

EXHIBIT C  
City of Soledad Resolution No. 5431

FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
(CEQA) AND FACTS AND EVIDENCE IN SUPPORT OF FINDINGS FOR THE  
MIRAMONTE SPECIFIC PLAN AND VESTING TENTATIVE MAP PROJECT

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. and Title 14, California Code of Regulations Section 15000 et seq. the City of Soledad as Lead Agency adopts the following findings, along with the facts and evidence upon which each finding is based.

I

BACKGROUND

The Miramonte Specific Plan and Tentative Map proposes a mixed-use development consisting of approximately 1,318 low-density residential units, 626 medium-density residential units, 134 senior housing units, 100,000 square feet of retail commercial space, 140 acres of open space, and 56 acres of parkland. The specific plan also includes a 35.9-acre residential study area that would provide an opportunity for additional parklands and/or an additional 314 low density residential or medium density residential lots, or a mix of both to provide flexibility as growth within the plan area proceeds. Land uses would be arranged around a core area of neighborhood commercial and higher density residential uses. Some parcels within the core area provide a mixed-use opportunity. The specific plan would allow a variety of residential types, including apartments, townhouses, and detached homes on small and large lots. The specific plan also would create opportunities for two elementary school sites, a fire/police substation, storm water facilities, paved pathways, a community park, and an unimproved trail system within the hillside open space.

- A. The Final EIR, incorporated herein by reference, for the project consists of the Draft EIR for the Miravale III Subdivision and the Appendices to the Draft EIR prepared for the City of Soledad by Denise Duffy and Associates, dated October 2008; and the Final EIR for the Miravale III Subdivision prepared for the City of Soledad by Denise Duffy and Associates, dated August 10, 2010. The Final EIR analyzes and evaluates approval and development of a similar, but larger project in approximately the same location as the project described above. The final EIR was certified by the City Council at a duly-noticed public hearing September 1, 2010 (City of Soledad City Council Resolution No. 4564).

- B. Addendum to the Miravale III Specific Plan EIR:

The Addendum to the Final EIR and Appendices (EIR Addendum), prepared for the City of Soledad by EMC Planning Group Inc., dated April 5, 2018, including Errata to the Addendum to the Miravale III Specific Plan EIR

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(Exhibit D of City Council Resolution 5431), analyze and evaluate approval and development of the project as described above.

II

ENVIRONMENTAL EFFECTS OF THE PROJECT MITIGATED TO A LESS-  
THAN- SIGNIFICANT LEVEL

The following subsections briefly explain the manner in which each of the recommended mitigation measures have been incorporated or will be implemented into the project plans or conditions and supply the rationale for the finding that the following potential significant effects, as identified in the Miravale III Specific Plan EIR for the Miravale III Specific Plan project (Miravale III) and the Addendum to the Final EIR prepared for the Miramonte I Specific Plan and vesting tentative map project (Miramonte), have been reduced to an acceptable level.

The environmental effects of the project identified in the Final Miravale III EIR and clarified in the Addendum to the Miravale III EIR and mitigation measures required in the Miravale III Final EIR and clarified in the Addendum to the Miravale III EIR to mitigate each impact to a less-than-significant level are listed below.

(a) Aesthetics

Project Impact (Significant). Scenic Vistas. Implementation of the Miravale III project would introduce substantial new development, including structures of various heights and densities in visually sensitive areas above the 400-foot contour line of the Gabilan foothills. The project would change the natural visual character of open space hillside vistas to urban development. Increased visibility and intensity of development of the hillsides, in particular, above the 400-foot contour line, impacts the aesthetic value of the scenic vista.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. Specifically, development consistent with the Miramonte specific plan reduces the size of the formerly proposed project boundary by 273 acres and the development density by 2,081 residential units. Scenic open space areas above the 400-foot contour are designated as Hillside/Open Space and are protected in perpetuity by a recorded conservation easement; thereby, eliminating potential new sources of light and glare from this area. Additionally, the following mitigation measures imposed upon the project mitigate impacts to less-than-significant levels:

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Mitigation Measure

4.1-1. Building heights of all new structures shall adhere to the limits set forth in adopted Miramonte Specific Plan. Additionally, all new structures shall adhere to the applicable Development Standards as established in Section 2.4 of the Specific Plan. Prior to the issuance of any building permit for development within the Specific Plan area, the project applicant shall submit detailed plans, including elevations, site plans, and/or other documentation detailing compliance with applicable development standards, subject to the review and approval of the City of Soledad Chief Building Official.

4.1-4. Final design plans for proposed development shall utilize natural landforms and vegetation for screening structures, access roads, building foundations, cut and fill slopes, and exterior lighting. Roads, parking, and utilities shall be designed to minimize visual impacts. Prior to the issuance of any grading and/or building permit, the project applicant shall submit design-level drawings demonstrating compliance with this measure, subject to the review and approval of the City of Soledad Community and Economic Development Director.

4.1-5. The applicant shall provide landscape screening appropriate to the surrounding area in order to integrate the development with the existing natural landscape. Landscaping plans shall be submitted to the City of Soledad for review and approval prior to the issuance of any building or grading permit.

4.1-6. All buildings shall be designed with colors and materials that effectively blend the structures with the surrounding landscape. Building applications for new structures shall include color and material sample photo sheets and shall be approved by the City of Soledad, prior to the issuance of any building permit.

4.1-8. Land alterations within areas above the 400 foot elevation shall be minimized by keeping cuts and fills to a minimum, limiting grading to the smallest practical area of land, limiting land exposure to the shortest practical amount of time, replanting graded areas to insure establishment of plant cover before the next rainy season, and creating grading contours that blend with the natural contours on site or look like contours that would naturally occur. Prior to the issuance of any grading permit, the project applicant shall submitted detailed grading plans consistent with the intent of this mitigation, subject to the review and approval of the City of Soledad.

Evidence. In addition to the reduced scale of the project, Mitigation Measures 4.1-1, 4.1-4 – 4.1-6, and 4.1-8 require adherence to specific design and development standards that minimize impacts to the aesthetic value of scenic vistas in the specific plan area. Design requirements include limits on grading and exposed soils and the use of vegetation screening, use of natural colors and materials, and utilization of natural landforms and vegetation to screen infrastructure improvements. As a condition of project approval the project applicant will be required to submit detailed plans, including elevations, site plans, landscape plans and/or other documentation detailing

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compliance with applicable development standards, subject to the review and approval of the City of Soledad. As a condition of project approval, the developer will implement Mitigation Measures 4.1-1, 4.1-4 – 4.1-6, and 4.1-8, which will reduce the impact to a less-than-significant level.

Project Impact (Significant). Light and Glare. The proposed project would increase the intensity of development within an existing undeveloped area, and therefore the amount of artificial light produced by the site. The Highway 101 corridor and surrounding urban uses would be most affected by this increase in light and glare. Artificial lighting within the project site would impact nighttime views by altering the natural landscape and potentially lighting up the nighttime sky and reducing the visibility of astronomical features. The additional lighting within the project site, especially unshielded light, could result in spillover light that could impact surrounding land uses. Further, daytime glare could occur as light reflects off pavement, vehicles, rooftops, and structures.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. Specifically, the following change in the size and intensity of development that would be allowed by the Miramonte Specific Plan mitigates the impact to a less-than-significant level: Development consistent with the Miramonte specific plan reduces the size of the formerly proposed project boundary by 273 acres and the development density by 2,081 residential units. Scenic open space areas above the 400-foot contour are designated as Hillside/Open Space and are protected in perpetuity by a recorded conservation easement; thereby, eliminating potential new sources of light and glare from this area. Additionally, the following mitigation measure imposed upon the project mitigates impacts to less-than-significant levels:

Mitigation Measures

4.1-14. All buildings shall be designed so that exterior lighting is down-lit and illuminates the intended area only. Building applications for new structures shall include an exterior lighting plan subject to approval of the Soledad Planning Department that includes the following requirements: 1) exterior lighting shall be directional; 2) glare from exterior lighting shall be adequately minimized; 3) the source of directional lighting shall not be directly visible; and 4) vegetative screening shall be considered, where appropriate, as a means of reducing development-related light and glare. The project applicant shall submit an exterior lighting plan to the City of Soledad Planning Department prior to the issuance of any building permit.

4.1-15. Ornamental lighting use for streets, parks, public open spaces, trails, bike paths, parking lots, and walkways shall utilize fixtures consisting of metal

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halide with full cut-off luminaires or other form of similar fixtures in order to control light and glare. Prior to the issuance of any building permit, the project applicant shall provide documentation as part of the exterior lighting plan described in Mitigation Measure 4.1- 14 demonstrating that these measures are incorporated into site lighting, subject to the review and approval of the Soledad Planning Department.

4.1-16. Light reduction and screening measures shall be required in order to reduce nighttime ambient light increases in the area. Lighting levels in commercial areas shall be kept as low as feasible and controlled to minimize operating time. Light sources shall be installed, so there is no light radiation above the horizontal plane (i.e., dark sky). Lighting shall be focused downward to prevent the splay of ambient light to other areas. Prior to the issuance of any building permit, the project applicant shall provide documentation as part of the exterior lighting plan described in Mitigation Measure 4.1-12 demonstrating that these measures are incorporated into site lighting, subject to the review and approval of the Soledad Planning Department.

Evidence. Mitigation Measures 4.1-14 through 4.1-16 require the applicant to prepare an exterior lighting plan that includes light minimization measures such as down-lit illumination, screening, and limited operational times that will directly reduce the amount of ambient light produced by the project. The applicant will be required to provide documentation that these measures have been incorporated into the site lighting. As a condition of project approval, the developer will implement Mitigation Measures 4.1-15 through 4.1-16 which will reduce potential lighting impacts to a less-than-significant level.

(b) Agricultural Resources

Project Impact (Significant) Land Use Conflicts-Land Use Compatibility. The proposed specific plan includes areas of single-family residential development that would be sited adjacent to agricultural lands located on the northern, eastern, and western boundary of the project site, which has the potential to cause significant land use compatibility impacts.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

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Mitigation Measures

4.2-1. Adequate buffer areas between urban and agricultural uses, including a minimum 50-foot buffer along the northern and eastern boundary of the project site and a 200-foot buffer along the western boundary, shall be incorporated into the proposed project. These buffers shall also be supplemented with physical barriers in areas where residential and commercial structures are to be located, as recommended by the Agricultural Resources Report contained in Appendix T-1 of the Miravale EIR. The 200-foot buffer along the project's western boundary may be reduced upon demonstration to the satisfaction of the City Council that other measures, including those recommended in Mitigation Measure 4.2-2, will adequately protect human health and safety and minimize potential conflicts, and provided that any such reduction shall not result in a buffer width of less than 100 feet consistent with the Permanent Agricultural Edge location identified in the 2016 Monterey County/City of Soledad Memorandum of Understanding. The County of Monterey Agricultural Commissioner shall be consulted regarding the adequacy of the proposed buffers and physical barriers and evidence of said consultation and recommendation shall be submitted to the city prior to approval of the tentative map. Prior to the recordation of any final map, the project applicant shall submit evidence in the form of agricultural setbacks delineating buffer locations consistent with the recommendations contained in the Agricultural Resources Report contained in the Miravale III EIR Appendix T-1, subject to the review and approval of the City of Soledad. All agricultural buffers, excluding public right-of-ways, shall be maintained by the Project Proponent and/or his/her successor(s) in interest through easements dedicated to the city or other entity until such time that the adjoining agricultural operation and use no longer exists

4.2-2. In order to ensure the adequacy of the agricultural buffer located along the western boundary of the project site, as required by Mitigation Measure 4.2-1, the project applicant shall submit a detailed landscape plan that includes vegetative screening in addition to physical barriers, such as fences, walls, or similar structures to protect human health and safety. One or more of the following options may also be used in combination with landscaping requirements to create an adequate buffer between the agricultural parcel property line and habitable structures within the Plan area:

- a. Public or private road right-of-ways;
- b. Landscaped islands and planting areas;
- c. Recreational trail corridors; and/or
- d. Placing dwellings in the rear portion of lots.

Prior to the recordation of any final map along the western project boundary, the agricultural buffer and any related easement shall be delineated on the final map in each phase, subject to the review and approval of the City of Soledad.

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4.2-3. Prior to the issuance of any certificate of occupancy for residences adjacent to or in close proximity to the agricultural buffer along the western project boundary, the project applicant shall provide documentation demonstrating that adequate screening, landscaping and structural improvements have been installed and/or constructed within the buffer, subject to the review and approval of the City of Soledad Community Development Director.

4.2-5. Prior to the recordation of final map(s), the project applicant shall have recorded a right-to-farm notice on parcels adjacent to existing and on-going agricultural uses consistent with the requirements of the City of Soledad General Plan, subject to the review and approval of the City of Soledad City Council.

Evidence. Mitigation Measure 4.2-1 requires the implementation of buffers and physical barriers between urban and agricultural uses ensures adequate separation of residential/commercial and agricultural uses to lessen the likelihood of conflicts. To ensure the adequacy of the buffers and physical barriers, , and prior to the recordation of any final map, the project applicant must submit evidence in the form of agricultural setbacks delineating buffer locations consistent with the recommendations contained in the Agricultural Resources Report consistent with the 2016 Monterey County/City of Soledad Memorandum of Understanding. Additionally, to further ensure the adequacy of the agricultural buffer located along the western boundary of the project site, mitigation measure 4.2-2 and 4.2-3 require the project applicant to submit a detailed landscape plan that includes vegetative screening in addition to physical barriers subject to review and approval by the city. These measures will ensure adequate separation of urban and agricultural uses thereby lessening the potential for land use conflicts. The Miramonte Specific Plan incorporates buffers along the northern and western boundary to implement this measure and prohibits residential development above the 400-foot elevation contour on the east side of the site in perpetuity through recorded conservation easement(s). Mitigation Measure 4.2-5 requires the developer to record right-to-farm notices on parcels adjacent to active agricultural operations. As a condition of project approval, the developer will implement Mitigation Measures 4.2-1 through 4.2-3, and Mitigation Measure 4.2-5, which reduces the potential for land use conflicts to a less-than-significant level.

(c) Air Quality

Project Impact (Significant) Construction Impacts-Construction Dust. Construction activities associated with implementation of the Specific Plan would include clearing, excavation and grading operations, construction vehicles traffic on unpaved ground, and wind blowing over exposed earth that would generate dust and particulate matter that could significantly degrade air quality.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously

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identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measures

4.3-1. Grading activity shall be limited to a maximum of 2.5 acres daily, or, if grading cannot be limited to 2.5 acres daily. Prior to start of construction, the project applicant or contractor shall submit to the City of Soledad Public Works Department a construction dust mitigation plan. This plan shall specify the methods of dust control that would be utilized, demonstrate the availability of needed equipment and personnel, use reclaimed water for dust control, and identify a responsible individual who, if needed, can authorize implementation of additional measures. The construction dust mitigation plan shall include the following measures as necessary to control visible dust:

- Water all active construction areas at least twice daily and more often during windy periods.
- Active areas adjacent to existing businesses should be kept damp at all times. If necessary, during windy periods, watering is to occur on all days of the week regardless of onsite activities.
- Cover all trucks hauling dirt, sand, or loose materials.
- Haul trucks shall maintain at least 2'0" of freeboard.
- Plant tree windbreaks on the windward perimeter of construction project if adjacent to open land.
- Install wheel washers at the entrance to construction sites for all exiting trucks.
- Upon completion of mass grading, pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily if visible soil material is deposited onto the adjacent roads.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).



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- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles.
- Limit traffic speeds on unpaved roads to 15 mph.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend excavation and grading activity when hourly-average winds exceed 15 mph and visible dust clouds cannot be contained within the site.

Evidence. If grading cannot be limited to 2.5 acres daily, Mitigation Measure 4.3-1 requires the project applicant or contractor to submit a construction dust mitigation plan to the City of Soledad Public Works Department which specifies the methods of dust control that would be utilized to ensure a direct reduction in visible dust during construction activities. This will ensure the reduction in dust and particulate matter that could significantly degrade air quality. As a condition of project approval, the applicant or contractor will implement Mitigation Measures 4.3-1 which will reduce the construction dust impacts to a less-than-significant level.

Project Impact. Construction Impacts-Diesel Emissions. Grading of the site would generate diesel particulate emissions from equipment exhaust during the construction period. Diesel particulate matter includes air contaminants that could impact sensitive receptors including residences that border the project site as well as new on-site residences constructed during earlier phases of the project.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.3-2a. Prior to each final map and use permits, the developer shall have a construction air quality report prepared by a qualified air quality consultant. The report shall be subject to review and approval by the City Planning Department and all recommendations shall be implemented during construction.

4.3-2b. In addition to the construction air quality analysis required in mitigation measure 4.3-2a, during construction the following shall be implemented for all projects to reduce diesel particulate emissions from on-site construction equipment:

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- The following equipment may be used without control devices or additional mitigation
  - No engines greater than 750HP are used; and
  - Engines between 501 HP and 750 HP are model years 2002 and newer; and
  - Engines between 251 HP and 500 HP are model years 1996 or newer; and
  - Engines between 175 HP and 250 HP are model years 1985 or newer.
- The following equipment may be used without causing acute adverse health effects, if retrofitted with a catalyzed diesel particulate filter (CDPF):
  - Engines greater than 750 HP; if model year 2006 and newer; and
  - All engines less than 749 HP, regardless of model year.
- If construction equipment uses B99 biodiesel, no acute adverse health effect would be expected in the following:
  - Engines between 501 HP and 750 HP, if model years 2002 or newer; and
  - Engines between 250 HP and 500 HP, if model years 1996 and newer; and
  - Any engine less than 250 HP.

