

RESOLUTION NO. PD2018-02/5482

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
ANNOUNCING FINDINGS AND APPROVING A PLANNED DEVELOPMENT
PERMIT (PD 2018-02) AND VESTING TENTATIVE TRACT MAP TO ALLOW THE
SUBDIVISION OF AN 8.556 ACRE PARCEL LOCATED ON THE NORTH SIDE OF
SANTA CLARA STREET IN THE R-3 RESIDENTIAL HIGH DENSITY ZONING
DISTRICT (ASSESSOR PARCEL NUMBER: 022-441-017)**

WHEREAS, the Planning Commission of the City of Soledad has received an application for a Planned Development Permit, initiated by RRM Design Group on behalf of Nader Agha, to allow construction of a Planned Development of 130 Residential units and related access, parking, landscaping, other onsite improvements, and public improvements and waiver of certain development requirements; and

WHEREAS, on December 6, 2018 and January 10, 2019 the Planning Commission conducted a duly noticed public hearing on the Planned Development Permit request and recommended approval of a project of 120 units; and

WHEREAS, on March 6, 2019 the City Council conducted a duly noticed public hearing on the Planned Development Permit request; and

WHEREAS, the City Council has considered all public comments received, including the testimony of the applicant, and considered the separate staff reports for this item; and

WHEREAS, the City Council has independently reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that a Final EIR for development of the larger Miravale Partners-Hambey Property, which includes the project site, was completed and certified by the Soledad City Council on May 19, 2000 (State Clearinghouse No. 97121038), and that the project is an Infill Development and is categorically exempt from CEQA in accordance with CEQA Guidelines Section 15183.3, and that no further documentation is therefore required under CEQA; and

WHEREAS, the City Council has found the proposed design, materials and color of the proposed site plan and buildings, as conditioned, to be appropriate within the context of the existing and intended use and, subject to conditions, has determined the proposed project to be in substantial conformance with the City of Soledad Community Design Guidelines and Standards; and

WHEREAS, the City Council has determined that, subject to conditions, the proposed project complies with all applicable City plans, codes and standards.

THEREFORE, BE IT RESOLVED, that the City Council of the City of Soledad hereby approves Planned Development PD #2018-02 and grants Architectural Design Approval, based upon the findings and subject to conditions set forth in the **Exhibit "A,"** which is attached hereto and made a part hereof; and

PASSED AND ADOPTED, at a duly noticed regular meeting of the Soledad City Council held on march 6, 2019, by the following vote:

AYES, and in favor thereof, Councilmembers: Mayor Pro Tem Alejandro Chavez, Mayor Fred Ledesma, Anna Velazquez, Carla Stewart and Marisela Lara

NOES, Councilmembers: None

ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: None

FRED LEDESMA, MAYOR

ATTEST:

MICHAEL McHATTEN, CITY CLERK

EXHIBIT A

PLANNED DEVELOPMENT PERMIT

CITY OF SOLEDAD

March 6, 2019 / RESO. 5482

APPROVAL DATE AND REFERENCE

PD #2018-02
PERMIT NOS.

APN: APN 022-441-017
ASSESSOR'S PARCEL NO.

Planned Development Permit No. 2018-02 authorizing the Planned Development of 130 residential Units, and related access, parking, landscaping and appurtenant structures and improvements as shown on Exhibits B (A1-A14, L-1, C1-5) and dated 9/5/18, 12/31/18 and 2/13/19.

FINDINGS:

Section 1: General Plan Consistency

- A. The proposed project is consistent with the City of Soledad General Plan:
1. The project site is designated as “High Density Residential” on the General Plan Land Use Plan Map and the proposed project uses are consistent and within the allowable density range: General Plan and Zoning Ordinance, provisions 4-16 and Section 17.14.040, respectively. allow the development of up to 22 dwelling units per acre;
 2. The project is consistent with the Circulation Element of the General Plan – the project site location has convenient and improved access from Santa Clara Street, improved public streets in the City of Soledad;
 3. The project is consistent with General Plan policies promoting provision of safe and decent affordable multi-family housing; and
 4. Conditions of approval require design adherence to appropriate Community Design Guideline and Standards, and the proposed site plan and buildings, as conditioned, have been found to be in substantial conformance with said provisions.

