

RESOLUTION NO. 5431

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
CERTIFYING AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT
REPORT FOR THE MIRAVALLE III SPECIFIC PLAN (SCH #2006081129)**

WHEREAS, the City Council of the City of Soledad received an application for a proposed Specific Plan and related vesting tentative map, along with a request for a city Sphere of Influence boundary adjustment and annexation of territory within the plan boundaries of the Specific Plan. This application was for the phased development of a 920-acre area north and west of the current boundaries of the City of Soledad, including residential, commercial, recreational and public facility uses and supporting infrastructure (Miravale III Project); and

WHEREAS, the City of Soledad has adopted the role of lead agency for the purposes of conducting environmental review of the proposed Miravale III Project under the California Environmental Quality Act (CEQA), and, as lead agency, has caused to be prepared a draft environmental impact report for the Miravale III project in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and related Guidelines (Title 14 California Code of Regulations, Section 15000 et seq.); and

WHEREAS, the City prepared a Notice of Preparation (NOP) of an EIR, which was circulated for public comment between August 24, 2006, and September 22, 2006, and on September 7, 2006, the City conducted a public meeting to refine the scope of the draft EIR in accordance with Section 15082(c)(1) of the State CEQA Guidelines; and

WHEREAS, the Draft EIR on the Miravale III Project was prepared in response to the concerns raised during the NOP public comment period and at the public meeting, and in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and related Guidelines (Title 14 California Code of Regulations, Section 15000 et seq.), and the City's rules and procedures for the implementation of CEQA; and

WHEREAS, the Draft EIR was circulated for public review and comment for 45 days between November 4, 2008, and December 18, 2008, in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and related Guidelines (Title 14 California Code of Regulations, Section 15000 et seq.); and

WHEREAS, on December 11, 2008, the Planning Commission conducted a duly noticed public hearing to consider the Draft EIR, related staff report, and all public comments received; and

WHEREAS, a Final Environmental Impact Report ("FEIR") was prepared for the Miravale III Project in compliance with all requirements of CEQA, and which addressed all elements of the Miravale III Project and Miravale III Project approvals; and

WHEREAS, the FEIR for the Miravale III Project consists of the Draft EIR for the Miravale III project (SCH No. 2006081129), all public written comments submitted within the statutory circulation period for the DEIR, the written responses by the EIR author to all comments received, such additional oral and written comments and responses to those comments

as entered in the public hearing record on the matter, and an Errata Summary (all of which is incorporated herein by reference); and

WHEREAS, the FEIR determined that implementation of the Miravale III Project has the potential to generate significant environmental impacts that could be reduced to a less-than-significant level with full implementation of mitigation measures as recommended in the FEIR; and that potentially significant environmental impacts that can be reduced through the implementation of mitigation measures include the following: aesthetic resources (light and glare); agricultural resources (land use compatibility); geology, seismic hazards and soils; air quality (short-term construction emissions and nuisance odors); biological resources (e.g., habitat alteration, removal of vegetation and trees); cultural resources (historic structure); hydrology, drainage and water quality; local and regional transportation systems; noise; public services and facilities; utilities and infrastructure; health hazards; land use and planning; and population and housing; and

WHEREAS, the FEIR has also determined that implementation of the Miravale III Project, as proposed, has the potential to generate significant unavoidable environmental effects, and that such significant impacts which cannot be mitigated to a less-than-significant level with implementation of the Project are identified as follows: aesthetic resources (permanent alteration of visual character and scenic resources); agricultural resources (conversion of prime agricultural land and cancellation of Williamson Act contract); air quality (e.g., ozone precursor pollutants and greenhouse gas emissions); biological resources (potential impacts to Special-status wildlife species, impacts to wildlife habitat, wildlife corridors and nursery sites); land use and planning (conflicts with General Plan policies intended to avoid and/or mitigate environmental impacts to biological and aesthetic resources); noise; population and housing (significant portion of General Plan's projected growth and growth-inducement); regional transportation system (if necessary improvements are not implemented); and cumulative impacts to aesthetics, agricultural resources, air quality, biological resources, climate change and transportation and traffic; and

WHEREAS, on August 12, 2010, the Planning Commission, conducted a noticed public hearing to consider the adequacy of the FEIR and all comments received, and considered the Staff Report and oral report for the FEIR; and

WHEREAS, the Planning Commission determined that the FEIR for the Miravale III project met all CEQA requirements and constituted a complete, comprehensive and adequate documentation of all environmental effects and impacts of the project and included appropriate and effective implementation measures and alternatives to reduce identified significant impacts; and

WHEREAS, the Planning Commission, through adoption of Resolution 2010-14, resolved to recommend that the City Council of the City of Soledad hold a public hearing and, thereupon, certify the Final EIR for the Miravale III Specific Plan project; and