Evidence. Mitigation Measure 4.3-2a requires the developer to have a construction air quality report prepared by a qualified air quality consultant, subject to review and approval by the City. All recommendations contained within this report will be implemented during construction, which will directly reduce diesel particulate matter emissions. In addition to the construction air quality analysis required in mitigation measure 4.3-2a, Mitigation Measure 4.3-2b adds control measures for the type of equipment that can be utilized during construction to further reduce diesel particulate emissions from on-site construction equipment. Implementation of these measures will be required as a condition of project approval and will reduce impacts to a less-than-significant level.

(d) Biological Resources

Project Impact (Significant) Vegetation. The proposed project would cause temporary and permanent impacts to agricultural fields and to non-cultivated

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grassland habitat below the 400-foot elevation contour Temporary impacts to vegetation include grubbing and grading associated with site preparation and permanent impacts include the conversion of open vegetated areas to urban housing through placement of structures, homes, roads, driveways, etc.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measures

4.4-2. Prior to the onset of construction, trees and vegetation not planned for removal shall be protected during construction. This shall include the use of exclusionary fencing of herbaceous and shrubby vegetation, such as hay bales and protective wood barriers for trees. Only certified weed-free straw shall be used to avoid the introduction of non-native, invasive species. A qualified biological monitor retained by the developer shall verify that adequate protective measures are in place prior to construction and remain intact throughout the construction phase.

4.4-3. Following construction, the disturbed areas that are proposed as parks and native landscaping areas shall be restored to pre-project contours and revegetated by the contractor using locally-occurring native species and native erosion control seed mix. Landscape plans for all such areas adjoining natural open space, including landscaped strips within right-of-ways, shall be reviewed by a qualified biologist to ensure that only native and non-invasive species are included in the planting palette and shall include a supplemental note and/or report by said biologist documenting compliance with this requirement. Landscape plans for other disturbed areas or for designated parks shall utilize native species to the extent feasible and avoid the use of all invasive species; such plans shall include a note from the licensed professional who prepared the plan(s) or from a qualified biologist retained by the developer documenting compliance with this requirement. Prior to the issuance of any grading and/or building permit, the project applicant shall submit landscape plans prepared by a licensed landscape architect for review and approval by the City of Soledad.

4.4-4. Prior to the onset of construction, protective fencing shall be placed so as to keep construction vehicles and personnel from impacting vegetation adjacent to the project site outside of work limits. A qualified biological monitor shall verify protection is in place prior to construction and remains intact throughout the construction phase.

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4.4-5. Grading, excavating, and other activities that involve substantial soil disturbance shall be planned and carried out in consultation with a qualified hydrologist, engineer, or erosion control specialist retained by the developer, and shall utilize standard erosion control techniques to minimize erosion and sedimentation to native vegetation. Only natural-fiber, biodegradable meshes shall be used in erosion control mats, blankets, and straw or fiber wattles. "Photodegradable" and other plastic mesh products will not be used as these materials are known to persist in the environment, ensnaring and killing a variety of terrestrial wildlife species. A qualified biological monitor retained by the developer shall verify that erosion control measures are implemented and materials used are consistent with this measure and remain intact throughout the construction phase.

4.4-6. No construction equipment shall be serviced or fueled outside of designated staging areas. A qualified biological monitor retained by the developer shall verify that this measure is being implemented throughout the construction phase.

Evidence. Mitigation Measures 4.4-3 through 4.4-6 require the implementation of a variety of vegetation protection and restoration measures to ensure that vegetation is avoided when possible and restored to pre-project contours. The developer would be required to utilize locally-occurring native species and native erosion control seed mix for re-vegetation when impacts cannot be avoided. Prior to the issuance of any grading and/or building permit, the project applicant would be required to submit landscape plans prepared by a licensed landscape architect for review and approval by the City of Soledad. The Miramonte Specific Plan incorporates a portion of this measure into the land use map, by prohibiting residential development above the 400-foot elevation contour and requiring the preservation of hillside areas in perpetuity through recorded conservation easement(s). As a condition of project approval, the developer will implement Mitigation Measures 4.4-3 through 4.4-6 which will reduce potential impacts to vegetation to a less-than-significant level.

Project Impact (Potentially Significant). Special Status Plant Species-Lemmon's Jewelflower. The presence/absence of jewelflower could not be determined during site surveys, but appropriate habitat was present within project boundaries in the grassland areas. This species could be permanently impacted by grading and other activities associated with potential infrastructure improvements in the grassland areas that may result in the permanent loss or disturbance of individual jewelflower plants and/or jewelflower habitat.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition

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to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.4-7. A qualified botanist shall be retained by the developer to conduct preconstruction surveys for Lemmon's jewelflower during the typical flowering season of this species (March-May), to determine the presence/absence of this species. If no Lemmon's jewelflower is present, no additional mitigation is required. If Lemmon's jewelflower is present, a qualified biologist shall prepare a mitigation plan to be approved by CDFW prior to initiation of construction. The mitigation plan shall include a description of the special-status plant population(s), map depicting the location(s), and size of the population(s). If feasible, disturbance of the population(s) of Lemmon's jewelflower shall be avoided and its habitat protected utilizing methods developed in coordination with the CNPS and CDFW. Avoidance shall be confirmed by the City prior to approval of the first final map. If impacts to the Lemmon's jewelflower population(s) cannot be avoided, mitigation shall include preservation on- or off-site at a minimum 1:1 ratio (one plant preserved for each plant impacted), or restoration on- or off-site at a minimum 3:1 ratio (three plants planted for each plant impacted). The CNPS and CDFW shall be consulted to evaluate the suitability for transplanting the impacted species to suitable habitat within the identified and established preserve/restoration area. These details shall be described and included in the mitigation plan. Restoration and preservation strategies shall be developed in coordination with the CNPS and CDFW. The City of Soledad Planning Department shall be provided verification of CDFW concurrence and satisfaction prior to issuance of grading permits.

Evidence: Mitigation Measure 4.4-7 requires that in the event Lemmon's jewelflower is found on the site, a mitigation plan approved by CDFW would be required prior to initiation of construction. This plan would require the avoidance of jewelflower, or, in the event avoidance is infeasible, on or off-site preservation will be required to ensure that impacts to Lemmon's jewelflower are less than significant. The Miramonte Specific Plan incorporates a portion of this measure into the land use map, by prohibiting residential development above the 400-foot elevation contour and requiring the preservation of hillside areas in perpetuity through recorded conservation easement(s). A condition of approval requires implementation of this measure, which reduces the project impact to less than significant.

Project Impact (Significant). Wildlife Corridors, Movement, and Nurseries. An increase in the permanent on-site presence of homes, roads, and infrastructure may fragment habitats surrounding the project site, which would be a significant impact.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously

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identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.4-8. Areas above the 400 foot elevation contour shall be protected from development in perpetuity. Prior to recordation of the first final map, the applicant shall prepare and submit to the city for review and approval a draft conservation easement for all areas above the 400 foot elevation contour. The easement shall include the following:

- a) prohibit recreational off-road vehicle use;
- b) prohibit illegal discharge of firearms;

The conservation easement shall be reviewed and approved by the City of Soledad City Council prior to approval of the first final map. The developer shall record the conservation easement concurrent with recordation of the first final map or the onset of any other site disturbance.

Evidence. Mitigation Measure 4.4-8 requires recordation of a conservation easement prior to the recordation of the first final map, which limits the type of activities that can take place on the property above the 400 foot contour. The portion above the 400 foot contour is where the most sensitive habitat, wildlife corridors, and nurseries are most likely to occur. Limiting allowable uses and activities in this area will reduce the potential for impacts to wildlife corridors, movement, and nurseries. The Miramonte Specific Plan incorporates a portion of this measure into the land use map, by prohibiting residential development above the 400-foot elevation contour and requiring the preservation of hillside areas in perpetuity through recorded conservation easement(s). As a condition of project approval, the developer will implement Mitigation Measure 4.4-8, which will reduce potential impacts to vegetation to a less-than-significant level.

Project Impact (Significant). Special Status Wildlife Species-San Joaquin Kit Fox. Due to the presence of suitable habitat on and in proximity to the site, there is the possibility for the San Joaquin kit fox to occur on the site. Construction of the proposed project could result in unintended harassment, habitat removal, or direct mortality of this special status species which would be a significant impact.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition

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to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measures

4.4-9. The applicants shall enter into consultation with USFWS and CDFWCDFW and shall provide evidence of their compliance with applicable requirements of the federal Endangered Species Act and California Endangered Species Act to the City prior to the issuance of building permits.

4.4-10. Pre-construction surveys for kit fox dens shall be required for all development phases of the future project. The preconstruction surveys shall be conducted per Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 1999b), as updated. Potential dens (including man-made structures) and known dens shall be protected by minimum buffers of 50 feet and 100 feet, respectively. If an occupied or unoccupied natal den is detected, no construction shall occur for the Phase until the USFWS and CDFW have been contacted and authorization to proceed has been obtained by the applicant. Pre-construction surveys shall be conducted by a qualified biologist retained by the developer no less than 14 days and no more than 30 days prior to the start of any ground disturbing activities to locate kit fox den sites.

In addition to pre-construction surveys, a qualified biologist retained by the developer, meeting the required qualifications described in the U.S. Fish and Wildlife Service Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to Ground Disturbance, June 1999 (USFWS Recommendations for SJKF), shall be on-site to monitor construction activities for the San Joaquin kit fox. In the event that an active kit fox den is found, then the standard mitigation actions outlined in the USFWS Recommendations for SJKF, are recommended to avoid possible take of kit fox during future construction activities. These actions are general in nature; therefore, site specific strategies for the project site shall be based upon consultation with USFWS and CDFW, as stated above in Mitigation Measure 4.4-9. To reduce the risk of impacts during construction, the applicant shall, at a minimum, implement the following measures, unless directed otherwise through consultation with the USFWS and CDFW:

- a) Restrict project-related vehicle speed to 20 mph on project roads.
- b) Cover all excavated, steep-walled holes or construction trenches more than 2 feet deep at the close of each working day by plywood or similar materials or provide such holes or trenches with one or more escape ramps constructed of earth fill or wooden planks, inspect such holes or trenches for trapped San Joaquin kit fox prior to filling.
- c) Inspect all construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at a construction site

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for one or more overnight periods for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way.

- d) Contain all food-related trash items in closed containers and remove food related trash at least once a week from the project site.
- e) No firearms shall be allowed on the project site.
- f) No pets shall be permitted on the project site.
- g) Use of rodenticides and herbicides on the project site shall be restricted to the use of zinc phosphide, in cases where it is necessary to protect public health and safety.
- h) A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped individual. The representative will be identified during the employee education program. The representative's name and telephone number shall be provided to the Service.
- i) An employee education program shall be conducted and shall consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and agency personnel involved in the project. The program shall include the following: a description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the above-mentioned people and anyone else who may enter the project site.
- j) In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the Service shall be contacted for advice.
- k) To the extent feasible, nighttime construction shall be avoided.
- l) Include kit fox mitigation measures on project plans.

If active kit fox den sites are found and/or kit fox individuals are observed during the survey, the applicant will be required to comply with all mitigation actions required by USFWS and CDFW and the City shall monitor implementation of



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those actions. Examples of mitigation actions that may be required by the regulatory agencies may include, but are not limited to:

- To the extent feasible, lot placement shall be situated to create wildlife corridors in protected open space to allow for kit fox and other wildlife movement through the site.
- Fencing shall surround the site to restrict kit fox movement into the development area; types of fencing (e.g. exclusionary or kit fox friendly) shall depend on the density of the development area.
- Speed bumps, rolls, or reduced speed limits shall be employed along project roads in or near open space areas to reduced likelihood of kit fox mortality by vehicle strikes.
- Street lighting shall be situated as to not spill into adjacent open space areas. The height and intensity of street lighting shall be designed to minimize indirect impacts to open space. Outdoor lighting for residential uses adjacent to open space and large lots shall also be restricted to CC&Rs to be low wattage (150 watts or less) and directed toward the residences to reduce effects on kit fox nocturnal activities.

Evidence. Mitigation Measure 4.4-9 requires the applicant to provide evidence of compliance with applicable requirements of the federal Endangered Species Act and California Endangered Species Act to the City prior to the issuance of building permits. Further, Mitigation Measure 4.4-10 requires pre-construction surveys for kit fox dens. In the event that an active kit fox den is found the applicant will be required to consult with USFWS and CDFW and will implement site specific strategies determined sufficient based on this consultation. Implementation of these mitigation measures would reduce the likelihood of the harassment or mortality of kit fox in the event it is found to occur on the site, thereby reducing the potential for impacts. The Miramonte Specific Plan incorporates a portion of this measure into the land use map, by prohibiting residential development above the 400-foot elevation contour and requiring the preservation of hillside areas in perpetuity through recorded conservation easement(s). As a condition of project approval, the developer will implement Mitigation Measures 4.4-9 and 4.4-10 which will reduce potential impacts to the San Joaquin kit fox to a less-than-significant level.

Project Impact (Significant). Special Status Wildlife Species - American Badger. Due to the presence of suitable habitat within and in proximity to the site, there is the possibility for the American Badger to occur. Construction of the proposed project could result in unintended harassment, habitat removal, or direct mortality of this special status species which would be a significant impact.

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Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan that mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.4-11. The applicant shall retain a qualified biologist to conduct focused preconstruction surveys for potential American badger dens. These surveys shall be conducted no sooner than 2 weeks prior to the start of construction. Surveys for badger dens may be conducted at the same time as burrowing owl surveys. The results of the survey shall be submitted to the City prior to issuance of grading permit or initiation of grading for that phase of development on the site. Based on the results of these surveys, one or more of the following additional measures shall be implemented:

- If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers from re-using them during construction. If hand excavation is not practical, careful excavation with an excavator may occur provided that the biologist is onsite to monitor these activities.
- If the qualified biologist determines the presence of active dens, the location of these dens shall be documented and reported to CDFW. Avoidance of active dens, particularly natal dens, is the preferred approach; Impacts to active badger dens shall be avoided by establishing a 100-meter exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning is complete and/or the den is abandoned. A qualified biologist shall monitor each den once per week in order to track the status and inform the project sponsor of when a den area has been abandoned.
- If the qualified biologist determines that avoidance of an active badger den is not feasible, the biologist shall coordinate with CDFW on the appropriate way to evict/exclude badgers from their dens. Please note that special consideration of natal dens is required given the low likelihood that excluded young would survive; a CDFW depredation permit would be required to disrupt a natal den. For non-natal dens, CDFW has permitted badgers to be gradually excluded from their dens by placement of soil, sticks, and debris at den entrances, incrementally increasing the degree of blockage over a

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period of three to five days (please note that blockage cannot trap/entomb badgers). After the monitoring biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. If hand excavation is not practical, careful excavation with an excavator may occur provided that the biologist is onsite to monitor these activities. Please note that eviction of onsite badgers will reduce construction phase impacts to this species, but given the large home ranges and territoriality of this species, emigration to alternative habitats may not be feasible without inter/intra specific competition (energetic stress possibly resulting in mortality). CDFW may require that appropriate onsite or adjacent habitat be conserved to allow relocation of excluded animals within their home range.

Evidence. Mitigation Measure 4.4-11 requires focused preconstruction surveys to determine whether American badger are present on the site and provides for specific avoidance measures in the event badgers or badger dens are found. Implementation of these measures will ensure that the potential for harassment or mortality of badger individuals is reduced. The Miramonte Specific Plan incorporates a portion of this measure into the land use map, by prohibiting residential development above the 400-foot elevation contour and requiring the preservation of hillside areas in perpetuity through recorded conservation easement(s). As a condition of project approval, the developer will implement Mitigation Measure 4.4-11 which will reduce potential impacts to the American Badger to a less-than-significant level.

Project Impact (Significant). Special Status Bat Species. The Townsend's big-eared bat and pallid bat have the potential to occur on the project site. Construction of the proposed project could result in unintended harassment or direct mortality of this special status species which would be a significant impact.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan that mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.4-12. A qualified bat specialist retained by the developer shall conduct site surveys to characterize bat utilization of the site and species composition present (techniques utilized to be determined by the biologist). The results of the survey shall be

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submitted to the City prior to issuance of grading permit or initiation of grading for that phase of development on the site. Based on the results of these surveys, one or more of the following additional measures shall be implemented:

- If it is determined that bats are not present at the site, no additional mitigation is required.
- If it is determined that bats are utilizing the site and would likely be impacted by the proposed project, preconstruction surveys shall be conducted no more than 30 days prior to modification, demolition, or removal of onsite buildings and/or any other occupied habitat.
- If no bat or bat sign are observed in the course of preconstruction surveys, then demolition/removal of buildings and/or construction initiation may proceed. If bat and/or bat sign are observed during the preconstruction surveys, the biologists shall determine if disturbance will jeopardize a maternity roost, or another type of roost (foraging, day, night).
- If a single bat and/or only adult bats are roosting, demolition or removal of the structure can proceed after the bats have been safely excluded from the roost. Exclusion techniques shall be determined by the biologist and depend on the type utilization; the biologist shall prepare a mitigation plan for provision of alternative habitat to be approved by CDFW and the City.
- If an active maternity roost is detected, work in the vicinity of the roost (and/or demolition of the structure) shall be postponed until the qualified biologist monitoring the roost(s) determines that the young have fledged and are no longer dependent on the roost. The monitor shall ensure that all bats have left the building and or area of disturbance prior to initiation of construction and/or demolition activities. If the biologist determines that disruption of a maternity roost cannot be avoided, a depredation permit would be required.

