

RESOLUTION NO. 5432

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR THE MIRAMONTE SPECIFIC PLAN PROJECT (FORMERLY MIRAVALLE III SPECIFIC PLAN PROJECT) INVOLVING APPROXIMATELY 647 ACRES

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

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 Specific Plan Project); and

WHEREAS, the City of Soledad 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, on August 12, 2010, the Planning Commission, conducted a noticed public hearing to consider a recommendation to the City Council for initiating a sphere of influence amendment request, and considered the Staff Report and oral report for a proposed project in the General Plan Expansion Areas; and

WHEREAS, the Planning Commission, through adoption of Resolution 2010-15, resolved to recommend that the City Council of the City of Soledad hold a public hearing and, thereupon, provide direction for preparation of a SOI amendment application to LAFCO, contingent upon the provision of adequate funding and application fees by the Miravale III project applicant; and

WHEREAS, the City of Soledad 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 the City Council, prior to or concurrent with the approval of Resolution 4565, considered and certified the Final Environmental Impact Reports (FEIR’s) for both the City of Soledad 2005 General Plan (SCN# 2005032722) and for the proposed Miravale III Specific Plan (SCN# 2006081129); and

WHEREAS, both adequately address the environmental effects of the proposed boundary change pursuant to CEQA; and

WHEREAS, prior to 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, although the City Council certified the Miravale III FEIR by adoption of Resolution 4565 on September 1, 2010, and directed City Staff to pursue a Sphere of Influence amendment, applications were never filed with Monterey County LAFCO to request the amendment; 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, the Applicant for the reduced size Miramonte project submitted application requests to the City for a General Plan Amendment, Specific Plan, Rezoning, Sphere of Influence Amendment, Annexation, Rezoning, and a Vesting Tentative Map approval that would permit development of the 647 acre area (Plan Area), consistent with the Miramonte Specific Plan (incorporated herein by reference); and

WHEREAS, the City 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 Council has determined based on the recommendation of 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, based on the conclusions of the EIR Addendum, has adopted a Statement of Overriding Considerations in Resolution No. 5431 incorporated herein by reference; and

WHEREAS, the 2010 certified Miravale III FEIR and the Miramonte Addendum to that FEIR, both of which are incorporated herein by reference, identified mitigation measures to incorporate into the project that eliminate or substantially lessen all significant effects on the environment, where feasible; and

WHEREAS, certain mitigations contained in the 2010 certified Miravale III FEIR required clarification for implementation by the Applicant, developer, and City; and

WHEREAS, said clarifications are desired by the City and is being accomplished through the Addendum to the certified Miravale III FEIR and City required conditions of approval; and

WHEREAS, these clarifications to mitigations still mitigate impacts appropriately and do not reduce the effectiveness of the mitigation; 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 regarding adoption of the MMRP was given in the manner prescribed by law and by the City; and

WHEREAS, the City of Soledad Planning Commission at its regularly scheduled meetings of April 12, 2018, May 10, 2018, and June 14, 2018, during which it considered the MMRP, the Staff Report and presentation, public testimony, and documentary evidence introduced and received during the public hearing, including all environmental documentation, and recommends that the City Council adopt the MMRP; 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, Planning Commission actions and to hear public testimony; and

WHEREAS, the City Council held a duly noticed public hearing on August 28, 2018, at which it considered the MMRP, 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 notice of time and place of hearing for the City Council's deliberations regarding adoption of the MMRP was given in the manner prescribed by law and by the City; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Soledad adopted the MMRP as follows:

1. All of the recitals set forth above are true and correct to the best of the council's knowledge, and are incorporated herein by reference; and

2. Adopts the MMRP for the Addendum and certified Miramonte Specific Plan FEIR, and related project actions to ensure the implementation of all identified mitigation measures and any clarification to those measures as specified in the adopted Addendum and in the MMRP (attached hereto as **Exhibit A** and incorporated herein by reference).

3. 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 23rd day of October, 2018, by the following vote:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSTAIN, Councilmembers:

ABSENT, Councilmembers:

FRED J. LEDESMA, Mayor Chairman

ATTEST:

MICHAEL MCHATTEN, City Clerk

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