WHEREAS, on September 1, 2010, the City Council of the City of Soledad conducted a noticed public hearing to consider the FEIR, related staff report and oral presentation of the item, all public comments received, and the recommendation of the Planning Commission; and

WHEREAS, the City Council of the City of Soledad, exercised their independent judgment of the FEIR, herein incorporated by reference, and based upon the evidence presented herein and in the public record, determined that the proposed Miravale III Project was adequately analyzed in the Miravale III Specific Plan Environmental Impact Report; and

WHEREAS, the City Council of the City of Soledad found that the City complied 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

WHEREAS, The City Council of the City of Soledad resolved to certify the FEIR on September 1, 2010 and adopted Resolution 4564 (included hereto as **Exhibit A**) to do so finding that:

1. The FEIR for the Miravale III project has been completed in compliance with the requirements of CEQA and CEQA Guidelines; and
2. The FEIR for the Miravale III project has been reviewed and considered by the City Council prior to their action; and
3. The FEIR reflects the City of Soledad’s independent judgment and analysis; and

WHEREAS, The City Council authorized City Staff to request LAFCO to consider initiating a Sphere of Influence amendment for the area proposed by the project, but took no other actions to approve the project; and

WHEREAS, The City Council made recommendations to the City Staff and the applicant for revisions to the project that would make it consistent with the City’s General Plan and the City’s vision for the plan area before the City Council would further consider requested actions on the project; and

WHEREAS, The Applicant resubmitted project applications on July 26, 2016 for a revised and reduced size project (647 acres vs. the original project at 920 acres) (hereinafter “Miramonte Project”) in an attempt to address the City Council’s direction from 2010; and

WHEREAS, It has been determined by City Staff and recommended by the Planning Commission 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 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 Miramonte Project and to clarify mitigations contained in the 2010 certified FEIR; and

WHEREAS, the City Staff has had prepared an Addendum to the Miravale III Specific Plan FEIR (hereinafter EIR Addendum), attached hereto as **Exhibit B** and incorporated herein by reference; and

WHEREAS, the City Staff, based on the conclusions of the EIR Addendum, has prepared CEQA findings and a Statement of Overriding Considerations attached hereto as **Exhibit C** and incorporated herein by reference; 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 Planning Commission's deliberations recommending to the City Council adoption of the EIR Addendum was given in the manner prescribed by law and by the City; and

WHEREAS, the City of Soledad Planning Commission held duly-noticed public hearings on April 12, 2018, May 10, 2018, and June 14, 2018, during which it considered the EIR Addendum, CEQA Findings and Statement of Overriding Considerations, Staff Report and presentation, public testimony, and documentary evidence introduced and received during the public hearing along with the entire public record, including the environmental documentation; and,

WHEREAS, the City of Soledad City Council held a duly noticed public workshop on July 18, 2018, to revisit the previous plan area and project history, past actions, the current plan area and project description, available documentation on the project, currently proposed actions, the Planning Commission recommendation and to hear public testimony; and

WHEREAS, the City Council during duly noticed special meetings held on August 28, 2018 and October 23, 2018, considered the Addendum, the Staff Report and presentation, public testimony, and documentary evidence introduced and received during the public hearing, including all environmental documentation, and

WHEREAS, the City Council considered the project's contribution to the City's need for major traffic improvements from growth consistent with the general plan, and the Planning Commission recommendation that an extension of Gabilan Drive would be the preferred improvement to mitigate cumulative traffic impacts and the project's contribution to them at the intersections of San Vicente Road and Front Street, Moranda Road and Front Street and the intersection of Moranda Road/Front Street and the U.S. Highway 101 Northbound ramps; and,

WHEREAS, the Council determined that an extension of Gabilan Drive would require modification to the U.S. Highway 101 Front Street interchange, which is under the jurisdictional control of Caltrans; and,

WHEREAS, the City Council has considered a supplemental traffic impact analysis prepared by Keith Higgins included as Attachment J to the October 23, 2018 staff report regarding potential major traffic improvements needed to implement the general plan; and

WHEREAS, the City Council considered the traffic impact mitigating effect to the intersections of San Vicente Road and Front Street, Moranda Road and Front Street, and the intersection of Moranda Road/Front Street and the U.S. Highway 101 Northbound ramps; from constructing an extension of Market Street as identified in the general plan and general plan EIR generally aligned between San Vicente Road and the Moranda Road/Front Street intersection;

and

WHEREAS, the City Council at the October 23, 2018 meeting closed the public hearing and directed City Staff to make review and make appropriate revisions to the traffic mitigation measures and others mitigation measures identified in the EIR Addendum and directed staff, if possible, to present the revisions at the regular City Council meeting of November 7, 2018; and