Evidence. Mitigation Measure 4.4-12 requires site surveys for special status bats prior to the issuance of a grading permit. If it is determined that bats are utilizing the site and would likely be impacted by the proposed project, preconstruction surveys will be required no more than 30 days prior to modification, demolition, or removal of onsite buildings and/or any other occupied habitat. Mitigation Measure 4.4-12 requires the implementation of exclusion or protection measures dependent upon what is found during the preconstruction survey. If during an active maternity roost is detected, work in the vicinity of the roost (and/or demolition of the structure) will be postponed until the qualified biologist monitoring the roost(s) determines that the young have fledged and are no longer dependent on the roost. In the event single bats or only adult bats are found to be roosted, Mitigation Measure 4.4-12 requires the implementation of

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exclusion techniques. Mitigation Measure 4.4-12 ensures that the likelihood of the harassment or loss of bat individuals is minimized. The Miramonte Specific Plan incorporates portions of this measure into the land use map, by prohibiting residential development above the 400-foot elevation contour and requiring the preservation of hillside areas in perpetuity through recorded conservation easement(s). As a condition of project approval, the developer will implement Mitigation Measure 4.4-12 which will reduce potential impacts to special status bats to a less-than-significant level.

Project Impact (Significant). Special Status Wildlife Species - Salinas Pocket Mouse. The Salinas pocket mouse has the potential to occur on the project site. Construction of the proposed project could result in unintended harassment or direct mortality of this special status species which would be a significant impact.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan that mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.4-13. The applicant shall contract a qualified biologist to coordinate with CDFW and prepare a mitigation and monitoring plan for the Salinas pocket mouse. The mitigation and monitoring plan shall include a description of the population and locations of known and potential habitat within the project site, mitigation to avoid and reduce impacts to the species, monitoring actions success criteria, and adaptive management measures if success criteria are not met. Verification of CDFW concurrence/approval shall be submitted to the City of Soledad prior to issuance of a grading permit for that phase of development of the site.

Evidence. Mitigation Measure 4.4-13 requires the applicant to contract with a qualified biologist to prepare a mitigation and monitoring plan for the Salinas pocket mouse in coordination with CDFW. This mitigation and monitoring plan must include measures to directly reduce impacts to the species. The applicant will be required to submit verification of CDFW's approval or concurrence of the plan to the City of Soledad prior to the issuance of a grading permit. The Miramonte Specific Plan incorporates a portion of this measure into the land use map, by prohibiting residential development above the 400-foot elevation contour and requiring the preservation of hillside areas in perpetuity through recorded conservation easement(s). As a condition of project approval, the developer will implement Mitigation Measure 4.4-13 which will reduce potential impacts to the Salinas pocket mouse to a less-than-significant level.

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Project Impact (Significant). Special Status Bird Species. The following special-status bird species were observed foraging within or in proximity to the project site: Western burrowing owl, Northern harrier, white-tailed kite, loggerhead shrike, and Northern harrier. In addition, golden eagle, merlin, prairie-falcon, and horned lark were identified as having the potential to utilize the site for foraging. Harassment or mortality of these species would be a significant impact.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan that mitigate the impacts to a less-than-significant level:

Mitigation Measures

4.4-14. Burrowing owls are known to occupy burrows in mixed grassland, active agricultural, and fallow agricultural portions of the Miravale site during the non-breeding season (breeding season utilization not observed in the course of protocol-level surveys). A qualified biologist retained by the developer shall conduct preconstruction surveys to locate active breeding and/or wintering burrowing owls (depending on season) no more than 30 days prior to the start of construction. If ground disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site shall be resurveyed. The survey shall conform to the CDFW 1995 Staff Report protocol. Wherever burrows are identified, impact avoidance and mitigation measures shall be implemented (previously mapped burrow locations may not be occupied and/or new burrows may be occupied). If occupied burrows are found the avoidance and mitigation measures regarding burrowing owl identified in the Preliminary BA (June, 2008) may be implemented based on the results of these surveys..

4.4-15. If project activities will initiate during the typical avian nesting season (February 15– August 1), a qualified biologist retained by the developer shall conduct focused preconstruction surveys no more than 14 days prior to initiation of construction activities for nesting birds, including (but not limited to) white-tailed kite, northern harrier, loggerhead shrike, and horned lark, in all areas that may provide suitable nesting habitat within 300 feet of the construction area. If active nests are found, a suitable construction buffer shall be established by a qualified biologist, and no work shall occur within that buffer until August 1 when young are assumed fledged. Alternatively, a qualified biologist can conduct weekly nest checks to gauge nestling/fledgling status, and construction may proceed once fledglings have dispersed from the nest provided written concurrence from CDFW. No active nest shall be impacted or removed without a depredation permit from CDFW, and a depredation permit will not be issued for impacts to Fully Protected Species such as the white-tailed

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kite. For activities that occur outside of the nesting season (generally September 1 through February 14), preconstruction surveys are not required. If construction is initiated outside of the nesting season and continues into the nesting season, preconstruction surveys are required if construction will occur in areas not previously accessed and/or disturbed (>300 feet from previous construction activities).

4.4-16. A preconstruction survey shall be conducted by a qualified biologist retained by the developer no more than 14 days prior to modification, demolition, or removal of onsite buildings. If no owls or other nesting birds are observed, then demolition or removal may proceed. If barn owls (or any other nesting birds) are observed during the preconstruction survey, a determination shall be made on whether birds are roosting or nesting. If a single owl is roosting, demolition or removal of the structure can proceed after the owl has been persuaded to move from the roost area. Non-invasive techniques include light shining into the roost space for one or two nights and days. If barn owls (or other nesting avian species) are found to be actively nesting in the barn, work on or demolition of the structure shall be postponed until one of the following conditions have been met: 1) a qualified biologist monitoring the nest determines that the owls have abandoned the nest without any outside interference or 2) a qualified biologist monitoring the nest has determined that the young have fledged and are capable of relocating and using another roost site. Once the young have fledged, non-invasive techniques may be used to encourage the owls to leave the barn. Under either scenario, the monitor shall ensure that all owls have left the building prior to construction or demolition activities. The barn owl nesting period is typically between February 15 and July 15.

Evidence. Mitigation Measures 4.4-14 and 4.4-16 require a preconstruction survey for burrowing owls and other nesting birds. In the event burrowing owls, barn owls, or other nesting birds, or evidence of burrowing owls, barn owls, or other nesting birds are discovered, avoidance or mitigation in accordance with CDFW requirements must be implemented. Additionally, Mitigation Measure 4.4-15 requires preconstruction surveys if construction activities will initiate during avian nesting season and implementation of buffers, other avoidance measures, or mitigation techniques in accordance with CDFW requirements. Additionally, surveys must be conducted no more than 14 days prior to the modification, demolition, or removal of onsite buildings and appropriate protocol must be implemented in the event any are observed. Implementation of these measures would directly reduce the potential for harassment or mortality of special status birds. The Miramonte Specific Plan incorporates a portion of this measure into the land use map, by prohibiting residential development above the 400-foot elevation contour and requiring the preservation of hillside areas in perpetuity through recorded conservation easement(s). As a condition of project approval, the developer will implement Mitigation Measures 4.4-14 through 4.4-16 which will reduce potential impacts to vegetation to a less-than-significant level.

Project Impact (Significant). Special Status Reptile and Amphibian Species. California Red-Legged Frog, Western Spadefoot Coast Horned Lizard, Black Legless Lizard, and San Joaquin Coachwhip. The California red-legged frog, Western

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spadefoot, Coast horned lizard, Black legless lizard, and San Joaquin coachwhip have the potential to occur on the project site, harassment or mortality of which would be a significant impact.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan that mitigate the impacts to a less-than-significant level:

Mitigation Measures

4.4-17. Protocol-level CRLF surveys (USFWS, August 2005) shall be completed by a qualified biologist retained by the developer at each aquatic resource present within project boundaries. Protocol-level CRLF surveys would likely detect Western spadefoot, if present (Western spadefoot toad surveys are also conducted at night during winter months, preferably January through March, and therefore, overlap CRLF survey protocol requirements). The results of the survey shall be submitted for the review and approval of the City, USFWS, and CDFW. If it is determined that CRLF are present, the applicant shall coordinate with the USFWS to determine the appropriate course of action per the requirements of the federal ESA (e.g., applying for an Incidental Take Permit [Section 10]) and implementing the permit requirements prior to issuance of a grading permit. Any mitigation and avoidance measures required by USFWS for potential impacts to CRLF (if applicable) would likewise reduce impacts to Western spadefoot given their overlapping habitat characteristics. If CRLF is not found on-site and USFWS concurs with a negative finding, no further mitigation is required.

If it is determined that spadefoot are present, but CRLF are not, coordination with CDFW regarding appropriate mitigation to reduce impacts to this species shall be required prior to issuance of a grading permit. If the Western spadefoot toad is not found on-site, no further mitigation is required.

4.4-18. The applicant shall retain a qualified biologist to conduct a construction monitoring program for black legless lizards, coast horned lizards, and San Joaquin coachwhip which shall include procedures for capture and release. The biologist shall remain on-site during initial grading activities to salvage and relocate these species that may be uncovered during earthmoving activities. Recovered individuals shall be placed in appropriate habitat outside of the project site in accordance with the memorandum of understanding with CDFW. The biologist shall walk alongside the grading equipment in each new area of disturbance and shall have the authority to halt construction temporarily if necessary to capture and relocate an individual. Any individual captured in the grading zone shall be relocated as soon as possible to adjacent



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suitable habitat outside of the area of impact, pursuant to the memorandum of understanding.

4.4-19. The applicant shall conduct an employee education program for construction crew and City staff prior to construction activities. A biological monitor shall meet with the construction crew at the onset of construction to educate the construction crew on the following: 1) the appropriate access route in and out of the construction area; 2) how biological monitor will examine the area and agree upon a method which will ensure the safety of the monitor during such activities, 3) the special-status species that may be present; 4) the specific mitigation measures that will be incorporated into the construction effort; and 5) the proper procedures if a special-status animal or any other animal is encountered within the project site.

4.4-20. A representative shall be appointed by the City who will be the contact source for any employee or contractor who may inadvertently kill or injure a special-status species or find one dead, injured, or trapped. The representative shall be legally responsible to notify USFWS and CDFW immediately in the event that "take" of any special-status wildlife species occurs. The representative shall be identified during the Employee Education Program and his/her contact information shall be provided to USFWS and CDFW. The representative will be present onsite every day and will be accessible to regulatory agency personnel

4.4-21. All food-related and other trash shall be disposed of in closed containers and removed from the project area at least once a week during the construction period or more often if trash is attracting avian or mammalian predators. Construction personnel shall not feed or otherwise attract wildlife to the area. These instructions to the construction crew shall be reiterated during the employee education program and during update meetings with construction crews. The instructions shall also be posted conspicuously on the site.

Evidence. Mitigation Measure 4.4-17, requires protocol-level surveys for CRLF (these surveys would also identify western spadefoot, if present, given their overlapping habitat characteristics). If it is determined that CRLF or Western spadefoot are present, the applicant must coordinate with the USFWS to determine the appropriate course of action per the requirements of the federal ESA which would reduce the potential for impacts to these species. Mitigation Measure 4.4-18 requires that a qualified biologist conduct a construction monitoring program for black legless lizards, coast horned lizards, and San Joaquin coachwhip which includes procedures for capture and release in accordance with the memorandum of understanding with CDFW which would reduce the potential for impacts to these species. Mitigation Measure 4.4-19 requires the applicant to conduct an employee education program for the construction crew to aid the crew in identifying and avoiding impacts to any special status species. Additionally, Mitigation Measure 4.4-20 requires a City appointed representative to be onsite every day to be the contact source for any employee or contractor who may inadvertently kill or injure a special-status species or find one dead, injured, or trapped. Finally Mitigation Measure 4.4-21 requires the adequate disposal of trash so as to avoid attracting

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mammalian or avian predators to the construction site thereby reducing the potential for them to be harmed. The Miramonte Specific Plan incorporates portions of these measures into the land use map, by prohibiting residential development above the 400-foot elevation contour and requiring the preservation of hillside areas in perpetuity through recorded conservation easement(s). As a condition of project approval, the developer will implement Mitigation Measures 4.4-17 through 4.4-21 which will reduce potential impacts to vegetation to a less-than-significant level.

Project Impact (Significant). Special Status Wildlife Species-California Tiger Salamander. No impacts to California tiger salamander were identified in the Miravale III EIR after coordination with USFWS regarding ESA jurisdiction over onsite hybrid/non-native tiger salamanders determined that tiger salamanders present at Miravale Pond 1 (onsite reservoir) are not subject to regulation under ESA and are therefore not within the regulatory jurisdiction of USFWS regulation. However, a CDFW report, A Status Review of the California Tiger Salamander, includes a recommendation that even hybrid populations with small amounts of native genetic material should not lose their protected status. Coordination with the CDFW is required to determine whether the CDFW will take jurisdiction over the on-site tiger salamander population.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan that mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.4-22. The applicant shall enter into consultation with CDFW to determine the appropriate course of action per the requirements of the state ESA regarding the protection of hybridized California tiger salamander populations and to determine if requirements include applying for an Incidental Take Permit (Section 2081). If an ITP is required, implement all corresponding permit requirements. No approval or issuance of a grading permit shall occur until such time as the consultation process is complete.

Evidence. The Miramonte Specific Plan incorporates much of this measure into the land use map, by prohibiting residential development above the 400-foot elevation contour, including the former agricultural pond, and requiring the preservation of hillside areas in perpetuity through recorded conservation easement(s). Mitigation Measure 4.4-22 requires the applicant to consult with CDFW to determine appropriate measures to be taken for the protection of hybridized California tiger salamander populations in accordance with the ESA. This will ensure protection of the California

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tiger salamander in the event CDFW takes jurisdiction over the on-site hybridized populations. As a condition of project approval, the developer will implement Mitigation Measures 4.4-21 which will reduce potential impacts to the California tiger salamander to a less-than-significant level.

(e) Cultural Resources

Project Impact (Significant). Historic Resources. The proposed project requires the removal of the historically significant Morris Lorentzen House in order to accommodate project development, which is a potentially significant impact due to the historical significance of structure.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Specifically, the following mitigation measure imposed upon the project mitigates impacts to less-than-significant levels:

Mitigation Measure

4.5-1. Relocation of House. The historic Morris Lorentzen House on site shall be relocated in accordance with the relocation plan prior to the issuance of a grading permit for development of the storm water detention basin in the southwest corner of the Specific Plan area. The project proponent shall ensure that the design and implementation of the relocation project is consistent with the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings (U.S. Department of the Interior, National Park Service, 1992), the California Historical Building Code, and the Mitigation Monitoring and Reporting Plan (MMRP) for the project. Prior to recordation of the final map, the project applicant shall submit a relocation plan prepared by a qualified professional in accordance with the general recommendations of Moving Historic Buildings, a publication of the National Park Service, to the City of Soledad for review and approval. The relocation plan shall discuss planning, research, and recording prior to the move. In addition, the relocation plan shall identify siting, foundation construction, building reassembly, and restoration work after a successful move. See John Obed Curtis, Moving Historic Buildings, Heritage Conservation and Recreation Service, Publication No. 9, US Department of Interior (1979) for further details. Prior to the relocation, the applicant shall provide verification of compliance with mitigation measure 4.5-2 to the City of Soledad Community Development Department Director for review and approval. In addition, the structure shall be relocated prior to the issuance of any building and/or grading permit for development within the Specific Plan area.

4.5-2. Protective Measures. The project proponent shall develop and implement measures to protect the character-defining features of the Lorentzen House building from damage by the relocation project. The features include, but are not limited to scale, massing, and layout of the house, as well as siding and wood frame fenestration.

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Protective measures shall be prepared by a qualified professional in accordance with the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings (U.S. Department of the Interior, National Park Service, 1992), the California Historical Building Code, Moving Historic Buildings, and the MMRP for the project. Prior to the relocation of the structure, the applicant shall submit evidence from a qualified professional demonstrating that protective measures have been implemented, subject to the review and approval of the City of Soledad.

4.5-3. Repair of Inadvertent Damage. The project proponent shall ensure that any inadvertent damage to the character-defining features of the Morris Lorentzen House resulting from the rehabilitation project is repaired in accordance with the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings (U.S. Department of the Interior, National Park Service, 1992) and California Historical Building Code. A qualified professional shall be consulted prior to any repairs. The condition of the building shall be photographed as part of the proposed recordation document and/or video documentation, prior to the start of the relocation, and this will help to establish the baseline condition for assessing inadvertent damage. The project developer shall submit detailed documentation prepared by a qualified professional demonstrating that all repairs have been completed in accordance with applicable standards prior to the issuance of the first certificate of occupancy.

4.5-4. Professional Standards. All activities regarding historical architectural resources and historic preservation carried out as part of this project shall be carried out by or under the direct supervision of persons meeting, at a minimum, the Secretary of the Interior's professional qualifications standards (48 FR 44738-9) in these disciplines. Prior to the relocation of the Lorentzen House, the applicant shall submit evidence to the City of Soledad demonstrating compliance with this measure.

4.5-5 Monitoring. The mitigation measures applying to the relocation of the Lorentzen House shall be set forth in a Mitigation Monitoring and Reporting Program (MMRP) for the project. The MMRP will guide project-specific mitigation, monitoring, and/or reporting programs for various aspects of mitigation monitoring, reporting, and enforcement in order to ensure full compliance with the conditions of project approval.

