

RESOLUTION 2016-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING THE D'AMBROSIO REVISED PLANNED UNIT DEVELOPMENT PERMIT FOR ASSESSOR PARCEL NUMBERS 002-026-011 & 012

WHEREAS, the City Council has received a recommendation from the Planning Commission for the revision of the Tentative Map and Planned Unit Development (“PUD”) Permit for the D’Ambrosio Vista Project for Assessor Parcel Numbers 002-026-011 and 002-026-012 in the City of San Juan Bautista; and

WHEREAS, the Project is more particularly described in the PUD Application, as modified and mitigated following public hearings at the Planning Commission and this Council; and

WHEREAS, pursuant to San Juan Bautista Municipal Code, Chapter 11-05, this Council is charged with the authority to approve, deny, or approve with conditions, applications for PUD’s; and

WHEREAS, this Council has considered the recommendations of the Planning Commission, and has considered all materials, conditions of approval, staff recommendations, comments and materials submitted by the general public at this Public Hearing of August 16, 2016, concerning the phasing of the Tentative Map and PUD Permit application; and

WHEREAS, this Council hereby incorporates by reference herein the whole record of the Planning Commission and this Council concerning the phasing of the Tentative Map and PUD Permit application; and

WHEREAS, by Resolution No. 2014-30 adopted August 19th, 2014 approving a mitigated negative declaration for the Project; and

WHEREAS, on July 5th, 2016 the Planning Commission made a preliminary determination that the phasing of the D’Ambrosio Vista project will use the previously approved and adopted Mitigated Negative Declaration allowed by the California Environmental Quality Act pursuant to Section 15162 (b) Subsequent EIR and Negative Declaration of the California Code of Regulation (CEQA Guidelines), and

WHEREAS, the Planning Commission, based upon the public hearing testimony and the entire record before them, made the following findings.

1. The proposed project is consistent with the General Plan and Zoning District of the City of San Juan Bautista.
2. The proposed project will be designated to the site and design standards of the zoning district and be compatible with the uses of the surrounding area.
3. The proposed project is consistent with the standards and requirements of the San Juan Bautista Municipal Code, Chapter 10-2-510 and the Subdivision Map Act.

4. The phasing of the D'Ambrosio Vista PUD will not adversely affect the surrounding neighborhood and will not be detrimental to the health and welfare of the residents living and working in the area.
5. The phasing of the D'Ambrosio Vista Project will not create or enhance any significant impacts that have already been discussed and determined in the previous approved and adopted Mitigated Negative Declaration.
6. The mitigation measures identified in the original Mitigated Negative Declaration will remain applicable and adequate to reduce the potential impacts to less than significant levels for both phase one and two of the D'Ambrosio Vista Project.
7. The project meets the goals, objectives and policies of the 2035 General Plan. The D'Ambrosio Vista PUD project is consistent with the General Plan and the zoning of the R-2 Medium Density Residential District.
8. This project will use the previously approved and adopted Mitigated Negative Declaration pursuant to CEQA Guidelines §15162(b) Subsequent EIR and Negative Declaration and the preparation of a subsequent negative declaration, an addendum is not necessary.
9. No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(b). Therefore, the previously adopted certified Mitigated Negative Declaration is adequate without modification.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY RESOLVES AS FOLLOWS:

SECTION 1. Having considered the PUD application and the whole record of the matter before the City Council, and the recommendations of the Planning Commission, the City Council hereby makes the following findings.

- A. That the Project is consistent with the required density for the zoning district in which it is located.
- B. That the use proposed by the Project is necessary or desirable in relation to the purposes and intent of the San Juan Bautista General Plan, the San Juan Bautista Municipal Code, and the economic, social and environmental status of the City; and
- C. That the use proposed by the Project will be properly related to other uses, transportation facilities, and other public facilities in the area, and will not cause any significant or undue environmental impacts relating to noise, odor, pollution, etc.; and
- D. That the use will not adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare of the City and its residents.

SECTION 2. Based on the findings in Section 1, and on the whole record before the City Council, does hereby approves the Phasing of the Tentative Map and revision of the PUD Permit for the D’Ambrosio Vista Revised PUD Project, as presented in the recommendation from the Planning Commission, and subject to “CONDITIONS OF APPROVAL – D’Ambrosio Vista PUD 27 Lots,” attached hereto, marked Exhibit A.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista on this 16th day of August, 2016, by the following vote:

AYES: **Lund, Martorana, Boch, Edge**

NOES: **None**

ABSENT: **West**

ABSTAIN: **None**

Mayor Rick Edge

ATTEST:

Connie Schobert, City Clerk

EXHIBIT "A"

CONDITIONS OF APPROVAL –Revised D’Ambrosio Vista PUD (27)

