated, removed, altered or modified without prior approval by the City

Council, a designated authority or professional authorized to act on behalf of the City Council.

50. Circulation Master Plan: Prior to acceptance of the first final map, the developer shall prepare, at its expense, a Circulation Master Plan identifying all on and off-site transportation improvements, including studies, improvement designs, financing, timing for construction to begin, and responsibilities of the developer, that are required by the specific plan, and by mitigation measures and related conditions of approval adopted for the project. Details for compliance with specific plan policies, mitigation measures and conditions of map approval may include all or some of the components listed above, and would be finalized in the required development agreement established between the developer and the City (refer to Standard Condition of Approval #7), prior to City Council approval of the first final map.

The Master Circulation Plan is subject to the review and approval of the Director of Public Works and shall, at minimum, include the following components:

a. An engineered on-site circulation plan for the project with the design criteria and performance thresholds for complete streets.

b. Off-site intersection improvements required by Mitigation Measure 4.13-7 and Mitigation Measure 4.13-8;

c. Upon acquisition of right-of-way by the City or dedication of suitable right-of-way by others, and prior to issuance of the 622nd building permit, the developer shall design, finance, and construct the realignment of San Vicente Road, adjacent to the southwest corner of the site, in substantial conformance with the specific plan. The developer shall install street improvements to City Standards.

d. Projects developed under the Specific Plan shall facilitate transit service to the plan area by providing the necessary bus shelters and turn-outs to serve each development phase as recommended by the Monterey-Salinas Transit District, subject to approval by the City Public Works Director. Locations for such facilities shall be identified in the Circulation Master Plan and included on the final map(s) for any phase.

e.

- Traffic Level of Service Monitoring Program. The applicant or developer shall conduct the Level of Service Monitoring Program required by Mitigation Measure 4.13-15 for the intersections of Moranda Road/Front Street; U.S. Highway 101 Northbound Ramps and Moranda Road / Front Street; San Vicente Road and Front Street; San Vicente Road and Gabilan Drive; Main Street and Gabilan Drive; to ensure that acceptable levels of service are maintained in accordance with the City of Soledad's adopted standards as determined by the Director of Public Works until required intersection improvements or extensions of Market Street and/or Gabilan Drive are complete. Monitoring shall commence no later than issuance of the first residential building permit, and shall be routinely conducted as set forth in mitigation measure 4.13-15.

f. The plan shall identify and demonstrate the project's contribution to address cumulative impacts requiring off-site major transportation facility improvements required by the mitigation measures identified in the EIR Addendum and Mitigation Monitoring Program, using some or all of following items subject to review and approval by the Director of Public Works:

- Payment of the project's fair share of City of Soledad traffic impact fees in effect at the time of building permit issuance based on site-specific traffic impact fees that would be determined through the comprehensive financing program for capital improvements and/or an updated City traffic impact fee program;

- Monitoring of traffic conditions (required by Mitigation Measures 4.13-15) may be used by the city to identify future traffic improvements to add to traffic facility improvement projects funded by the City's traffic impact fee program updates;

- Fund an initial City-wide traffic impact fee update, in addition to or instead of a site-specific impact fee analysis;

- Provide engineering design assistance for the Market Street and/or Gabilan Drive Extension;

- Once public right-of-way is obtained by the City or by other means, construct a Market Street and/or Gabilan Drive Extension and enter into a reimbursement agreement with the City.

Building permit issuance shall be based upon completion of applicable milestone studies or improvements identified in these conditions of approval, the Development Agreement, and the Circulation Master Plan as directed by the Director of Public Works.

No certificate of occupancy for any phase, or portion thereof, of the project shall be granted until improvements necessary to maintain the City's acceptable levels of service on area roadways are constructed, unless the monitoring results indicate that the subject intersections are operating at LOS D or better to the satisfaction of the Director of Public Works.

g. Market Street Extension. If the necessary public right of way is acquired by the City or developer, and the developer chooses to construct the Market Street extrension in advance of the City's anticipated timing, the developer shall design, finance and construct the Market Street Extension. The City shall provide the developer a reimbursement agreement that provides the developer reimbursement funds for expenditures beyond the developers fair share.

h. Gabilan Drive Extension. If the necessary public right of way is acquired by the City or developer, and the developer chooses to construct the Gabilan Drive extension in advance of the City's anticipated timing, the developer shall design,

finance and construct the Gabilan Drive Extension. The City shall provide the developer a reimbursement agreement that provides the developer reimbursement funds for expenditures beyond the developers fair share.

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 the VTM. I agree to abide fully with these conditions.

Dated: _____ Applicant: _____

_____
Print Name

_____
Secretary, Planning Commission