4.5-6. Coordination. The project proponent shall coordinate with and inform interested parties, including, but not limited to the Soledad Historical Society and the Monterey County Historical Society, regarding the status of its compliance with the mitigation measures set forth in the MMRP.

4.5-7. Recordation to Historic American Building Survey standards. Prior to the start of any project work, the project proponent shall ensure that the Lorentzen House property is recorded and documented in accordance with the Level II recordation standards of the Historic American Building Survey/Historic American Engineering Record (HABS/HAER) program. This level of recordation would include:

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- Archival reproduction of any existing historic images of the property and grounds;
- Archival reproduction of any existing maps, sketches, or drawings of the house;
- Production of measured architectural plans and drawings;
- Production of large-format photographs of exterior and interior views of the house, and exterior views of the house and current setting, including relationship to non-eligible outbuildings; and
- Narrative history and description of the property (based on the narrative provided in the Seavey (2006) evaluation of the property, and the Monterey County survey(s) of similar properties.

The original archival set of recordation documents and photograph prints will be submitted to the Soledad Historical Society (or its designee), and archival quality photocopies of the documentation set will be provided to the following interested parties and local repositories: the Monterey County Historical Society; the Monterey County Libraries (Soledad and Salinas branches), and the UC Santa Cruz Library Special Collections Department. The project proponent would ensure that this recordation documentation was prepared prior to carrying out any other treatment and would make the content of the document available for other mitigation measures, such as the preparation of interpretive material.

Evidence. Mitigation Measures 4.5-1 through 4.5-3 require the applicant to submit a relocation plan for the Lorentzen House prepared by a qualified professional. The applicant will be required to protect the character-defining features of the building from damage during relocation and ensure that any inadvertent damage to the character-defining features resulting from the relocation is repaired in accordance with the applicable standards. Mitigation Measure 4.5-4 through 4.5-7 require the implementation of professional qualification standards, coordination with interested parties, and recordation and documentation to Historic American Building Survey standards. The relocation, protection from damage, repair of any inadvertent damage, strict adherence to professional standards, and recordation of the Lorentzen house would all serve to reduce impacts to this historic resource. As a condition of project approval, the developer will implement Mitigation Measures 4.5-1 through 4.5-7 which will reduce potential impacts to the historic resource to a less-than-significant level.

Project Impact (Significant) Archeological Resources and Human Remains. A records search and field reconnaissance conducted for the Miravale III EIR found no evidence of archaeological resources or human remains on the project site. However, it was determined that construction of the project could potentially uncover unknown buried archaeological resources or human remains during excavation and clearing activities which is a potentially significant impact.

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Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan that mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.5-8. In order to ensure that project-impacts to potentially unknown resources are avoided, the project proponent shall be responsible for on-going monitoring of project construction. Prior to the issuance of any grading permit, the project proponent shall provide the City of Soledad with documentation identifying construction personnel that will be responsible for on-site monitoring.

If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 150 feet (50 meters) of the find until a qualified professional archaeologist can evaluate it. Work shall not recommence until the project archaeologist has submitted documentation to the City indicating that discovered resources have been adequately salvaged and no further resources have been identified within the area of disturbance.

4.5-9 In order to ensure that the proposed project does not impact buried human remains during project construction, the project proponent shall be responsible for on-going monitoring of project construction. Prior to the issuance of any grading permit, the project proponent shall provide the City of Soledad with documentation identifying construction personnel that will be responsible for on-site monitoring. If buried human remains are encountered during construction, work in that area must halt and the archaeologist and the coroner immediately notified. If the remains are determined to be Native American, then the NAHC must be notified within 24 hours as required by Public Resources Code 5097. The NAHC will notify designated Most Likely Descendants who will provide recommendations for the treatment of the remains within 48 hours. The NAHC will mediate any disputes regarding treatment of remains. Work shall not recommence until the project archaeologist, coroner, and NAHC, submit documentation to the City indicating that buried human remains have been adequately salvaged and no further remains have been identified within the area of disturbance.

Evidence. Mitigation Measure 4.5-8 reduces the potential for impacts to previously undiscovered archaeological resources by requiring that all work halt within 150 feet of any archaeological discovery. A qualified archaeologist will be required to evaluate the resource and recommend appropriate actions to adequately salvage the resource before construction can reconvene. Additionally Mitigation Measure 4.5-9 reduces the potential for impacts to human remains by requiring an on-site monitor

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during construction and that construction work cease in the area in the event of a discovery. If the remains are determined to be Native American, then the NAHC must be notified and the designated Most Likely Descendants contacted to provide recommendations for the treatment of the remains. Work will not be allowed to recommence until the project archaeologist, coroner, and NAHC, submit documentation to the City indicating that buried human remains have been adequately salvaged and no further remains have been identified within the area of disturbance. This will avoid impacts to previously undiscovered human remains. The Miramonte Specific Plan incorporates a portion of this measure into the land use map, by prohibiting residential development above the 400-foot elevation contour and requiring the preservation of hillside areas in perpetuity through recorded conservation easement(s). As a condition of project approval, the developer will implement Mitigation Measures 4.5-8 and 4.5-9 which will reduce potential impacts to archaeological resources and human remains to a less-than-significant level.

(f) Geology and Soils

Project Impact (Significant) Seismic Hazards. The Reliz-Rinconada fault zone, passes within six miles of the project site and the San Andreas Fault Zone passes within 12 miles of the site. The project could be exposed to potential adverse effects from strong seismic ground shaking that may result in damage to proposed structures which would represent a potentially significant impact.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan that mitigate the impacts to a less-than-significant level:

Mitigation Measures

4.6-1. To minimize the potential effects from strong seismic ground shaking on project components, a project-specific geotechnical analysis shall be performed by a registered professional engineer with geotechnical expertise, and all recommendations shall be incorporated into final design plans. Prior to the issuance of any building and/or grading permit, the project applicant shall submit a project-specific geotechnical analysis to the City of Soledad Public Works Director for review and approval. The project engineer shall develop project-level plans based upon and in response to the observations and recommendations made in the project specific geotechnical analysis.

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4.6-2. In order to minimize potential seismic-related hazards, the project engineer shall incorporate the seismic shaking analysis contained within the Geologic Hazards Investigation Update prepared by Nolan Associates (September 2006) into project design. Prior to the issuance of any building and/or grading permits, the project applicant shall submit design level plans demonstrating that the recommendations of the Geologic Hazards Investigation Update are incorporated into project design, subject to the review and approval of the City of Soledad Public Works Director. In addition, all structures shall be designed to the most current standards of the California Building Code, at a minimum.

4.6-3. In order to minimize seismic-related hazards to new public facilities, a site-specific probabilistic seismic hazards assessment shall be incorporated into the design of any schools, hospitals, fire or police stations, or any other critical facilities planned for the project site. An individual assessment shall be performed for each site by an engineering geologist. Prior to the issuance of any grading and/or building permit for new public facilities, including but not limited to new schools, hospitals, and fire or police stations, a probabilistic seismic hazards assessments shall be prepared and submitted to the Soledad Unified School District and City of Soledad Building Officials for review and approval.

Evidence. Mitigation Measures 4.6-1 and 4.6-2 minimize the potential impacts from strong seismic ground shaking on the project by requiring adherence to the most current standards of the California Building Code and incorporation of recommendations in the project-specific geotechnical analysis into final design plans. The applicant will be required to submit design level plans demonstrating incorporation of these recommendations. Additionally, Mitigation Measure 4.6-3 requires site-specific probabilistic seismic hazards assessments for public facilities for review and approval by the city. Development consistent with the Miramonte Specific Plan would reduce the size of the project boundary by 273 acres and the development density by 2,081 residential units; thereby reducing exposures to seismic risks, but not to a less than significant level. As a condition of project approval, the developer will implement Mitigation Measures 4.6-1 through 4.6-3, which will reduce potential impacts related to seismic ground shaking to a less-than-significant level.

Project Impact (Significant). Erosion. Site preparation and construction activities would disturb soil and increase its susceptibility to erosion. Removal of soils by wind or water can undermine buildings, roads, and other developments, as well as contribute siltation of local streams or water bodies. Moreover, removal of existing mature eucalyptus and other tree species along San Vicente Road could result in additional erosion-related impacts. Implementation of the project could result in substantial soil erosion or loss of topsoil which is a potentially significant impact.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously



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identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan that mitigate the impacts to a less-than-significant level:

Mitigation Measures

4.1-7. A site-specific geotechnical report shall be prepared for new development on hillsides in order to ensure that the development will not cause or worsen natural hazards, such as erosion and sedimentation, and will minimize risk to life and property from slope failure, landslides, and flooding. The report shall include erosion and sediment control measures, such as temporary vegetation sufficient to stabilize disturbed areas. Prior to the issuance of any grading and/or building permit for new development within the hillside portions of the project site, the project applicant shall submit a geotechnical report prepared by a qualified professional to the City of Soledad Department of Public Works for review and approval. The site-specific geotechnical report shall identify feasible recommendations and avoidance measures to minimize potential impacts.

4.6-4. In order to reduce wind and water erosion on the project site, an erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the site preparation, construction, and post-construction periods. The erosion control plan shall incorporate best management practices consistent with the requirements of the National Pollution Discharge Elimination System (NPDES). The erosion component of the plan must at least meet the requirements of SWPPP required by the California State Water Resources Control Board. If earth disturbing activities are proposed between October 15 and April 15, these activities shall be restricted per the requirements of Soledad Municipal Code Chapter 15.08. Prior to the issuance of any permit, the project proponent shall submit detailed plans to the satisfaction of the City of Soledad Public Works Director. The components of the erosion control plan and SWPPP shall be monitored for effectiveness by City of Soledad Public Works. The following measures shall be implemented where deemed appropriate by the Director of Public Works to control erosion:

1. Keep construction machinery off of established vegetation as much as possible, especially the vegetation on the upwind side of the construction site;
2. Establish specific access routes at the planning phase of the project, and limits of grading prior to development, which should be strictly observed;
3. Utilize mechanical measures (i.e. walls from sand bags and/or wooden slat or fabric fences) to reduce sand movement;

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4. Immediate revegetation (plus the use of temporary stabilizing sprays), to keep sand movement to a minimum; and
5. For larger-scale construction, fabric or wooden slat fences should be placed around the construction location to reduce sand movement.

4.6-5. Areas disturbed by grading shall be stabilized with adequate landscaping vegetative cover. A revegetation and landscaping plan shall be prepared by a landscape architect with experience in working with the type of soils that are characteristic of the site, subject to the review and approval of the City of Soledad. Prior to the issuance of any certificate of occupancy and concurrent with project construction, disturbed areas shall be re-vegetated consistent with the City approved landscaping plan. All project replanting shall be continually monitored by the landscape architect for a duration of three years. The landscape architect shall submit annual monitoring reports to the City of Soledad after each successive year detailing the success of landscaping. Success shall be based on an 80% survival rate. If it is determined that the replanting has not been successful, additional replanting shall be required by the City of Soledad.

4.6-6. All drainage from improved surfaces shall be captured by closed pipe or lined ditches and carried to neighborhood storm sewers or natural drainages. At no time shall any concentrated discharge be allowed to spill directly onto the ground adjacent to structures or to fall directly onto steep slopes. The control of runoff is essential for erosion control and prevention of water ponding against foundations and other improvements. The project shall implement Low Impact Development (LID) strategies, as determined appropriate by the City of Soledad consistent with the requirements of Mitigation Measure 4.8-4. LID strategies shall be implemented in connection with the proposed project to the satisfaction of the City of Soledad. Prior to the issuance of any grading and/or building permit for each new structure, the project applicant shall submit an erosion control plan consistent with this measure, subject to the review and approval of the City of Soledad Public Works Director.

Evidence. Mitigation Measure 4.1-7 requires a site-specific geotechnical report for any development of infrastructure in the hillside portion of the project site which will include erosion and sediment control measures, such as temporary vegetation sufficient to stabilize disturbed areas, to decrease susceptibility to erosion. Mitigation Measure 4.6-4 requires preparation of an erosion control plan and Storm Water Pollution Prevention Plan that incorporate Best Management Practices consistent with National Pollution Discharge Elimination Requirements to minimize wind and water erosion during site preparation, construction, and post-construction periods. Additionally, Mitigation Measure 4.6-5 requires preparation and implementation of a revegetation and landscaping plan that will ensure stabilization of disturbed areas to minimize the erosion potential. Mitigation Measure 4.6-6 requires that all drainage is captured and carried to neighborhood storm sewers or natural drainages to control runoff which effectively minimizes the potential for erosion. Development consistent with the Miramonte specific plan would reduce the size of the project boundary by 273 acres and the development density by 2,081 residential units. The Miramonte Specific Plan incorporates portions of

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these measures into the land use map, and reduces risks of erosion by prohibiting residential development above the 400-foot elevation contour and requiring the preservation of hillside areas in perpetuity through recorded conservation easement(s), but not to a less-than-significant level. As a condition of project approval, the developer will implement Mitigation Measures 4.5-8 and 4.5-9 which will reduce potential erosional impacts to a less-than-significant level.

Project Impact (Significant). Liquefaction. The project will increase risks of seismically-induced liquefaction that could lead to human harm and property damage, which is a potentially significant impact.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan that mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.6-7. In order to reduce the risk of localized liquefaction and collapse, and allow for adequate foundation and structural fill support, grading plans shall be consistent with a project-specific geotechnical analysis. The project geotechnical engineer shall prepare a quantitative assessment of liquefaction and seismically-induced settlement potential for the project as part of a comprehensive site geotechnical evaluation, prior to the recordation of each final map. Measures to ensure adequate reduction of risk to standard acceptable levels in accordance with standard geotechnical practice shall be incorporated into project design and specifications, subject to the review and approval of the City of Soledad Public Works Director.

Evidence. Mitigation Measure 4.6-7 requires preparation of project specific geotechnical analyses. The project geotechnical engineer will prepare a quantitative assessment of liquefaction and seismically-induced settlement potential for the project as part of a comprehensive site geotechnical evaluation, prior to the recordation of each final map. The analyses will include recommendations to reduce the risk of localized liquefaction and collapse, and allow for adequate foundation and structural fill support that must be incorporated into project design and specifications and will be subject to review by the City. Development consistent with the Miramonte Specific Plan would reduce the size of the project boundary by 273 acres and the development density by 2,081 residential units; thereby reducing impacts related to seismicity, but not to a less than significant level. As a condition of project approval, the developer will implement Mitigation Measures 4.6-7, which will reduce potential seismically-induced liquefaction impacts to a less-than-significant level.

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Project Impact (Significant). Landslide, Debris Flow, Lateral Spreading. Development within certain areas of the project site could be exposed to potential adverse effects from on- or off-site landslides and lateral spreading, or debris flow from hillside areas that may result in human harm or property damage, which is a potentially significant impact.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan that mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.6-8. Portions of the project located within debris flow hazard areas as described in the Geological Hazards Investigation Update prepared by Nolan Associates (September 2006, see pg. 14) shall incorporate design measures to mitigate this hazard to acceptable levels in accordance with standard engineering practices. Suitable measures include: 1) Restricting development to outside these areas; 2) Constructing artificial channels or diversion walls, designed to divert fluidized debris away from habitable structures; or 3) Constructing impact walls, designed to withstand anticipated debris flow volumes and velocities. An engineering geologist shall be retained by the developer to provide site-specific geologic design criteria for debris flow hazard areas once the final project plans are available. Diversion or retaining structures shall be designed based on recommendations by a geotechnical engineer, subject to review and approval of the City of Soledad Public Works Director. Prior to the recordation of each final map, the project applicant shall submit evidence demonstrating that adequate design measures are incorporated to mitigate potential hazards to acceptable engineering standards, subject to the review and approval of the City of Soledad Public Works Director.

Evidence. Mitigation Measure 4.6-8 requires development within portions of the project site in the debris flow hazard area to incorporate design measures, such as impact or diversion walls, that minimize the landslide, debris flow, and lateral spreading impacts to acceptable levels in accordance with standard engineering practices. Prior to the recordation of each final map, the project applicant must submit evidence demonstrating that adequate design measures have been incorporated consistent with engineering standards. Development consistent with the Miramonte specific plan would reduce the size of the project boundary by 273 acres and the development density by 2,081 residential units. Scenic open space areas above the 400-foot contour are designated as Hillside/Open Space and are protected in perpetuity by a recorded conservation easement; thereby reducing risks of debris flow from development in this area. The Miramonte Specific Plan incorporates a portion of this measure into the land

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use map, by prohibiting residential development above the 400-foot elevation contour and requiring the preservation of hillside areas in perpetuity through recorded conservation easement(s). As a condition of project approval, the developer will implement Mitigation Measures 4.6-8, which will reduce the impacts of human harm and property damage resulting from potential landslide, debris flow, and lateral spreading to a less-than-significant level.

Project Impact (Significant). Expansive Soils. The project could be exposed to localized soil expansion, which would result in increased risks of property damage, and is a potentially significant impact.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant soils impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level: Mitigation Measure

4.6-9. In order to minimize potential hazards associated with expansive soils, the expansion potential of site soils shall be evaluated as part of a site-specific geotechnical study to ensure hazards are reduced to an acceptable level of geotechnical and Uniform Building Code practices. The recommendations of a geotechnical engineer for mitigating soil shrink-swell hazards shall be incorporated into project design. These measures may include replacement of soil with engineered backfill or treatment of expansive soil with lime. Prior to the recordation of each final map, the project applicant shall submit evidence demonstrating that adequate measures are incorporated to mitigate potential hazards to acceptable engineering standards, subject to the review and approval of the City of Soledad Building Official.