1. The applicant shall dedicate, improve and guarantee by bond the widening of Third Street with curbs, gutters, sidewalks, street lighting, sewer laterals, street trees, recycle waste water underground distribution mains, asphalt pavement, street named signs, underground electrical, telephone and cable communication facilities.
2. The applicant shall submit a final subdivision map for the 27 unit PUD development for the project. The final map submittal shall conform to the City’s requirements, regulations and conditions of approval.
3. The applicant shall submit improvement plans for all grading, erosion control, street improvements, street utilities, retaining walls, landscaping, and irrigation systems. The improvement plan shall conform to the City’s regulations and requirements, together with an engineer’s cost estimate.
4. The applicant shall submit to the Regional Water Quality Control Board a NOI and SWPPP plans and provide the City with a copy of the submittal package prior to any grading activities.
5. The applicant shall underground all electrical and communication utility lines along the project frontage of Third Street and provide 6 feet wide public utility easement along Third Street.
6. The applicant shall install a 6 feet high articulate stucco fence along the westerly and *southeasterly* property line of project and a six high wood fence along the southerly property line next to the Cemetery.
7. The applicant shall provide the necessary faithful performance bonds, labor and materials bond, monument bonds for all improvements and pay all the applicable fees for the recordation of final map.
8. The applicant shall require all improvement to conform to the ADA requirements.
9. The applicant shall install street lighting along Third Street and shall be the style and similar model type as the Valle Vista Subdivision or the Mission Gardens Apartment complex on Muckelemi Street.
10. A note shall be placed on the final map requiring notification to all buyers of lots within the boundaries of the subdivision that the subdivision is adjacent to the City of San Juan Bautista Waste Water Treatment facility and that odors may be present periodically.
11. A grading plan for the development shall be submitted with erosion protection measures and monitoring reports.
12. The applicant shall enter into a hold harmless agreement with the city prior to commencing construction of the project.
13. Prior to occupancy of any residential structure, the applicant shall submit the test results for the water system pressure for each water service to each lot and a flows test at each hydrant. A bacterial coli form report

shall be submitted before any residential home is connected to the water system.

14. The applicant shall install a storm drainage collection, retention and filtration system for the subdivision conforming to the SWPP guidelines and connect to the city storm drain system.
15. The applicant shall form a landscaping and lighting district for the purpose of maintaining and operating the landscaping, irrigation, open space, common picnic area and street lighting. The landscaping and lighting district shall be formulated in compliance with provisions of Proposition 218 and approved concurrently with the final map approval for the subdivision.
16. The applicant shall prepare a soils report and reference it on the final map.
17. The applicant shall prepare an archeological report and reference it on the improvements plans and have notes on all construction drawings for procedures of archaeological discovery and the notification and contact information if any artifacts or human remains which may be discovered during construction.
18. The applicant shall install a modified speed bump on Donner Drive southerly of the intersection with Ahwahnee Drive and on Ahwahnee Drive westerly of Donner Drive.
19. The applicant shall install a modified speed bump *or alternate raised cross walks, subject to the approval of the City Manager*, on Church Street approximately 350 feet south from the intersection with *Third* Street.
20. The approval for the Vested Tentative Map is for 27 lots, street alignment, utilities layout, landscaping, open space lots, grading and improvements.
21. The applicant shall be responsible to meet the inclusionary housing provisions of the City of San Juan Bautista Municipal Code, Chapter 11-09. Secondary units, duets construction may be a part of the required compliance to meet the inclusionary provisions. In-lieu fees may be applied conforming to the city inclusionary requirements of the municipal code.
22. The applicant shall dedicate an open space triangular parcel south of lot 22 and south of lots 23-27 to the City of San Juan Bautista.
23. The applicant shall install a six foot high wood fence along the northerly line of lots 15 – 18 and east line of lot 1.
24. All mitigation measures and mitigation monitoring programs contained in the Environmental Analysis Report are hereby incorporated by this reference and made a part of the approval.
25. All retaining walls shall be masonry or cast- in- place concrete walls and conform to the California Uniform Building Code and design criteria of the soils report for the subdivision. The plans for retaining walls shall be reviewed by the City prior to construction.

26. The final subdivision map shall substantially conform to the approved tentative map as conditioned by the Planning Commission *and or City Council*. All easements, right of ways, restrictions, notes, references and dedications shall be shown on the final map. Bonding of improvements and a monument bond shall be required prior to recordation of final map.
27. The applicant shall widen south side of Third Street from the easterly boundary of the subdivision to North Street *intersection*. The widen shall be a minimum width of 32 feet face of curb to face of curb with a *four* feet wide monolithic sidewalk and curb on south side. Driveways to the existing residents shall be installed and conform to the existing grades.
28. *The applicant shall construct the street improvements for a round-about intersection at Third Street and Donner Drive. The improvements shall include the pavement stripping, marking and alignment to accommodate the round-about intersection. The applicant shall enter into a reimbursable improvement agreement with the City for future cost recovery of costs that exceed the applicant's fair share of the costs to construct the round-about intersection.*
29. The applicant shall pay all planning, engineering, plan checking, inspection and environmental review fees. The applicant shall pay the development impact fees for each building permit issued.
30. The applicant shall submit to the Planning Commission for review the proposed building floor plans and exterior elevations of the homes to be constructed prior to issuance for a building permit.
31. The applicant shall submit to the Planning Commission the final landscaping and irrigation plan for the subdivision. The irrigation system shall be designed for utilization of reclaimed water provided by the City.
32. All landscaping on individual lots shall be drought resistant type with irrigation systems to be drip irrigation and or water efficient irrigation systems.
33. All residential units shall be designed for future solar installation
34. The applicant shall provide fire sprinkler services and fire sprinkler plans for single family residential building structures.
35. That the applicant shall install a minimum of two dog sanitary stations within the project.