Section 2: Zoning Ordinance Consistency

- A. The proposed use is consistent with the City of Soledad Zoning Ordinance:

1. The site is zoned R-3 (High-Density Multifamily Residential District) and the use and density ranges are consistent with the district standards for such.
 2. The proposed site plan, as conditioned, would meet all of the site development requirements of the R-3 District and requested modifications to standards of the R-3 District are allowed through approval of the subject project as a Planned Development.
- B. The establishment of the use on the site will not be detrimental to the health, safety, comfort, convenience, or general welfare of persons residing or working in the neighborhood, or detrimental to property and improvements in the neighborhood or to the general welfare of the city because:
1. The proposed project, as conditioned, is compatible with the surrounding mix of residential uses and will promote and further the achievement of community design standards for Multi-Family Residential Development;
 2. The site has adequate services including water, sanitary sewer and storm drainage;
 3. The subject project is located on a designated arterial street designed to accommodate the type of infill development as proposed and will have no significant effect in the area;
 4. The facility has adequate on-site parking adequately screened from view of surrounding residential areas;
 5. No nuisance-causing uses, or uses generating unusual noise, odor, light or vibration or otherwise detrimental to the neighborhood are authorized by this permit.
- D. The proposed Planned Development Permit has been processed per the City's Zoning Ordinance requirements per Chapter 17.42 to wit:
1. An application has been received and accepted by the Planning Department for processing.
 2. A Public Hearing Notice was published in the Soledad Bee on November 21, 2018 and February 20, 2019 and public notices were mailed to all property owners within a 300-foot radius of the subject property. Hearing notices were posted at City Hall in accordance with Government Code.
 3. A duly noticed public hearing was held on December 6, 2018, January 10, 2019, and March 6, 2019.

CONDITIONS OF APPROVAL
PD #2018-02

STANDARD CONDITIONS

1. **TSM Expiration.** The approved tentative subdivision map (Dated 2/13/19) shall expire twenty-four months after its approval or conditional approval. The expiration of the tentative map shall terminate all proceedings and no final map of all or any portion of the real property shall be filed without first processing a new tentative map. Extensions of time shall be considered pursuant to the City of Soledad Subdivision Ordinance and the State Subdivision Map Act.
2. **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.
3. **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, 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 include 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 to the City by the Project Developer, plus an amount necessary for the guarantee and warranty of the work for a period of one year following completion and acceptance of said improvements.
4. **Conditions Run with the Land.** The terms and conditions of this approval shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors, and assigns of the Permittee.
5. **Applicability to Site.** This use permit approval applies only to the physical site, structures and uses shown on the site plans and architectural drawings submitted by RRM Design

Group dated 9/5/18, 12/31/18 and 2/13/19, attached hereto as **Exhibit B**, which are made a part of this permit except as may be modified by these conditions. Notwithstanding this requirement, minor changes in site design and elevations from those shown on the approved site plan may be made, subject to review and approval of modified site plan by the City Community Development Director or designee.