Evidence. Mitigation Measure 4.6-9 requires the evaluation of project site soils for expansion potential as part of a site specific geotechnical study. The recommendations of the geotechnical engineer for mitigating soil shrink-swell hazards shall be incorporated into project design to ensure hazards are reduced to an acceptable level of geotechnical and Uniform Building Code practices. The applicant will be required to submit evidence that these recommendation shave been incorporated prior to the recordation of each final map. Development consistent with the Miramonte Specific Plan would reduce the size of the project boundary by 273 acres and the development density by 2,081 residential units; thereby reducing the risks of damage from development on unstable soils, but not to a less-than-significant level. As a condition of project approval, the developer will implement Mitigation Measure 4.6-9, which will reduce potential impacts related to expansive soils to a less-than-significant level.

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(g) Hazards and Hazardous Materials

Project Impact (Significant). Hazardous Materials/Waste Sites. According to a Phase 1 Assessment, portions of the project site may be contaminated with hazardous materials from agricultural use and within existing buildings that may contain lead paint and asbestos, the release of which could pose a health risk to construction workers and future uses on the site.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant hazards or hazardous materials effects or substantially increase the severity of previously identified significant effects. Changes in hazards or hazardous materials related circumstances have occurred that would lessen certain impacts, and no new information has been identified that indicates the proposed project would have new or more significant hazards or hazardous materials impacts than were identified for the original project. The following mitigation measures imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.7-1. Prior to the recordation of any final map, the applicant shall arrange for a Phase II Environmental Site Assessment to be prepared which assesses the localized environmental conditions described in the Phase I Environmental Site Assessment prepared by D&M Consulting Engineers, Inc. (September 2006) and identifies any required remedial actions for the safe handling, removal and special needs for any identified materials. The Phase II Assessment shall include site-specific soil sampling in order to assess the presence of potential soil contamination and to identify special needs for soil handling during construction/grading activities and possible health risks to construction workers and future users consistent with the recommendations contained in the Phase 1 Environmental Site Assessment prepared by D&M Consulting Engineers, Inc. If results indicate the presence of such materials in excess of screening levels for residential, educational, or commercial uses, a Remediation Plan shall be prepared and implemented to reduce contamination to acceptable levels, maintain the safety of construction workers and future site users, and assure proper management of contaminated materials in accordance with state and local regulatory requirements. This plan shall be subject to review and approval by the Monterey County Division of Environmental Health. Prior to the issuance of any building and/or grading permit, the project applicant shall submit evidence to the City of Soledad for review and approval demonstrating compliance with this measure.

4.7-2. Prior to commencement of new development, the applicant shall obtain approval of a Soil Management Plan from the Monterey County Division of

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Environmental Health, which establishes management practices for handling potentially contaminated soil, if encountered, during construction/grading activities.

4.7-3. In order to reduce human health risks to construction personnel and future site occupants, the project proponent shall retain a qualified consultant to survey all buildings to be demolished for asbestos under the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to demolition activities. If asbestos containing material is documented within existing on-site structures, all potentially friable asbestos shall be removed prior to building demolition in accordance with NESHAP guidelines. Prior to the issuance of a grading permit, the project proponent shall submit written evidence to the City of Soledad Director of Public Work from a qualified consultant demonstrating that all asbestos containing material, if present, has been properly removed and demolition activities may proceed without exposing construction personnel to asbestos related-hazards.

4.7-4. In order to reduce human health risks to construction personnel and future site occupants, the project proponent shall retain a qualified consultant to conduct a lead-based paint survey to evaluate the presence of lead-based paint residues in site soils adjacent to existing structures. If lead contamination is documented on-site, all peeling and flaking lead-based paint shall be removed and properly disposed of separately from building debris, in accordance with current Department of Toxic Substances Control policies. In addition, all existing structures within the Specific Plan area that were constructed prior to 1978 shall be surveyed for lead-based paint prior to any demolition activities. Prior to the issuance of any permit for each phase of development, the project proponent shall submit written evidence from a qualified consultant documenting that all lead-based paint hazards have been appropriately removed and disposed of in accordance with industry standards, subject to the review and approval of the City of Soledad.

Evidence. Mitigation Measure 4.7-1 requires the preparation of a Phase II Environmental Site Assessment which will identify any required remedial actions for the safe handling, removal and special needs for hazardous materials. If results indicate the presence of hazardous materials in excess of screening levels for residential, educational, or commercial uses, a Remediation Plan will be prepared and implemented to reduce contamination to acceptable levels, maintain the safety of construction workers and future site users, and assure proper management of contaminated materials in accordance with state and local regulatory requirements. Mitigation Measure 4.7-2 requires the applicant to obtain approval of a Soil Management Plan from the Monterey County Division of Environmental Health, which establishes management practices for handling potentially contaminated soil to prevent exposure to hazardous contaminants. Mitigation Measure 4.7-3 and 4.7-4 require surveys for lead paint and asbestos and adherence to applicable standards and guidelines in the event a qualified consultant determines lead or asbestos is present. This would ensure construction personnel are not exposed to asbestos or lead related-hazards. As a condition of project approval, the developer will implement Mitigation Measures 4.7-1 through 4.7-4, which will reduce potential impacts related to hazardous materials sites to a less-than-significant level.

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Project Impact (Significant). Hazardous Materials Use. The proposed specific plan includes areas of residential development that would be sited adjacent to agricultural lands located on the northern, eastern, and western boundaries of the project site, which has the potential to result exposure of residents to hazardous chemicals.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant hazards or hazardous materials effects or substantially increase the severity of previously identified significant effects. Changes in hazards or hazardous materials related circumstances have occurred that would lessen certain impacts, and no new information has been identified that indicates the proposed project would have new or more significant hazards or hazardous materials impacts than were identified for the original project. Specifically, Mitigation Measures 4.2-1 and 4.2-3, previously discussed, imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Evidence. Mitigation Measure 4.2-1 requires the implementation of buffers and physical barriers between urban and agricultural uses ensures adequate separation of residential/commercial and agricultural uses which effectively lessens the likelihood of urban exposure to hazardous chemicals. To ensure the adequacy of the buffers and physical barriers, the applicant will be required to consult with the County of Monterey Agricultural Commissioner, and prior to the recordation of any final map, the project applicant must submit evidence in the form of agricultural setbacks delineating buffer locations consistent with the recommendations contained in the Agricultural Resources Report. Additionally, to further ensure the adequacy of the agricultural buffer located along the western boundary of the project site, mitigation measure 4.2-2 requires the project applicant to submit a detailed landscape plan that includes vegetative screening in addition to physical barriers subject to review and approval by the city. These measures will ensure adequate separation of urban and agricultural uses thereby lessening the potential for the exposure of urban uses to hazardous chemicals. As a condition of project approval, the developer will implement Mitigation Measures 4.2-1 and 4.2-2 which will reduce the impacts related to hazardous materials use to a less-than-significant level.

Project Impact (Significant). Surface Water/Water Quality. Construction and operation of the project could impact water quality through soil erosion during grading activities, loss of topsoil, and surface runoff from the proposed development. This is a potentially significant impact.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Changes in circumstances have occurred that would lessen certain impacts, and no new information has been identified that indicates the proposed project would have new or more significant impacts than were



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identified for the original project. Therefore, the proposed project would not result in new significant effects or substantially increase the severity of previously identified significant effects. Specifically, Mitigation Measure 4.6-4 through 4.6-6 previously discussed in Geology and Soils, and the following mitigation measures imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.8-1. In order to ensure that impacts are minimized to the greatest extent feasible, the project shall be designed to meet the BMP standards for operational phase storm water runoff and to maintain the onsite BMPs. The project shall implement BMPs to manage water quality by providing onsite runoff treatment in line with the onsite infiltration system. Prior to the issuance of any grading and/or building permit, the project applicant shall prepare a Construction Management Plan that identifies a designated construction supervisor responsible for the continued implementation of all construction BMPs throughout the duration of project construction. Moreover, the Construction Management Plan shall also identify BMPs to be implemented as part of the project and associated monitoring activities. The Construction Management Plan shall be reviewed by the City of Soledad Public Works Director prior to the issuance of any permit.

4.8-2. In order to prevent excess sediment buildup and ensure that all percolation basins are functioning in accordance with project-level plans, the project applicant and/or his/her successor in interest, shall be responsible for the long-term maintenance of all percolation basins and related private on-site drainage improvements and shall enter into a maintenance agreement with the city to provide for such. Bi-annually a basin maintenance report shall be submitted to the City of Soledad, subject to the review and approval of the Public Works Director, demonstrating that the basins have been properly maintained and cleaned in accordance with City standards. Prior to the issuance of any building and/or grading permit, the project applicant shall enter into a maintenance agreement with the City of Soledad.

Evidence. Mitigation Measure 4.8-1 requires a project design that incorporates BMP standards to minimize impacts to water quality through onsite runoff treatment. A Construction Management Plan will be required that identifies a designated construction supervisor who will be responsible for the continued implementation of BMPs. Further, Mitigation Measure 4.8-2 requires a bi-annual maintenance report to be submitted to the City that demonstrates that basins have been properly maintained and cleaned in accordance with City standards to prevent excess sediment buildup and ensure that all percolation basins are functioning to prevent degradation to water quality. As a condition of project approval, the developer will implement Mitigation Measures 4.8-1 and 4.8-2 which will reduce the potential for water quality impacts to a less-than-significant level.

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Project Impact (Significant). Surface Drainage/Flooding. While the proposed project site is not located within a flood hazard area as delineated by the Federal Emergency Management Agency (FEMA), localized flooding had been known to occur within the project area and surrounding vicinity. Development of the proposed project, which would result in substantial grading, changes in topography, and increased impervious surface area, has the potential to result in on- and off-site flooding due to changes in existing drainage patterns.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Changes in circumstances have occurred that would lessen certain impacts, and no new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. Therefore, the proposed project would not result in new significant effects or substantially increase the severity of previously identified significant effects. Specifically, the following mitigation measures imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measure 4.8-3. In order to ensure that project-induced impacts related to changes in the existing drainage patterns on the project site are minimized, the project applicant shall submit design-level improvement plans for the project's storm drainage collection and retention system. Final design-level plans shall be supported with appropriate soils and hydrologic data in accordance with City standards.

All conveyance system and retention basins shall be sized and designed in accordance with applicable City design standards and shall be appropriately sized to accommodate stormwater runoff from a 100-year storm event. Prior to the recordation of any final map, the project applicant shall submit all design-level plans and supporting details to the City of Soledad Director of Public Works for review and approval prior to approval of the first final map.

4.8-4. In order to reduce the extent of impervious surface coverage and potential drainage/flooding impacts, Low Impact Development (LID) strategies shall be implemented in connection with all new development within the Specific Plan area. Prior to the approval of any final map or approval of any permit for all new residential and commercial developments, the project applicant shall submit design-level site and improvement plans to the City of Soledad for review and approval that incorporate the latest approved LID strategies and best practices as applicable, and the City shall ensure that all such measures are included in the final design plans, Examples of various LID strategies and best practices are identified as follows:

- Where possible, landscaped or grassy areas shall be substituted for impervious surfaces such as building entrances, traffic medians, etc.

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- Permeable pavements such as crushed aggregate, turf lock or unit pavers shall be used in place of sidewalks, walkways or overflow parking areas wherever design allows.
- Bioretention cells, planter boxes, vegetated swales, and greenbelt buffer zones shall be implemented in landscaped areas, along streets and sidewalks wherever feasible.
- Final roadway design and street layout shall convey surface water runoff and storm flows into bioretention cells and swales.
- All commercial development shall integrate bioretention into parking lot islands or filter strips distributed throughout the parking area(s) to infiltrate, store and/or convey stormwater flows. In addition, permeable paving materials shall be used in spillover parking that is used only for peak demand periods.
- Alternative types of LID strategies and measures may also be approved provided evidence is submitted to the City of Soledad by a qualified engineer at the developer's expense demonstrating that said strategies will achieve the intended result of this mitigation measure. Alternative strategies must be reviewed and approved by the Public Works Director.

Evidence. Mitigation Measure 4.8-3 requires the applicant to submit design-level improvement plans for the project's storm drainage collection and retention system sized and designed in accordance with applicable City design standards to ensure that project-induced impacts related to changes in the existing drainage patterns on the project site are minimized. Additionally, Mitigation Measure 4.8-4 requires the project applicant to submit design-level site and improvement plans to the City that incorporate the latest approved LID strategies and best practices prior to the approval of any final map or approval of any permit. As a condition of project approval, the developer will implement Mitigation Measures 4.8-3 and 4.8-4 which will reduce the potential for surface drainage and flooding impacts to a less-than-significant level.

(h) Noise

Project Impact (Significant). Future residential uses developed at the project site would be exposed to exterior noise levels greater than 65 dBA CNEL and interior noise exceeding 45 dBA, which exceed the exterior and interior noise and land use compatibility standards presented in the city's general plan. This is a significant impact.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Changes in circumstances have occurred that would lessen certain impacts, and no new information has been identified

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that indicates the proposed project would have new or more significant impacts than were identified for the original project. Therefore, the proposed project would not result in new significant effects or substantially increase the severity of previously identified significant effects. Specifically, the following mitigation measures imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measure 4.10-1. Maintain a sufficient buffer distance between transportation noise sources and future sensitive land uses, or alternatively, construct noise barriers or create acoustically shielded outdoor use areas utilizing buildings to achieve noise exposures of 65 dBA CNEL or less. The specific determination of necessary mitigation measures will be included in the detailed acoustical analyses (see mitigation 4.10-2) and design of future development projects within the specific plan area. Results of the analysis shall be subject to review and approval by the City Planning Department and all recommendations shall be incorporated into the project prior to each final map and issuance of a building permit.

4.10-2. Retain a qualified Acoustical Specialist to prepare for City review and approval a detailed acoustical analysis of interior noise reduction requirements and specifications for all projects proposed within the 60 dBA CNEL contours of area roadways, in accordance with State and City standards. Interior noise levels must be maintained at or below 45 dBA CNEL. Building sound insulation requirements will include forced air mechanical ventilation in noise environments exceeding 60 dBA CNEL. Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA CNEL. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, and acoustical caulking. The specific determination of required treatments will be made on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 Ldn or lower.

4.10-3. Non-residential development will comply with the noise standards established in the Zoning Code at existing or planned residential properties in the vicinity. Further, efforts will be made to reduce noise impacts through the following planning and equipment requirements:

- Development site planning will be utilized in a fashion that reduces noise impacts for nearby sensitive receptors, such as by not locating loading docks near residences.
- Equipment screens, fan silencers, and engine mufflers will be used to mitigate noise from mechanical equipment.

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- Noise barriers will be used to control noise from parking and vehicle circulation.
- For recreational uses, proposed development must consider impacts upon the adjacent residential development in terms of the location of active sports areas, their orientation on the site, whether or not lights are included, and speech amplification systems.

Evidence. Mitigation Measures 4.10-1 and 4.10-2 require the preparation of a detailed acoustical analysis and implementation of recommendations therein that would reduce the interior and exterior noise levels for residential development to acceptable levels. Mitigation Measure 4.10-3 requires non-residential development to adhere to noise standards established in the Zoning Code and through adherence to planning and equipment requirements. Implementation of these measures into project design would ensure that exterior and interior noise levels are below city standards. As a condition of project approval, the developer will implement Mitigation Measures 4.10 -1 through 4.10-3 which will reduce the interior and exterior noise levels below city noise thresholds and would reduce impacts to a less-than-significant level.

(i) Population and Housing

Project Impact (Potentially Significant). Inclusionary Housing. Future development of the site as described in the specific plan may be inconsistent with the Housing Element, which requires affordable housing to be fully integrated with market rate housing.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR and clarified in the EIR Addendum. Changes in circumstances have occurred that would lessen certain impacts, and no new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The specific plan includes policies that require integration of affordable housing consistent with the City's Housing Element. Therefore, the proposed project would not result in new significant effects or substantially increase the severity of previously identified significant effects. Additionally, the following mitigation measure imposed upon the project ensures that the final map(s) is consistent with these policies.

Mitigation Measure

4.11-3 The applicant's approved Development Agreement shall include a Housing Agreement per Program 4.3 of the City's Housing Element with the City that prescribes the parameters of the development of affordable housing consistent with the City's Housing Element, Inclusionary Housing Ordinance, and the revised Specific Plan. The Development Agreement shall be reviewed and approved by the City of Soledad City Council prior to or concurrent with recording of the first final map.

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Evidence. The Miramonte Specific Plan includes policies and design standards that require integration of housing for very low, low and moderate income households throughout the site either by minimum densities of 20 units per acre or deed restricted units, or multifamily development. Because development of the site is anticipated to occur over a 30-year timeframe Mitigation Measure 4.11-3 requires the developer to enter into a housing agreement with the City prior to recordation or concurrent with the first final map to ensure consistency with the affordable and inclusionary housing requirements of the City's Housing Element, Inclusionary Housing Ordinance, and the Miramonte Specific Plan. Implementation of Mitigation Measure 4.11-3 is a required condition of approval, which will reduce potential impact to a less-than-significant level.