WHEREAS, Staff and representatives of the City's environmental consultant, EMC Planning Group, met and conferred during the week of October 29, 2018, and agreed upon appropriate changes to the mitigation measures and related documents, and all of said modifications can be processed without the need for further or additional environmental analysis; and

WHEREAS, the City Council at the regular meeting of November 7, 2018, received and considered an Errata to the EIR Addendum that includes the requested revisions to mitigation measures prepared by City Staff and recommended by the City Attorney; and

WHEREAS, all said clarifications are desired by the City and are being accomplished through the Addendum to the certified Miravale III FEIR, Errata to the Addendum to the certified Miravale III FEIR, mitigation monitoring program (hereinafter "MMRP"), and City required conditions of approval; and

WHEREAS, the City Council has considered the Errata to the EIR Addendum attached hereto as "**Exhibit D**", and incorporated herein by reference, which further clarifies the revisions made to mitigation measures after preparation of the EIR Addendum in response to concerns raised by City Council during their consideration of the proposed Miramonte Specific Plan and Vesting Tentative Map project; and

WHEREAS, notice of time and place of hearing for the City Council's deliberations to certify the EIR Addendum was given in the manner prescribed by law and by the City.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Soledad hereby certifies the EIR Addendum and finds that:

1. The FEIR for the Miravale III project was certified by the City of Soledad City Council in 2010 and was completed in compliance with the requirements of CEQA and the CEQA Guidelines and is hereby incorporated by reference; and
2. The Miramonte Project proposed in 2016 is based on the direction of the City Council in 2010 to reduce the physical size and total density of the project; and
3. The environmental effects of the reduced scale Miramonte Project have been studied in the EIR Addendum and will not result in new significant environmental effects or a substantial increase in the severity of significant effects previously identified in the certified Miravale III Specific Plan FEIR; and

4. That certain mitigations in the certified Miravale III FEIR require clarification, and as such are so clarified in the EIR Addendum and its Errata (Exhibit D); and
5. The actions necessary to carry out approval of the project are within the scope of the projects analyzed in the Final EIR and EIR Addendum; and that the Final EIR and EIR Addendum, including Errata, are fully adequate to consider the Miramonte Project; and
6. The mitigation measures identified in the EIR Addendum and Errata are equivalent to, or more effective in, lessening or avoiding significant effects on the environment; and
7. Findings for the purposes of CEQA and a Statement of Overriding Considerations have been prepared and are attached hereto as Exhibit C and
8. Pursuant to CEQA Guidelines Section 15162 et. seq. the City of Soledad makes the following determinations:
 - (1) Substantial changes are proposed in the project, but the changes did not require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken, but the change in circumstances does not require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows the following:
 - (A) The project does not have significant effects that were not already discussed in the previous EIR;
 - (B) The significant effects previously examined will not be substantially more severe than shown in the previous EIR;
 - (C) There are no mitigation measures previously found not to be feasible that would in fact be feasible, that would substantially reduce one or more significant effects of the project, and are not declined by the project proponents;
 - (D) No mitigation measures which are considerably different from those analyzed in the previous EIR and would

substantially reduce one or more significant effects on the environment have been declined by the project proponent.

9. The EIR Addendum and the certified FEIR been reviewed and considered by the City Council; and
10. The EIR Addendum reflects the independent judgement and analysis of the City Council of the City of Soledad; and
11. The location and custodian of records for the basis of decision of the City of Soledad as Lead Agency approving the actions described herein is the Soledad City Clerk, City Hall, 248 Main Street, Soledad, CA 93960.

PASSED AND ADOPTED by the City Council of the City of Soledad a regular meeting duly noticed and held on the 7th day of November 2018, by the following vote:

AYES, and in favor thereof, Councilmembers: Christopher Bourke, Mayor Pro Tem Alejandro Chavez, Carla Stewart, and Mayor Fred Ledesma

NOES, Councilmembers: Velazquez

ABSTAIN, Councilmembers: None

ABSENT, Councilmembers: None

FRED J. LEDESMA, Mayor

Chairman
ATTEST:

/s/Michael McHatten
MICHAEL MCHATTEN, City Clerk

EXHIBIT A

CITY COUNCIL RESOLUTION No. 4564

EXHIBIT B

ADDENDUM TO 2010 CERTIFIED MIRAVALLE III SPECIFIC PLAN FEIR

EXHIBIT C

CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

EXHIBIT D

ERRATA FOR THE ADDENDUM TO THE MIRAVALLE III
SPECIFIC PLAN EIR (MIRAMONTE SPECIFIC PLAN
PROJECT)