6. **Completion of Infrastructure Improvements.** All infrastructure improvements required to serve the development pursuant to these conditions and City standards (e.g., streets, sidewalks, fire hydrant(s), storm drainage, sanitary sewer, water, undergrounding of gas, electric, telephone and cable, utilities, landscaping and other improvements and appurtenances) shall be designed and installed or constructed to the satisfaction of the City prior to the issuance of any building permit(s) or certificate of occupancy, as applicable. Landscaping shall be installed by the Project Developer and inspected and approved by the City and/or by a qualified person approved by the Public Works Director, prior to occupancy.
7. **Offers of Dedication.** Any offers of dedication, and bonding or other financial security, or development agreement(s) concerning same and as specified in the project conditions below shall be prepared by the Project Developer, and reviewed as to form, accuracy, and sufficiency by the City Attorney.
8. **Compliance with Project Conditions.** All project conditions as set forth herein shall be placed on the top sheet of building plan sets for all building construction on the project site. Unless otherwise provided for as a project condition to this use permit, all conditions must be completed to the satisfaction of the City prior to issuance of a certificate of occupancy and commencement of the activities allowed by this permit.
9. **Code Compliance.** All construction, improvements and uses shall be in accordance with zoning, building, fire, and all other codes and ordinances of the City of Soledad or agencies that have regulatory jurisdiction over the project. All such requirements shall be met and any outstanding fees paid prior to issuance of a certificate of occupancy, except for those items agreed to by the owner and the Building Official.
10. **Grounds for Permit Revocation.** Failure to establish the use authorized by this Permit within two years from the date of issuance, unless otherwise extended, shall be grounds for revocation of this Permit. Failure to comply with the conditions specified herein as the basis for approval of this application and issuance of this approval constitutes cause for the revocation of the Permit in accordance with the procedures set forth in the Soledad Municipal Code Section 17.42.070.
11. **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 improvement plans for the project, the Project Developer shall enter into a Reimbursement Agreement and deposit not less than ten thousand dollars (\$10,000) 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 Public Works Director, it appears that the amount deposited shall not be sufficient to cover all expenses, Project Developer shall, within fifteen (15) days after written request from City, make an additional deposit of funds in an amount determined by the Director 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 one thousand dollars (\$1,000). The need for the maintenance of this account shall cease upon compliance with all project conditions and code requirements.

12. **Hold Harmless and Indemnification.** Applicant/Project Developer shall indemnify and hold harmless the City, its elective and appointive boards, commissions, officers, agents and employees from all damages, injuries, claims and any and all liability and costs arising from or about the site or in connection with the conduct of business thereon. Applicant/Owner agrees to, and shall, defend City, its elective and appointive boards, commissions, officers, agents and employees, from any suits or actions at law or equity from damages caused, or alleged to have been caused, by reason of the aforesaid design, construction and uses of the involved site pursuant to this Use Permit. Except as provided above, the terms of this paragraph shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of the aforesaid design or operations referred to herein, regardless of whether or not City has prepared, supplied or approved of plans and or specifications for use of the proposed site. To the extent that Applicant is required to indemnify and hold harmless the parties listed above, it shall have the right to control the litigation, including but not limited to contracting for counsel of its choice, and accepting or rejecting any settlement offer.

PROJECT SPECIFIC CONDITIONS

13. **Affordability Covenants.** Developer shall enter into an Affordable Housing Agreement, approved by the City Council that shall require either 1) that 29% of the total project units are available to very low and low income household; and, 25% of the total units are available to moderate income residents or 2) that the applicant and City Council mutually agree on alternative terms. Such documents enforcing this condition shall be recorded and in full force upon the property prior to the issuance of a Building Permit. Prior to issuance of the certificate of occupancy, the Project Developer shall demonstrate compliance with the Affordable Housing Agreement as required per Soledad Municipal Code Section 17.41.
14. **Architectural Design Approval.** (a) Prior to issuance of a Building Permit for the proposed project, Project Developer shall submit revised building elevations, site plan and landscape plan as may be required by the Planning Commission. Revised plans shall be generally consistent with Plans dated September 5, 2018, and shall demonstrate conformance with applicable provisions of Community Design Guidelines and Standards Design Standards contained in Chapter 6 of the Guidelines.

(b) **Incorporate Design Details in Building Plans.** Construction drawings submitted for building permit approval shall include architectural elevations with the design detail noted on the elevation sketches included as part of **Exhibit B** as modified by these conditions. Drawings shall show all proposed exterior lighting fixtures. A building permit application

will not be accepted by the City unless building plans include a site plan and elevations with sufficient design detail for review and approval by the City Building Official and/or Public Works Director (or Designee).