(j) Public Services

Project Impact (Significant). Police and Fire. The proposed project would increase the demand for police and fire services to the extent that new facilities would be required.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Changes in circumstances have occurred that would lessen certain impacts, and no new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. Therefore, the proposed project would not result in new significant effects or substantially increase the severity of previously identified significant effects. The following mitigation measures imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.12-1. Prior to the occupancy of medium density residential north of the linear park or occupancy of low density residential north of both Orchard Lane and the linear park, the proposed fire and police facilities located on Orchard Lane shall be constructed and operational. The project applicant shall also be responsible for providing the necessary funding to the City of Soledad or establishing the appropriate funding mechanism to ensure the provision of adequate police and fire staffing to meet the demands of the proposed project, as determined by the City of Soledad. Prior to the issuance of any building permit for new medium density residential development north of linear park or low density residential north of both Orchard Lane and the linear park, the project applicant shall obtain written documentation from the Soledad Fire and Police Departments indicating that the fire and police substations are operational and adequately staffed to meet the needs of the proposed project, subject to the review and approval of the City of Soledad. This mitigation measure shall not be construed as prohibiting the implementation of infrastructure necessary to serve the proposed facilities.

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Evidence. The Miramonte Specific Plan provides a site for potential police and fire substations. This location is included on the Specific Plan land use map and the specific plan requires the dedication of this land to the City prior to approval of the first final map. Mitigation Measure 4.12-1 requires construction and verification of facility operations as needed by the respective Soledad Police and Fire Department Chiefs prior to issuance of building permits for new medium density residential development. Implementation of Mitigation Measure 4.12-1 is a required condition of approval, which will reduce potential impacts from an increase in service demand to a less-than-significant level.

Project Impact (Significant). Schools. The plan area is served by Soledad Unified School District for grades K-12. Buildout of the proposed specific plan is expected to generate 875 students for grades K-6, 261 students for grades 7-8, and 378 students for grades 9-12 (a total of 1,514 students).

Findings. Changes in circumstances have occurred that would lessen certain impacts, and no new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. Therefore, the proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant effects. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The Miramonte Specific Plan provides two school sites that will be offered for dedication to the Soledad Unified School District to serve the students generated by the reduced size and scale of development allowed by the Miramonte Specific plan in addition to the following mitigation measures imposed upon the project mitigate the impacts to a less-than-significant level:

Mitigation Measures

4.12-4. Prior to recording of the first final map, the project developer shall submit an agreement with evidence demonstrating that two school sites of sufficient size will be dedicated within the project boundaries, subject to the review and approval of the City of Soledad and the Soledad Unified School District. The agreement shall be established between the developer and/or successors in interest and the Soledad Unified School District that establishes the sites to be dedicated.

4.12-5. In addition to the dedication of land, the developer(s) will pay school impact fees as prescribed by the law in effect at the time of payment. The applicant/developer shall pay a school impact fee for each type of development pursuant to the criteria set forth within California Government Code Section 65995. Prior to the issuance of building permits, the applicant shall pay required school mitigation fees and provide evidence of payment to the city. As indicated above, the fees set forth in Government Code Section 65996 constitute the exclusive means of both “considering” and “mitigating” school facilities impacts of projects [Government Code Section

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65996(a)]. They are “deemed to provide full and complete school facilities mitigation” [Government Code Section 65996(b)].

Evidence. The proposed project would provide two school sites. The applicant and/or developer(s) will provide an offer to dedicate the school sites (i.e. turn over fee simple title to the land to the school district). In addition to the dedication of land, the developer(s) will pay school impact fees as prescribed by the law in effect at the time of payment, unless otherwise dictated by a development agreement or permit conditions. The proposed specific plan includes a policy that requires that an agreement be established between the developer and/or successors in interest and the Soledad Unified School District that establishes the timing of the school construction or improvements and financing obligations. The Miramonte Specific Plan incorporates a portion of these measures into the land use map. Implementation of Mitigation Measures 4.12-4 and 4.12-5 are required condition of approval, which will reduce potential impacts from an increase in service demand to a less-than-significant level.

Project Impact (Significant). Parks and Recreation. Anticipated population growth associated with the project would create additional demands on existing park and recreational facilities throughout the city such that physical deterioration of these facilities may occur, which is a potentially significant impact.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Changes in circumstances have occurred that would lessen certain impacts, and no new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. Therefore, the proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant effects. Specifically, the following mitigation measures imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.12-6. Prior to the recordation of the first final map, the project applicant shall submit a comprehensive Park Master Plan to the City of Soledad for review and approval. This plan shall address park design and development consistent with the City’s adopted Parks and Recreation Master Plan, along with maintenance, operation and financing components. t This plan shall also identify the appropriate types of improvements within each park parcel to meet the recreational needs of all age groups The Park Master Plan will identify timing for concurrent park improvements for each phase of development. The Parks Master Plan is subject to review and recommendation by the Parks and Recreation Commission and approval by the City Council.

4.12-7. Prior to the issuance of any building permit, the applicant/developer shall submit payment of a Park Facilities Impact Fee in accordance



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with the adjusted impact fee in effect at the time of building permit issuance, if determined to be applicable. All fees shall be subject to the review and approval of the City of Soledad Community Development Director.

Evidence. The Miramonte Specific Plan calls for the provision of five acres of parkland for every 1,000 persons, consistent with the general plan goals and supplements the current city deficit by more than 140 acres of public open space and approximately 56 acres of improved parks. Mitigation Measure 4.12-6 requires the preparation of a Parks Master Plan that will guide required park improvements on the site and ensure that parks are provided with each phase of development. Mitigation Measure 4.12-7 requires payment of park facility impact fees in effect at the time of building permit issuance. Implementation of Mitigation Measures 4.12-6 and 4.12-7 are required condition of approval, which will reduce potential impacts from an increase in service demand to a less-than-significant level.

(k) Traffic and Circulation

Project Impact (Potentially Less than Significant) Unacceptable Level of Service at Moranda Road/Front Street and U.S. Highway 101 NB Ramps. Traffic generated by the proposed project would cause LOS F operations on the U.S. Highway 101 northbound on-ramp from Moranda Road at the Moranda Road Interchange. This is a significant impact.

Finding. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Specifically, the following mitigation measures imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impact to a less-than-significant level:

Mitigation Measure

4.13-10 Moranda Road and U.S. Highway 101 Northbound Ramps: Signalize the intersection and widen the Northbound US 101 on ramp to add a second NB left-turn lane. This improvement requires coordination and approval by Caltrans.

The project developer is responsible for a fair share contribution of costs towards the construction of this improvement. Prior to the issuance of any building permit for each phase of development, the project developer shall submit payment of the City of Soledad traffic impact fee in effect at the time of building permit issuance for the project's proportionate share of costs to construct this improvement and shall also pay the TAMC Regional Development Transportation Impact Fees.

The payment of fees is considered mitigation for project impacts to freeway highway and regional facilities. All required traffic impact fees shall be paid prior to the issuance of any building permit for each phase of development and shall be subject to the approval of the Director of Public Works.

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Subject to the review and approval by the Director of Public Works, the City Council may exercise its discretion and instead use the project's payment of city fees for the project's proportionate share of costs for construction of the Market Street Extension to Moranda Road and/or an extension of Gabilan Drive to U.S. Highway 101.

All required traffic impact fees shall be subject to review by the Director of Public Works and approval by the City Council.

Improvements to this interchange are within the jurisdiction of Caltrans and not under the control of the city. Should the improvement of the interchange not be implemented by Caltrans the impact would be considered significant and unavoidable.

Evidence. Development consistent with the Miramonte Specific Plan would generate approximately 40 percent fewer vehicle trips than the originally proposed project. Mitigation Measure 4.13-10 requires the project developer to contribute fair share of required city traffic impact fees and TAMC Regional Development Impact Fees to mitigate this regional impact. The payment of these fees mitigates the project contribution to the impact at this intersection. However, because the improvements to this interchange are within the jurisdiction of Caltrans and not under the control of the City. Should the improvement of the interchange not be implemented by Caltrans the impact would be considered significant and unavoidable.

Project Impact (Significant): U.S. Highway 101 Freeway Segments. Traffic generated by development of the project would cause unacceptable LOS D operations on the following U.S. Highway 101 freeway segments:

- Northbound U.S. Highway 101 north of Gonzales-5th Street (AM peak hour).
- Northbound U.S. Highway 101 between Gonzales-5th Street to Gloria Road (AM peak hour).
- Northbound U.S. Highway 101 between Camphora Road and North Soledad (AM Peak Hour).
- Southbound U.S. Highway 101 between North Soledad and Camphora Road (PM Peak Hour).

Finding. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Specifically the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

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Mitigation Measure

4.13-12 Prior to the issuance of any building permit for each phase of development, the project developer shall submit payment of the TAMC Regional Development Transportation Impact Fee in effect at the time of building permit issuance in order to mitigate the project's impacts to the identified freeway segments. The payment of fees is considered mitigation for project impacts to highway and regional facilities. All fees shall be subject to the approval of the Director of Public Works.

Evidence. Development consistent with the Miramonte Specific Plan would generate approximately 40 percent fewer vehicle trips than the originally proposed project. The payment of Regional Traffic impact fees mitigate the project's impact to the affected segments. As a condition of approval the developer will implement Mitigation Measure 4.13-12 which mitigates the project's contribution to the impact.

Project Impact (Significant) Unacceptable Level of Service at Moranda Road and Front Street: Although traffic volumes would be reduced by approximately 17 percent at this intersection, traffic generated by the proposed project would cause operations to degrade from acceptable LOS C to unacceptable LOS F. This is a significant impact.

Finding. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Specifically, the reduced size and intensity of development allowed by the Miramonte Specific Plan in addition to implementation of Mitigation Measures 4.13-2, 4.13-15 and potentially mitigation measures 4.13-16 and 4.13-17 mitigate the impact to a less-than-significant level:

Mitigation Measure

4.13-2. Intersection of Moranda Road and Front Street. Signalize and add a second northbound through lane, and eastbound free-right-turn lane. This improvement is necessary with or without the project. The intersection of Moranda Road and Front Street would operate at LOS A with construction of this improvement or with construction of an extension of Market Street extension between San Vicente Road and the intersection of Moranda Road / Front Street (see Mitigation Measure 4.13-16) or an extension of Gabilan Drive from San Vicente Road to the U.S. Highway 101 northbound ramps (Mitigation Measure 4.13-17).

The project developer is responsible for the project's fair share contribution of costs to mitigate the project's impact to this intersection. Prior to the issuance of any building permit for each phase of development, the project developer shall submit payment of the City of Soledad traffic impact fee in effect at the time of building permit issuance for the project's fair share costs of construction of the improvements described in this measure. These fees may be used, at the discretion of the

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City Council, to instead acquire land and construct either or both extensions of Market Street and Gabilan Drive identified above.

If the extension of Market Street and/or Gabilan Drive is undertaken either by the City or by the developer (see Mitigation Measure 4.13-16 and Mitigation Measure 4.13-17), the intersection improvements listed in this measure would not be required unless the monitoring results (Mitigation Measure 4.13-15) indicate they are necessary to maintain acceptable levels of service at the intersection of Moranda Road and Front Street until the roadway extensions are complete.

No certificate of occupancy shall be issued if the monitoring demonstrates that levels of service at this intersection degrade to an unacceptable level of service, determined by the Director of Public Works, until either the intersection improvements listed in this measure or an extension of Market Street or Gabilan Drive is complete.

4.13-15. Traffic Level of Service Monitoring Program. The following intersections shall be monitored by the city at the developer's expense to ensure that acceptable levels of service are maintained in accordance with the City of Soledad's adopted standards throughout development of the specific plan area.

- Moranda Road / Front Street;
- U.S. Highway 101 Northbound Ramps and Moranda Road / Front Street;
- San Vicente Road / Front Street;
- San Vicente Road / Gabilan Drive; and
- Main Street / Gabilan Drive.

Monitoring shall be conducted by a qualified transportation engineer retained by the applicant and shall commence at issuance of the first residential building permit and routinely thereafter in increments of 200 residential building permits until the intersection improvements identified in Mitigation Measures 4.13-2, 4.13-3, 4.13-4, 4.13-6, and 4.13-10, or the Market Street and/or Gabilan Drive extensions are complete.

The Monitoring Program shall include the following:

- a. Conduct analyses of all applicable traffic operations based on field-measured data;
- b. Study prevailing traffic and roadway conditions;
- c. Report the results to the City of Soledad Director of Public Works, who shall determine if and when the improvement is identified above is necessary.

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No building permit shall be issued for any phase of the project unless intersection levels of service are operating at the City's adopted acceptable threshold LOS D.

4.13-16 Market Street Extension Alternative Mitigation. Payment of the project's proportionate share of fees to mitigate project contributions to cumulative impacts to the three intersections identified in Mitigation Measures 4.13-2, 4.13-3, and 4.13-10, may be used, at the discretion of the City Council, to instead acquire land and construct an extension of Market Street between San Vicente Road and the intersection of Moranda Road / Front Street. This improvement would mitigate the project's impacts to the following intersections:

- Moranda Road / Front Street;
- U.S. Highway 101 Northbound Ramps and Moranda Road / Front Street; and
- San Vicente Road / Front Street.

The project developer may choose to design and construct the Market Street Extension in exchange for a potential credit in traffic impact fees for future development within the specific plan area, and would be eligible for entering into a reimbursement agreement with the City. The developer's costs associated with this improvement may be subject to partial reimbursement subject to a reimbursement agreement with the City.

If the developer chooses to construct this improvement, the developer shall retain a qualified engineer to design the improvement in conformance with the City's performance thresholds and design criteria. The engineered plans shall be submitted to the Director of Public Works prior to issuance of the 200th residential building permit, and shall be constructed prior to issuance of the 400th residential building permit. This timeframe may be modified by the Director of Public Works if the results of traffic monitoring (Mitigation Measure 4.13-15) indicate that a shorter or lengthier time frame is warranted. All traffic facility improvement plans or traffic impact fees shall be subject to the review and approval by the Director of Public Works.

If the Market Street Extension is constructed, the improvements identified in mitigation measures 4.13-2, 4.13-3, and 4.13-10 would not be required.

4.13-17 Gabilan Drive Extension Alternative Mitigation. Payment of the project's proportionate share of fees to mitigate project contributions to cumulative impacts to the five intersections identified in Mitigation Measures 4.13-2, 4.13-3, 4.13-4, 4.13-6, and 4.13-10, may be used, at the discretion of the City Council, to instead acquire land and construct an extension of Gabilan Drive between San Vicente Road and the U.S. Highway 101 Northbound ramps. This improvement requires coordination with Caltrans for modification of the northbound ramps.

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This improvement, if constructed in lieu of the Market Street extension or the intersection improvements identified in mitigation measures 4.13-2, 4.13-3, and 4.13-10, would mitigate the project's impacts to the following intersections:

- Moranda Road / Front Street;
- U.S. Highway 101 Northbound Ramps and Moranda Road / Front Street;
- San Vicente Road / Front Street;
- San Vicente Road / Gabilan Drive; and
- Main Street / Gabilan Drive.

The project developer may choose to design and construct the Gabilan Drive Extension in exchange for a potential credit in traffic impact fees for future development within the specific plan area, and would be eligible for entering into a reimbursement agreement with the City. The developer's costs associated with this improvement may be subject to partial reimbursement subject to a reimbursement agreement with the City..

If the developer chooses to construct this improvement the developer shall retain a qualified engineer to design the improvement in conformance with the City's performance thresholds and design criteria. The engineered plans shall be submitted to the Director of Public Works prior to issuance of the 200th residential building permit, and shall be constructed prior to issuance of the 400th residential building permit. This timeframe may be modified by the Director of Public Works if the Market Street extension is operational and the results of traffic monitoring (Mitigation Measure 4.13-15) indicate that a shorter or lengthier time frame is warranted. All traffic facility improvement plans and traffic impact fees shall be subject to the review and approval by the Director of Public Works.

If the Market Street Extension and the Gabilan Drive Extension are constructed, the improvements identified in Mitigation Measures 4.13-4, 4.13-6, and 4.13-10 are not required. If only the Gabilan Drive Extension is constructed, the improvements identified in Mitigation Measures 4.13-2, 4.13-3, 4.13-4, 4.13-6 and 4.13-10 are not required.

Evidence. This intersection meets signal warrants with or without the proposed project, and also requires the addition of a second northbound through lane and eastbound free-right-turn lane to mitigate the cumulative impacts to which the project contributes. Mitigation Measure 4.13-2 requires the project developer to pay the project's fair share contribution of costs to mitigate the project's impact to this intersection prior to issuance of any building permit for each phase of development. The measure also allows the fees collected to be used instead, at the discretion of the City Council, to acquire land and construct extensions of either or both Market Street (Mitigation Measure 4.13-16)

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and/or Gabilan Drive (Mitigation Measure 4.13-17) identified in above. The project developer may also choose to implement the roadway extension options. Mitigation Measure 4.13-15 requires routine monitoring of intersection operations to ensure that acceptable levels of service are maintained until the intersection improvements or Market Street extension and/or the Gabilan Drive extension are complete. The measure further requires all required traffic impact fees in effect at the time of building permit issuance to be paid prior to the issuance of any building permit for each phase of development. No building permit shall be issued for any phase of the project unless intersection levels of service are operating at the City's adopted acceptable threshold LOS D. .

Mitigation Measure 4.13-2 and 4.13-15 are required conditions of approval, which will reduce impacts to this traffic facility to a less-than-significant level.

Project Impact (Significant) Unacceptable Level of Service. Although traffic volume would be reduced in comparison to the Miravale III project, traffic generated by the proposed project would cause operations to degrade from acceptable LOS B to unacceptable LOS F at the intersection of San Vicente Road and Front Street during at least one of the peak hours analyzed. This is a significant impact.

