

RESOLUTION NO. 4564

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
ANNOUNCING FINDINGS AND CERTIFYING THE FINAL ENVIRONMENTAL
IMPACT REPORT FOR THE PROPOSED MIRAVALLE III SPECIFIC PLAN**

(SCH NO. 2006081129)

WHEREAS, the City Council of the City of Soledad has received an application initiated by Nader Agha. for a proposed Specific Plan and related vesting tentative map for the phased development for 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 (“Project”); and

WHEREAS, the City of Soledad has adopted the role of lead agency for the purposes of conducting environmental review of the proposed 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 Specific Plan 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 on the project in compliance with all requirements of CEQA, and which addresses all elements and phases of the Project and Project approvals as described above; and

WHEREAS, the FEIR for the Miravale III Project consists of the Draft EIR for the Miravale III Specific Plan (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 (attached hereto\as **Exhibit B**); and

WHEREAS, the FEIR has determined that implementation of the 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 the areas of potentially significant environmental impacts which can be reduced through 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 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 Final EIR and all comments received, and considered the Staff Report and oral report for the Final EIR; and

WHEREAS, the Planning Commission has determined that the Final EIR for the Miravale III Specific Plan meets all CEQA requirements and constitutes a complete, comprehensive and adequate documentation of all environmental effects and impacts of the project and includes 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 Final EIR, 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, exercising their independent judgment of the FEIR, herein incorporated by reference, and based upon the evidence presented herein, has determined that the proposed Project has been adequately analyzed in the Miravale III Specific Plan Environmental Impact Report; and

WHEREAS, the City Council of the City of Soledad has found that the City has 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 FEIR reflects the City's independent judgment and analysis and constitutes the FEIR for the Miravale III Specific Plan project.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Soledad certifies said FEIR and finds that:

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

PASSED AND ADOPTED by the City Council of the City of Soledad a regular meeting duly held on the 1st day of September, 2010, by the following vote:

AYES, and in favor thereof, Councilmembers: Richard J. Perez, Juan Saavedra, Patricia Stephens, Mayor Pro Tem Martha Camacho and Mayor Richard V. Ortiz

NOES, Councilmembers: None

ABSTAIN, Councilmembers: None

ABSENT, Councilmembers: None


RICHARD V. ORTIZ, Mayor

ATTEST:


ADELA P. GONZALEZ, City Clerk