15. **Minor Architectural Changes.** Following Architectural Design Approval by the Planning Commission, minor site plan or architectural changes may be approved by the Community & Economic Development Director or designee.
16. **Final Landscaping Plan Required.** Prior to issuance of the first building permit, Project Developer shall submit a final landscape plan for review and approval by the Public Works Director or Designee. Final landscape plan shall provide for and identify durable play area improvements and corresponding specifications. Landscaping and irrigation shall be installed prior to occupancy in compliance with the provisions of Chapter 15.10 of the Soledad Municipal Code (SMC).
17. **Encroachment Permit and Right-of-Way Improvements.** An encroachment permit shall be obtained from the City for any construction work that will be performed within the public right-of-way, and a contractor licensed in the State of California shall be responsible for construction of any such future work. Any improvements in the public right of way shall be designed by a Civil Engineer licensed in the State of California and installed to the satisfaction of the Public Works Director or City Engineer.
18. **Engineering Studies/Calculations.** All engineering design work, including, but not limited to, design of storm sewers and appurtenances, sanitary sewers and appurtenances, storm drainage facilities, and water systems and appurtenances; street improvements and sidewalks, including geometrics, sight distances, lighting, retaining walls, signing and striping; and landscape irrigation and appurtenances, shall be supported by applicable engineering studies/calculations completed by a licensed civil engineer or qualified licensed professional in the State of California, subject to the review and approval of the City.
19. **Improvement Plans.** Project Developer shall complete all offsite and onsite improvement plans consistent with these conditions and City requirements, and said plans shall be approved by the City prior to issuance of building permits.
20. **Required Onsite/Offsite Improvements.** Proposed onsite and off-site improvements shall be constructed in conformance with applicable City of Soledad Design Standards and Specifications to the satisfaction of the Public Works Director and as further stipulated herein:
 - (a) **Storm Water Management.** In accordance with the provisions of Chapter 13.52 of the Soledad Municipal Code, a storm water permit shall be obtained prior to the issuance of any grading or building permit for the project. The proposed project shall comply with the most recent Phase II Municipal Separate Storm Sewer System (MS4) General Permit (Order No. 2013-0001-DWQ) and the Post-Construction Stormwater Management Requirements for Developments Projects in the Central Coast Region (Resolution No. R3-2013-0032).

Due to the project type and size for development, a Storm Water Pollution Prevention Plan (SWPPP) will need to be prepared and proper documentation submitted to the State Water Board to register under the Construction General Permit. This will cover the full development site so another SWPPP will not need to be required for Phase 2 Development. The applicant is required to provide a Waste Discharge Identification (WDID) number prior to issuance of a grading permit.

A Stormwater Control Plan (SCP) shall be prepared to document the Post-Construction Stormwater Control Measures (SCMs). The SCP must include an Operation and Maintenance (O&M) Plan that addresses the maintenance procedures and intervals for each SCM and identifies the responsible party to conduct maintenance. A maintenance covenant will be required to ensure on-going maintenance for the life of the facility. The covenant shall include, at a minimum:

- The project owner's signed statement accepting responsibility for the O&M of the installed onsite and/or offsite structural treatment and flow control SCMs until such responsibility is legally transferred to another entity; and either
- Written conditions in the sales or lease agreements or deed for the project that require the buyer or lessee to assume responsibility for the O&M of the onsite and/or offsite structural treatment and flow control SCM until such responsibility is legally transferred to another entity; or
- Any other legally enforceable agreement or mechanism, such as recordation in the property deed, that assigns responsibility for the O&M of the onsite and/or offsite structural treatment and flow control SCM to the project owner(s) or the City.

The proposed project must be designed to not increase the peak flow to the downstream system. Therefore, a drainage report will need to be prepared demonstrating compliance. Refer to the City's Design Standards and Standard Specifications for the specific flood control requirements.

During construction, the Project Developer shall conform to the City's pollution prevention requirements for construction contracts, including but not limited to, proper clean-up and disposal of spills, regular maintenance of all construction vehicles and heavy equipment, and proper storage of stockpiled materials, chemicals, paints, etc.