Findings: Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Specifically, the following mitigation measure imposed upon the project, in addition to Mitigation Measures 4.13-15, and potentially 4.13-16, and 4.13-17 listed above, and in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impact to a less-than-significant level:

Mitigation Measures

4.13-3 Intersection of San Vicente Road and Front Street. Widen northbound San Vicente Road to three lanes, add two eastbound left-turn lanes and one southbound free-right turn lane. The intersection of San Vicente Road and Front Street would operate at LOS B with the construction of these improvements or with construction of a Market Street extension between San Vicente Road and the intersection of Moranda Road / Front Street (see Mitigation Measure 4.13-16) or an extension of Gabilan Drive from San Vicente Road to the U.S. Highway 101 northbound ramps (Mitigation Measure 4.13-17).

The project developer is responsible for the project's fair share contribution of costs to mitigate the project's impact to this intersection. Prior to the issuance of any building permit for each phase of development, the project developer shall submit payment of the City of Soledad traffic impact fee in effect at the time of building permit issuance for the project's fair share costs of construction of the improvements described in this measure. These fees may be used by the city, at the discretion of the City Council, to instead acquire land and construct an extension of Market Street or Gabilan Drive as described above.

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If the extension of Market Street or Gabilan Drive are implemented (see Mitigation Measure 4.13-16 and Mitigation Measure 4.13-17), the intersection improvements listed in this measure would not be required unless the monitoring results (Mitigation Measure 4.13-15) indicate they are necessary to maintain acceptable levels of service at the intersection of San Vicente Road and Front Street until the roadway extensions are complete. No certificate of occupancy shall be issued if the monitoring demonstrates that levels of service at this intersection degrade to an unacceptable level of service, determined by the Director of Public Works, until either the intersection improvements listed in this measure or an extension of Market Street or Gabilan Drive is complete.

Evidence. Mitigation Measure 4.13-3 requires the project developer to pay the project's fair share contribution of costs to mitigate the project's impact to this intersection prior to issuance of any building permit for each phase of development. The measure also allows the fees collected to be used instead, at the discretion of the City Council, to acquire land and construct extensions of either or both Market Street (Mitigation Measure 4.13-16) and/or Gabilan Drive (Mitigation Measure 4.13-17) identified in above. The project developer may also choose to implement the roadway extension options. Mitigation Measure 4.13-15 requires routine monitoring of intersection operations by the City at the developers expense to ensure that acceptable levels of service are maintained until the intersection improvements or Market Street extension and/or the Gabilan Drive extension are complete. The measure further requires all required traffic impact fees in effect at the time of building permit issuance to be paid prior to the issuance of any building permit for each phase of development. No building permit shall be issued for any phase of the project unless intersection levels of service are operating at the City's adopted acceptable threshold LOS D.

Mitigation Measure 4.13-3 and 4.13-15 are required conditions of approval, which will reduce impacts to this traffic facility to a less-than-significant level.

Project Impact (Significant): San Vicente Road and Gabilan Drive: Although traffic volumes would be reduced in comparison to the Miravale III project, traffic generated by the proposed project would still cause signal warrants to be met and cause operations to degrade from acceptable LOS B to unacceptable LOS F during at least one peak hour at the intersection of San Vicente Road and Gabilan Drive. This is a significant impact.

Findings: Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Specifically, the following mitigation measure imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impact to a less-than-significant level:



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Mitigation Measure

4.13-4 Intersection of San Vicente Road and Gabilan Drive. Signalize and add a second westbound left turn lane, and widen southbound San Vicente Road to accommodate the two left-turn lanes. The intersection would operate at an acceptable LOS A with the construction of these improvements or with construction of the Gabilan Drive extension from San Vicente Road to the U.S. Highway 101 northbound ramps (Mitigation Measure 4.13-17).

The project developer is responsible for the project's fair share contribution of costs to mitigate the project's impact to this intersection. Prior to the issuance of any building permit for each phase of development, the project developer shall submit payment of the City of Soledad traffic impact fee in effect at the time of building permit issuance for the project's fair share costs of construction of the improvements described in this measure. These fees may be used by the city, at the discretion of the City Council, to instead acquire land and construct an extension of Gabilan Drive as described above.

If the extension of Gabilan Drive is implemented (see Mitigation Measure 4.13-17), the intersection improvements listed in this measure would not be required unless the monitoring results (Mitigation Measure 4.13-15) indicate they are necessary to maintain acceptable levels of service at the intersection of San Vicente Road and Gabilan Drive until the roadway extension improvement is complete. No certificate of occupancy shall be issued if the monitoring demonstrates that levels of service at this intersection degrade to an unacceptable level of service, determined by the Director of Public Works, until either the intersection improvements listed in this measure or an extension of Gabilan Drive is complete.

Evidence: The traffic impact analysis for the EIR Addendum found that the intersection of San Vicente Road and Gabilan Drive would operate at LOS A with the construction of the Gabilan Drive Extension. Mitigation Measure 4.13-4 requires the project developer to pay the project's fair share contribution of costs to mitigate the project's impact to this intersection prior to issuance of any building permit for each phase of development. The measure also allows the fees collected to be used instead, at the discretion of the City Council, to acquire land and construct an extension of Gabilan Drive (Mitigation Measure 4.13-17) identified above. The project developer may also choose to construct the Gabilan Drive extension option. Mitigation Measure 4.13-15 requires routine monitoring of intersection operations by the City at the developers expense to ensure that acceptable levels of service are maintained until either the intersection improvements or the Gabilan Drive extension are complete. No building permit shall be issued for any phase of the project unless intersection levels of service are operating at the City's adopted acceptable threshold LOS D.

Mitigation Measure 4.13-4 and 4.13-15 are required conditions of approval, which will reduce impacts to this traffic facility to a less-than-significant level.

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Project Impact (Significant): Main Street and Gabilan Drive. Although traffic volumes would be reduced, traffic generated by development associated with the proposed project would cause signal warrants to be met during at least one peak hour at the intersection of Main Street and Gabilan Drive. This is a significant impact.

Findings: Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Specifically, the following mitigation measure imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.13-6. Intersection of Main Street and Gabilan Drive. The intersection of Main Street and Gabilan Drive will operate at LOS A with signalization and protected left-turn phasing along Gabilan Drive. With the construction of the Gabilan Drive extension to U.S. Highway 101, signalization of this intersection would not be necessary.

The project developer is responsible for the project's fair share contribution of costs to mitigate the project's impact to this intersection. Prior to the issuance of any building permit for each phase of development, the project developer shall submit payment of the City of Soledad traffic impact fee in effect at the time of building permit issuance for the project's fair share costs of construction of the improvements described in this measure. These fees may be used by the city, at the discretion of the City Council, to instead acquire land and construct an extension of Gabilan Drive as described above.

If the extension of Gabilan Drive is implemented (see Mitigation Measure 4.13-17), the intersection improvements listed in this measure would not be required unless the monitoring results (Mitigation Measure 4.13-15) indicate they are necessary to maintain acceptable levels of service at the intersection of Main Street and Gabilan Drive until the roadway extension improvement is complete. No certificate of occupancy shall be issued if the monitoring demonstrates that levels of service at this intersection degrade to an unacceptable level of service, determined by the Director of Public Works, until either the intersection improvements listed in this measure or an extension of Gabilan Drive is complete..

Evidence: Mitigation Measure 4.13-6 mitigates project impacts to the Main Street and Gabilan Drive intersection by either requiring the developer to pay the fair share contribution of costs to fund this improvement or by constructing the Gabilan Drive Extension as set forth in Mitigation Measure 4.13-17. Mitigation Measure 4.13-6 requires the project developer to pay the project's fair share contribution of costs to mitigate the project's impact to this intersection prior to issuance of any building permit for each phase of development. The measure also allows the fees collected to be used instead, at the discretion of the City Council, to acquire land and construct an extension

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of Gabilan Drive (Mitigation Measure 4.13-17) identified above. The project developer may also choose to construct the Gabilan Drive extension option. Mitigation Measure 4.13-15 requires routine monitoring of intersection operations by the City at the developers expense to ensure that acceptable levels of service are maintained until either the intersection improvements or the Gabilan Drive extension are complete. No building permit shall be issued for any phase of the project unless intersection levels of service are operating at the City's adopted acceptable threshold LOS D.

Mitigation Measure 4.13-6 and 4.13-15 are required conditions of approval, which will reduce impacts to this traffic facility to a less-than-significant level. If the extension of Gabilan Drive is implemented (see Mitigation Measure 4.13-17), the intersection improvements listed in this measure would not be required unless the monitoring results (Mitigation Measure 4.13-15) indicate they are necessary to maintain acceptable levels of service at the intersection of Main Street and Gabilan Drive or until the roadway extension improvement is complete. No certificate of occupancy shall be issued if the monitoring demonstrates that levels of service at this intersection degrade to an unacceptable level of service, determined by the Director of Public Works, until either the intersection improvements listed in this measure or an extension of Gabilan Drive is complete. Implementation of Mitigation Measures 4.13-6 and Mitigation Measure 4.13-15 are required conditions of approval, which will reduce impacts to this traffic facility to a less-than-significant level. Implementation of Mitigation Measure 4.13-17 and Mitigation Measure 4.13-15 would also reduce impacts to this traffic facility to a less-than-significant level.

Project Impact (Significant): Signal Warrant Met at Andalucia Drive and Gabilan Drive. Although traffic volumes would be reduced at this intersection in comparison to the Miravale III project, traffic generated by the proposed project would cause signal warrants to be met during at least one peak hour at the intersection of Andalucia Drive and Gabilan Drive. This is a significant impact.

Findings: Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Specifically, the following mitigation measure imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.13-7 The intersection of Andalucia Drive and Gabilan Drive will operate at an acceptable level of service, determined by the Director of Public Works, with protected left-turn phasing along Gabilan Drive. The project developer is responsible for the construction of this improvement. No certificate of occupancy shall be issued for new residential or commercial buildings requiring the implementation of these improvements until said improvements have been fully constructed, subject to the review and approval of Director of Public Works.

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Evidence: Mitigation Measure 4.13-7 would mitigate project impacts to the Andalucia Drive and Gabilan Drive intersection by requiring that the developer construct the left-turn phasing along Gabilan Drive prior to the issuance of a certificate of occupancy. This improvement ensures that the intersection operates at an acceptable level of service with the addition of project vehicles at the intersection. Implementation of Mitigation Measures 4.13-7 is a required condition of approval, which will reduce impacts to this traffic facility to a less-than-significant level.

Project Impact (Significant): Signal Warrant Met at Orchard Lane and Metz Road. Although traffic volumes would be reduced at this intersection in comparison to the Miravale III project, traffic generated by the proposed project would still cause signal warrants to be met and cause operations to degrade from acceptable LOS C to unacceptable LOS E or worse during at least one peak hour at the intersection of Orchard Street and Metz Road.

Findings: Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Specifically, the following mitigation measure imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level.

Mitigation Measure

4.13-8. The intersection of Orchard Lane and Metz Road will operate at an acceptable level of service, determined by the Director of Public Works, with signalization and protected left-turn phasing on Metz Road and split phasing on Orchard Lane. The project developer is responsible for the construction of the improvement. No certificate of occupancy shall be issued for new residential or commercial buildings requiring the implementation of these improvements until said improvements have been fully constructed, subject to the review and approval of the Director of Public Works.

Evidence: Mitigation Measure 4.13-8 would mitigate project impacts to the Orchard Lane and Metz Road intersection by requiring that the developer construct the signalization and left-turn phasing along Gabilan Drive prior to the issuance of a certificate of occupancy. This improvement will ensure that the intersection operates at an acceptable level of service and will mitigate traffic impacts at the intersection. Implementation of Mitigation Measures 4.13-8 is a required condition of approval, which will reduce impacts to this traffic facility to a less-than-significant level.

Project Impact (Significant): Unacceptable levels of service at Oak Street and Front Street and Front Street and Nestles Road. Although traffic volumes would be reduced at this intersection when compared to the Miravale III project, traffic generated by proposed project would still cause intersection operations to decline from acceptable LOS C to unacceptable LOS E. This is a significant impact.

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Findings: Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Specifically, the following mitigation measure imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level.

Mitigation Measure

4.13-9 Intersections of Oak Street and Front Street and Front Street and Nestles Road. Widen Front Street between Nestles Road and Oak Street and add a second eastbound left-turn lane at the intersection of Nestles Road and Front Street. The project developer is responsible for the project's fair share contribution of costs to mitigate the impact to this intersection; however, construction of the Pinnacles Parkway project, funded by Measure X revenues, would improve intersection operations to an acceptable level of service.

If the development of the project precedes completion of the Pinnacles Parkway, the project developer shall submit payment of the City of Soledad traffic impact fee in effect at the time of building permit issuance. All necessary fees shall be paid prior to the issuance of any building permits for each phase of development and shall be subject to review by the approval of the Director of Public Works and approval of the City Council.

Evidence: Mitigation Measure 4.13-9 requires the project developer to submit payment of the City of Soledad traffic impact fee to make a fair share contribution to the improvements that would mitigate impacts at the intersections of Oak Street and Front Street and Front Street and Nestles Road, if the Pinnacles Parkway is not completed by the time the first building permit is issued for the project. Payment of the impact fee would mitigate project impacts to a less-than-significant level. Implementation of Mitigation Measure 4.13-9 is a required condition of approval, which will reduce impacts to this traffic facility to a less-than-significant level.

Impact (potentially significant). Traffic generated by the project would contribute to cumulative operational deficiencies at the intersection of Moranda Road and Front Street and the intersection of San Vicente Road and Gabilan Drive.

Finding. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Specifically, the following mitigation measure imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level.

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Mitigation Measures

4.13-13. Moranda Road and Front Street: Addition of an east leg to the intersection to serve the Soledad Plaza project site. In order to mitigate potential impacts at this intersection, the project applicant shall submit payment of the City's adopted traffic impact fee in effect at the time of building permit issuance for each phase of development, subject to the review and approval of the City of Soledad Director of Public Works. All fees shall be paid prior to the issuance of any building permit for each phase of development. The fees collected for this improvement may instead be used by the City, at the discretion of the City Council, for the project's proportionate share of costs associated with the construction of an extension of Market Street from San Vicente Road to the Moranda Road/Front Street intersection. Construction of the Market Street extension would mitigate the project's cumulative impact at the intersection of Moranda Road and Front Street.

4.13-14. San Vicente Road and Gabilan Drive: Addition of a west leg to the intersection to serve the Soledad Plaza project site. In order to mitigate potential impacts at this intersection, the project applicant shall submit payment of the City's adopted traffic impact fee in effect at the time of building permit issuance for each phase of development, subject to the review and approval of the City of Soledad Director of Public Works. All fees shall be paid prior to the issuance of any building permit for each phase of development. The fees collected for this improvement may instead be used by the City, at the discretion of the City Council, for the project's proportionate share of costs associated with the construction of an extension of Gabilan Drive from San Vicente Road to the northbound U.S. Highway 101 northbound ramps. Construction of the Gabilan Drive extension would mitigate the project's cumulative impact at the intersection of San Vicente Road and Gabilan Drive.

Evidence. Mitigation Measure 4.13-13 and Mitigation 4.13-14 require the project developer to submit payment of the City of Soledad traffic impact fees to make a fair share contribution to the improvements necessary to mitigate the impact at the intersection of Moranda Road and Front Street and the intersection of San Vicente Road and Gabilan Drive. Implementation of Mitigation Measures 4.13-13 and 4.13-14 are required conditions of approval, which will reduce impacts to this traffic facility to a less-than-significant level.

(1) Utilities and Service Systems

Project Impact: (Significant) Construction of New Water Supply System Infrastructure. To serve the plan area, new water supply infrastructure such as domestic wells and additional storage will be needed to meet the project's water demands. Required infrastructure may include supplemental pumps to provide service to the development on the northeastern side of the plan area that is above the 340-foot contour line. Significant impacts could result from construction of the facilities if not planned and constructed consistent with City-wide infrastructure improvement plans.

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Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Specifically, the following mitigation measure imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.14-1. The developer shall retain an engineer to design and construct the water supply and distribution system for the project integrated with the City's water distribution system consistent with the Urban Water Management Plan and the City's Water Master Plan. Review and approval of the City of Soledad Director of Public Works is required prior to recordation of the first final map. . Prior to the issuance of any building permit in any phase, the developer shall construct the water supply and distribution system for the project based upon the performance standards in the Water Master Plan and with city design criteria in accordance with the approved design-level infrastructure plans, subject to the review and approval of the City of Soledad Director of Public Works.

4.14-2. All water facilities and infrastructure shall be designed with sufficient capacity to accommodate the project and be required to adhere to all applicable City standards in terms of infrastructure sizing, design and construction. Prior to the issuance of any building permit, the project applicant shall submit detailed design-level infrastructure plans in accordance with this measure, subject to the approval of the Director of Public Works.

4.14-3. All water pipelines shall be placed underground and in the utilities right-of-way and constructed to comply with all applicable state and local standards. Prior to the issuance of any building permit, the project applicant shall submit detailed design-level infrastructure plans in accordance with this measure, subject to the review and approval of the City of Soledad Director of Public Works.

4.14-8. Prior to the issuance of any building permit, the applicant/developer shall submit payment of the current City Development Impact Fee for each type of land use in accordance with the adjusted impact fee in effect at the time of building permit issuance subject to the review and approval of the Director of Public Works.

Evidence: Mitigation Measures 4.14-1 - 4.14-3 require the applicant to submit a detailed design-level water infrastructure plan prepared by an engineer that are consistent with City-wide infrastructure improvement plans all local and state standards for construction, design, and sizing subject to the review and approval by the Director of Public Works prior to recordation of the first final map. This will ensure that impacts related to construction of new infrastructure are less than significant. Implementation of Mitigation Measures 4.14-1 through 4.14-3 and 4.13-8 are required conditions of

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approval, which will reduce impacts to water supply and distribution infrastructure to a less-than-significant level.