- b. Storm Drainage Improvements.** Project Developer shall prepare and implement a storm drainage improvement plan supported by storm drain calculations, consistent with the requirements of the 2008 Public Works Design Standards and Chapter 13.52 of the Soledad Municipal Code—Storm Water Quality. All drainage improvements shall be constructed consistent with the improvement plan as approved by the City, and Project Developer shall be responsible for the continued

maintenance of onsite drainage facilities consistent with the Soledad Municipal Code.

c. Water Mains and Appurtenances. Project Developer shall construct adequate onsite water system improvements for commercial, fire and landscape irrigation purposes in accordance with Public Works Design Standards and Fire Code fire flow requirements. The water system shall be looped and water meters clustered wherever possible on-site to serve each use. Back-flow preventers on the State Approved List shall be installed where required by the City Engineer.

d. Sanitary Sewer Improvements. Project Developer shall construct the necessary connections to the existing sanitary sewer system within the project frontages in accordance with the Public Works Design Standards. In addition, a clean-out shall be installed at the street right-of-way for each connection to the City's sewer mains.

19. **Construction Dust Control.** Project Developer shall prepare a Dust Emissions Control Plan for review and approval by the City prior to issuance of any grading or building permit. Dust emission control measures shall be included in the contractor work specifications that are reviewed and approved by the City and shall include the following:

- Watering all active construction areas and areas of disturbed soils at least twice daily and more frequently during periods of high winds exceeding 15 miles per hour;
- Suspension of all grading operations during periods of high wind speeds if watering activities are inadequate to control airborne dust as may be determined onsite by the City Engineer;
- Covering material storage piles if inactive for more than 72 consecutive hours;
- Covering all loose materials transported off-site, or requiring trucks to maintain at least two-feet of freeboard and watering all loose materials;
- Applying non-toxic binders to previously graded portions of the site if inactive for fourteen days or longer; and
- Water sweeping adjacent public streets at the end of each day –water sweepers shall vacuum excess water to avoid runoff-related degradation of water quality.

20. **Archaeological Resources/Human Remains.** Should human remains or any archeological artifacts be discovered during project implementation, further disturbance of the project site shall cease until the Monterey County Coroner and/or, the Native American Heritage Commission is contacted. When Native American archaeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archaeologists and appropriate Native American representatives. 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. Upon recommendation of a qualified archaeologist, appropriate mitigation measures shall be implemented at Project Developer's expense.

21. **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 hazardous substances, and, where there is any uncertainty, the Monterey County Department Division of Environmental Health shall be contacted for assistance. If they contain any hazardous material(s), they should be removed, handled, transported, and disposed of in accordance with the applicable local, state, and federal guidelines.
22. **Construction Hours.** All construction and construction preparation activities, including refueling, equipment repairs and vehicle, machinery and equipment warm-ups, shall be limited to the following hours and days:
 - Between the hours of 7:00 a.m. and 7:30 p.m. weekdays,
 - Between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays,
 - Prohibited on Sundays and all City-approved holidays unless written permission is received from the City Manager.
23. **Impact Mitigation Fees and Funding of Public Improvements Maintenance.** Project Developer shall pay all water, sanitary sewer, storm drain, park, public safety, general government, local and regional (TAMC) transportation impact fees in accordance with established fees set by ordinance and resolution and based upon the date of building permit application filing.
24. **Recycling and Trash Enclosures.** Containers for both garbage and recyclable materials shall be provided and trash enclosures shall be of adequate size to accommodate both. Prior to issuance of the first building permit, Project Developer shall submit to the City written confirmation from the Salinas Valley Solid Waste Disposal Authority verifying the adequacy of these facilities.
25. **Bicycle Facilities Required.** Secure bicycle parking racks shall be provided at the rate of one bicycle parking rack per five off-street parking spaces and specifications for such shall be shown on final plans.
26. **Fencing and Walls.** Project Developer shall construct a masonry wall along the eastern boundary of the project starting and ending at the ends of the existing walls along Bryant Canyon Road to the south of the site. This shall be done in a manner that prohibits any access from these streets onto Bryant Canyon Road. The specifications of the barrier shall conform to the existing masonry walls installed to the south.
27. **Geotechnical Investigation.** 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.
28. **Geotechnical Engineer On-Site Monitoring.** A qualified professional geotechnical engineer shall perform on-site monitoring of all grading and excavation activities on the project site. Evidence of an agreement with a geotechnical engineer shall be submitted for review and approval of the City 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.

29. **Street Frontage Improvements.** (a) The Project Developer shall be responsible for constructing any improvements to Santa Clara Street along the project frontage needed to accommodate project traffic.
30. **Fire Hydrants.** Project Developer shall install fire hydrants on internal project streets and, if required, on Santa Clara Street per City specifications and in accordance with the requirements of the Uniform Fire Code and as approved by the City. All hydrants shall be painted “Neon Grass” and all visible components between the fire hydrant and fire hydrant concrete pad shall be painted flat black, unless otherwise directed by the City.
31. **Automatic Sprinklers.** All town homes in the subdivision shall be equipped with automatic fire sprinkler systems per the specifications of the Uniform Fire Code; and the design and installation of such shall be approved by the City.
32. **On-Site Street Improvements and Guest Parking.** (a) Project Developer shall be responsible for constructing all onsite private street improvements in accordance with the approved Final Map and improvement plans.
 - (b) All street and sidewalk improvements shall conform with the requirements of the Americans with Disabilities Act, including, but not limited to, sidewalks crossing town home driveways, pedestrian access to and ADA parking alongside mail box facility, etc.
 - (c) Parking shall be allowed only in designated parking areas. Street curbs/sides throughout the project shall be stained “safety red” and stamped “No Parking-Fire Lane” on top. “No Parking Fire Lane” signs shall also be posted at various locations throughout the project.
 - (d) A turning radii analysis showing adequate available space to perform the required turning movements for emergency vehicles shall be shown on the final improvement plan submittals and shall be approved by the City.
33. **Deed Restrictions.** Project Developer shall prepare a Declaration of Covenants, Conditions and Restrictions (CC&Rs) for all units within the proposed project which shall be reviewed and approved by the City staff and recorded against each residential unit on the project prior to the sale of any lot. The CC&R’s shall include a provision requiring review and approval by the City prior to any future revisions.
34. **Homeowners Association.** (a) The Project Developer shall establish a homeowner association for maintenance of project site common areas and improvements thereto. The homeowners association shall be responsible for maintenance and operation of all amenities of benefit to the future residents of the project site, including but not limited to: common on-site landscaping and common open space, including landscaped setback along Santa Clara Street, and appurtenant irrigation systems; onsite fences and walls and retaining walls maintenance, including graffiti removal, painting, repairs and replacement thereof; onsite street lights and lighting costs, street

sweeping, striping and repairs thereof; electric current; storm drain lines cleaning, repair and replacement thereof; supervision of all necessary repairs and replacement; debris removal; and any and all other items of work necessary and incidental for the proper maintenance, operation thereof, and administration (including required annual storm water monitoring and reporting).

(b) The homeowners association and governing CC & R's shall be established prior to recordation of the final subdivision map for the proposed project and shall be reviewed and approved by the City.

35. **Fire Lane Maintenance, Parking and CC & R's.** Fire lanes shall be re-stained and tops of curbs remarked, as necessary, but no less frequently than once every five (5) years. All "Fire Lane-No Parking" signs shall be replaced when damaged or removed when they fade. These provisions shall be included in the project Covenants, Conditions & Restrictions (CC & R's). The project's CC & R's shall also include provisions limiting permanent onsite parking by project residents to the two spaces provided on each lot, limiting the duration of guest parking, prohibiting the conversion of garages for storage purposes or uses other than vehicle parking, prohibiting parking of recreational vehicles and boat trailers onsite, and providing for removal of vehicles parked in violation of the project's CC & R's. The project's CC&R's shall further prohibit the placement of any structure, permanent or portable, within the street right-of-way which impedes the use of or access to project sidewalks and streets.

36. **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 under penalty of perjury that I have read the foregoing conditions and that they are, in fact, the conditions which were imposed upon the granting of this permit. I agree to abide fully by these conditions.

Applicant Signature

Date

NOTE: Issuance of this Permit does not waive obtaining any applicable Building Permits before starting construction or initiating the use, nor does it waive any other applicable requirements of law.

Community Development Director

Date