Project Impact (Significant): Construction of New Sewer Infrastructure. New wastewater infrastructure (i.e. distribution lines, treatment facility, etc.) would need to be constructed in order to provide services to the project area. The city is currently developing a wastewater collection system master plan that will identify existing and necessary line sizes and capacity upgrades for future development including the project site. Construction of the identified new infrastructure could result in significant impacts.

Findings: Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Specifically, the following mitigation measures imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measures

4.14-8. Prior to the issuance of any building permit, the applicant/developer shall submit payment of the current City Development Impact Fee for each type of land use in accordance with the adjusted impact fee in effect at the time of building permit issuance subject to the review and approval of the Director of Public Works.

4.14-9 All wastewater infrastructure shall be designed with sufficient capacity to accommodate the project and be required to adhere to all applicable City standards in terms of infrastructure sizing, design and construction. Prior to the issuance of any building and/or grading plan, the project applicant shall submit detailed evidence, including but not limited to design-level infrastructure plans, consistent with the requirements of this mitigation, subject to the approval of the Director of Public Works.

Evidence: The Miramonte Specific Plan includes policies and standards for the provision of adequate wastewater collection and conveyance systems. The plan also requires the construction of wastewater collection infrastructure that will be integrated with the city's existing sanitary sewer system, and requires that the new sewer system within the plan area will be designed, funded, and constructed by the developer, with plans subject to the review and approval of the City Engineer. All development impact fees applicable at the time of issuance of a building permit are required, but may be offset by developer designed, funded, and constructed wastewater system improvements. Mitigation Measure 4.14-9 requires the developer to submit and receive approval for design-level engineered wastewater infrastructure plans consistent with City design criteria and performance standards. In addition, Mitigation measure 4.14-8 requires the developer to pay any applicable development impact fees prior the issuance of building permits, which will mitigate project impacts related to construction of new sewer infrastructure. Implementation of Mitigation Measures 4.14-8 and 4.14-9



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are required conditions of approval, which will reduce impacts related to wastewater collection and conveyance infrastructure to a less-than-significant level.

**Project Impact (Significant) Landfill with Adequate Capacity:** The project could generate 3,367.6 tons per year of solid waste from the plan area. Considering the maximum amount of 185,000 tons of solid waste received annually at the Johnson Canyon Landfill, the landfill would have adequate capacity to serve the project, but could impacts could result from construction-generated solid waste disposed at the landfill.

**Findings:** Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Specifically, the following mitigation measure imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts to a less-than-significant level:

Mitigation Measure

4.14-12 Prior to the commencement of construction related activities, the applicant/developer shall prepare and submit a Construction and Demolition Diversion Plan consistent with the requirements of the City's adopted Diversion Plan Ordinance, subject to the review and approval of the Salinas Valley Solid Waste Authority and the City of Soledad. This plan shall identify ongoing implementation measures for the diversion and separation of construction waste to ensure that all construction-generated solid waste is recycled to the greatest extent possible.

**Evidence.** Mitigation Measure 4.14-12 requires the preparation and implementation of a Construction and Demolition Diversion consistent with city standards that will ensure the greatest rate of recycling of construction-generated solid waste. Implementation of Mitigation Measure 4.14-12 is a required condition of approval, which will reduce impacts related to wastewater collection and conveyance infrastructure to a less-than-significant level.

III.

SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

The Addendum to the Miravale III EIR identifies certain unavoidable or potentially unavoidable adverse impacts of the project, i.e., environmental effects that cannot be reduced to an insignificant level if development in accordance with the project description is implemented. These impacts were also identified as significant and unavoidable in the Miravale III EIR. These impacts are as follows::

(a) Aesthetics

**Project Impact (Significant) Permanent Alteration of Visual Character.** Implementation of the Miramonte project introduces substantial new development,

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including structures of various heights and densities and will permanently change the visual character of 647 acres from rural agriculture fields and open spaces below the 400-foot contour to urban development.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. Specifically, development consistent with the Miramonte specific plan reduces the size of the formerly proposed project boundary by 273 acres and the development density by 2,081 residential units. Scenic open space areas above the 400-foot contour are designated as Hillside/Open Space and are protected in perpetuity by a recorded conservation easement; thereby, eliminating potential new sources of light and glare from this area. The imposition of mitigation measures 4.1-1, and 4.1-4 – 4.1-6 and 4.1- listed in Section II in addition to the following mitigation measures will reduce the impacts, but not to a less-than-significant level:

Mitigation Measures

4.1-9. In order to minimize tree removal and associated visual impacts, final design-level improvements plans shall retain existing mature eucalyptus and other tree species to the greatest extent possible. Final design-level plans shall be prepared in consultation with a registered arborist/forester to minimize tree removal and ensure the health of remaining trees. Prior to the issuance of any grading and/or building permits, final plans shall be subject to the review and approval of the City of Soledad Director of Public Works. If the removal of existing mature eucalyptus is required the applicant shall submit evidence demonstrating that there are no feasible design alternatives to avoid tree removal. In the event that tree removal is required, the project proponent shall prepare a tree removal and replacement plan for each phase of construction, subject to the review and approval of the City of Soledad Community Development Director. The tree removal and replacement plan shall identify specific grading limits that minimize tree removal, as well as appropriate tree replacement ratios and replanting locations.

4.1-10. Final design plans for the proposed gateways shall include elements, such as signage, landscaping and landscaped center medians, and appropriate architectural detailing consistent with the Miravale III Specific Plan. Prior to issuance of any permit for the construction of any of the four gateways, the project applicant shall submit detailed plans that include the above referenced elements, subject to the review and approval of the City of Soledad.

4.1-11. Final design plans for proposed residential development shall include form, scale, and character elements which emulate the best characteristics of the existing residential neighborhoods, such as single and two-story dwellings with adequate off-street parking, landscaped front yards with trees, and sidewalks. Prior to the issuance

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of any building permit for residential development within the Specific Plan area, the project applicant shall submit design-level drawings consistent with the intent of this measure, subject to the review and approval of the City of Soledad. All residential development within the Specific Plan area shall be subject to a conditional use or design-review process as administered by the City of Soledad.

4.1-12. Final design plans for proposed multi-family development shall include useable open space for each dwelling and shall be designed to be integrated with the surrounding neighborhood. Prior to the issuance of any building permit for multi-family development within the Specific Plan area, the project applicant shall submit design-level drawings consistent with the intent of this measure, subject to the review and approval of the City of Soledad.

4.1-13. Final design plans for proposed development shall include a tree planting plan in order to increase the number and density of tree cover within new development areas. Prior to the issuance of any grading and/or building permit, the project applicant shall submit a detailed tree planting plan, subject to the review and approval of the City of Soledad.

Evidence. The site is located in several general plan expansion areas, within which, development of the project site and subsequent changes to the visual character are anticipated by the City of Soledad 2005 General Plan. Mitigation Measures 4.1-1, and 4.1-4 through 4.1-6, and 4.1-9 through 4.1-13 require adherence to specific design and development standards that minimize impacts to the aesthetic value of the visual character of the specific plan area. The Miramonte Specific Plan provides design requirements for all land use designations that include limits on building heights, use of natural colors and materials, and utilization of natural landforms and vegetation to screen development within the specific plan area. As a condition of project approval the project applicant would be required to submit detailed plans, including elevations, site plans, and/or other documentation detailing compliance with applicable development standards, subject to the review and approval of the City of Soledad. As a condition of project approval, the developer will implement Mitigation Measures 4.1-1, and 4.1-4 through 4.1-6, and 4.1-9 through 4.1-13, which will reduce potential impacts from permanent alterations to visual character, but not to a less-than-significant level. Therefore, the impacts to the visual character of the site remain significant and unavoidable.

(b) Agricultural Resources

Project Impact (Significant and Unavoidable) Conversion of Important Farmland. The Miravale III EIR determined that the project would convert 760 acres of Prime Farmland to a non-agricultural use. This impact to conversion of agricultural lands due to proposed development was considered to be significant and unavoidable.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Changes in circumstances have

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occurred that would lessen certain impacts, and no new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. Mitigation Measure 4.2-6, listed below, has been incorporated into the specific plan policies consistent with the 2016 Memorandum of Understanding between the County of Monterey and the City of Soledad, Compensation for conversion of Prime Farmland or Farmland of Statewide Importance to urban uses is required by the memorandum of understanding, using one of four methods, at the discretion of the City Council prior to or concurrent with recordation of the first final subdivision map. The specific plan policies are consistent with the memorandum of understanding requirements. Therefore, the proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant effects. Specifically, the following mitigation measure imposed upon the project lessens the impact, but not to a less-than-significant level:

Mitigation Measure

4.2-6. Concurrent with recordation of a final subdivision map, developers shall provide compensation for conversion of Prime Farmland or Farmland of Statewide Importance to urban uses using one of four methods, at the discretion of the city:

a) provide the in-kind direct purchase/acquisition of an agricultural mitigation easement at a 1:1 ratio and dedicate the easement to an agricultural land trust or other qualifying entity; and/or

b) if available, purchase agricultural banked mitigation credits at a 1:1 ratio from a qualifying entity; and/or

c) pay an in-lieu mitigation fee, which amount shall be determined by the city prior to project approval. The amount of the fee should reasonably be expected to lead to the preservation of agricultural land. Said fee shall be kept by the city in a fund established specifically for agricultural land mitigation purposes; and/or

d) implement other innovative approaches as approved by the city that results in the preservation of agricultural land within areas targeted by the city.

Evidence. The city entered into a memorandum of understanding with Monterey County on March 15, 2016. Compensation for conversion of Prime Farmland or Farmland of Statewide Importance to urban uses is required by the memorandum of understanding, using one of four methods, at the discretion of city to coincide with the time of the recordation of a final subdivision map. The specific plan includes policies that are consistent with the memorandum of understanding requirements, and implement Mitigation Measure 4.2-6. The proposed project would not result in new or greater impacts than those identified in the Miravale III EIR. However, mitigation measure 4.2-6 will ensure compensation for the conversion of Prime Farmland or Statewide Importance to urban uses is provided as required by the 2016 memorandum of understanding. While implementation of 4.2-6 will ensure compliance with the memorandum of understanding

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requirements for compensation for conversion of Prime Farmland or Farmland of Statewide Importance to urban uses, the project would still result in the conversion of important farmland which remains a significant and unavoidable impact.

(c) Air Quality

Project Impact (Significant and Unavoidable) Development of the uses consistent with the Miramonte Specific Plan would generate significant operational greenhouse gas (GHG) and criteria air pollutant emissions volumes.

Finding. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. The proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant impacts. No new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. The following mitigation measures imposed upon the project in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan that mitigate the impacts, but not to a less-than-significant level:

Mitigation Measure

4.3-3 In order to reduce operational greenhouse gas (GHG) and regional criteria air pollutants and ozone precursor emissions to the extent feasible, the applicant/project proponent shall prepare and submit for Planning Director approval a GHG and CAP Reduction Plan (Emissions Reduction Plan) prior to recordation of the first final map. The Emissions Reduction Plan shall include a description of the measures that are proposed to be implemented, including one or more of the measures contained in Appendix (F-1) of the Miravale III Specific Plan Final EIR. The Emissions Reduction Plan shall be approved by the city prior to construction of structures and site improvements, including but not limited to, determination of substantial conformance, building permits, and grading permits. For each of the measures not included, the applicant shall describe why the measure was not included. The Plan shall present estimated reductions in GHGs and criteria air pollutants emissions based on best available information sources.

No certificate of occupancy for any phase, or portion thereof, of the project shall be granted until all of the feasible, applicable measures have been implemented by the applicant/project proponent. The proponent shall demonstrate that measures that must be implemented throughout the life of the project are included in all applicable CC&Rs, property deeds, commercial center rules and regulations, and draft tenant lease agreements.

4.3-4. Fireplaces and stoves shall be gas-fired and meet U.S. Environmental Protection Agency certification requirements. The installation or operation of a wood-burning fireplace or a wood-burning stove shall be prohibited in

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perpetuity on all residential properties in the Miramonte I Specific Plan Development. This restrictive covenant shall be recorded on the title of all parcels in the Miramonte I Specific Plan area and shall run with the land.

Evidence. Development associated with the Miravale III specific plan would have resulted in significant GHG emissions volumes and long-term operational emissions of ozone precursor pollutants in exceedance of Monterey Bay Air Resources District thresholds. Criteria air pollutant emissions for the former project were estimated at 193 lbs per day VOC (exceeding the 137 lb threshold) and 226 lbs per day PM<sub>10</sub> (exceeding the 82 lb threshold). In addition to the requirements of Mitigation Measure 4.3-2a, Mitigation Measure 4.3-3 requires the preparation of an emissions reduction plan to identify measures that will be undertaken to reduce operational criteria air pollutant and GHG emissions volumes. Examples of reduction measures applicable to the proposed project are included in the Miravale III Final EIR Appendix F-1, incorporated herein by reference that will reduce on-site project-related emissions. Additionally, Mitigation Measure 4.3-4 prohibits the installation of wood-burning stoves and appliances in residential development to reduce criteria pollutant emissions of particulate matter and other criteria air pollutants during operations. The plan is required to be submitted prior to any changes made to the first final map. Emissions are reduced by implementation of these measures, but not to a less-than-significant level. The currently proposed project is smaller and would generate fewer GHG emissions than the original project although emissions volumes would still be large enough to warrant preparation of an emissions reduction plan as identified in Mitigation Measures 4.3-3 and 4.3-4. Implementation of each of these measures is required as a condition of project approval, which will reduce project-related operational GHG and criteria air pollutant emissions, but not to a less-than-significant level. Therefore, impacts would remain significant and unavoidable.

(d) Noise

Project Impact (Significant and Unavoidable). Project Generated Traffic Noise. Traffic volume increases from the project would increase traffic noise along the existing local roadway network. In some locations, there would be a substantial, permanent increase in noise levels at sensitive receptors.

Findings. Changes or alterations have been made or required in the project that avoid or lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Development consistent with the Miramonte specific plan would reduce the size of the project boundary by 273 acres and the development density by 2,081 residential units. The current project would not result in new significant noise effects or substantially increase the severity of previously identified significant effects, no significant changes in noise related circumstances have occurred that would increased noise generation, and no new information has been identified that indicates the proposed project would have new or more significant noise impacts than were identified in the Miravale III EIR. Specifically, the following mitigation measures imposed upon the project lessen impacts, but not to a less-than-significant level:

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Mitigation Measure

4.10-4 The project shall incorporate noise reduction methods into all improvement plans to reduce transportation noise subject to the review and approval of the City of Soledad Director of Public Works or Building Official as applicable. Methods to reduce noise on the project site may include the following measures:

- Pave and re-pave streets with "quieter" pavement types, such as Open-Grade Rubberized Asphaltic Concrete, that would reduce noise levels by 2 to 3 dBA depending on the existing pavement type, traffic speed, traffic volumes, and other factors. All new and improved streets within the project area shall use quieter pavement types.
- Implement new or larger noise barriers that may reduce noise levels by 5 dBA CNEL in areas that would not impair access requirements. Final design of such barriers, including an assessment of their feasibility and reasonableness, must be approved by the City during project-specific development applications. An increase in barrier height per foot equates to approximately 1 dBA noise reduction. However, noise barriers must be considered as a last resort to alternative noise reduction methods per the City of Soledad General Plan.
- Install traffic calming measures to slow traffic and provide qualitative improvement by smoothing out the rise and fall in noise levels caused by speeding vehicles. For each 5 mph reduction in average speed, noise generation is reduced by approximately 1 dBA. Provide affected residences with building sound insulation, such as sound rated windows and doors to reduce interior noise levels to below the 45 dBA CNEL noise standard.

Evidence. A noise report was prepared for the Miravale III EIR which concluded measures such as repaving of area roadways, the replacement or construction of noise barriers, traffic calming, and sound insulation, noise barriers and sound insulation treatments would be required to be installed on private property necessitating agreements with each property owner on affected local streets. Therefore, it may not be reasonable or feasible to reduce project-generated traffic noise at all affected receivers. If the City determines that the mitigation measures would not be feasible, the impact will be considered significant and unavoidable. The noise report concluded that with mitigation noise levels might still be substantially and permanently increased in nearby residential areas. Development consistent with the Miramonte specific plan would reduce the size of the project boundary by 273 acres and the development density by 2,081 residential units, and also reduce project-related traffic volumes. The identified measures to reduce the project traffic-related noise levels would still apply. Some noise reduction levels require individual homeowner cooperation; therefore, they cannot be guaranteed. Implementation of Mitigation Measure 4.10-4 is required as a condition of project approval, which will reduce project-related mobile-source noise levels, but potentially not to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

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Project Impact (Significant and Unavoidable). Construction Noise. Existing and proposed noise-sensitive land uses would be exposed to construction noise levels in excess of the significance thresholds for a period of more than one construction season (one year). The city considers construction noise lasting more than one year to be significant.

Findings. Changes or alterations have been made or required in the project that avoid or substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Changes in circumstances have occurred that would lessen certain impacts (reduced project size and scale), and no new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. Therefore, the proposed project would not result in new significant impacts or substantially increase the severity of previously identified significant effects. However, the duration of construction would extend beyond one construction season. The following mitigation measures imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan mitigate the impacts, but not to a less than significant level:

Mitigation Measure 4.10-5. Noise-generating activities at the construction site or in areas adjacent to the construction site associated with the project in any way should be restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturdays, unless otherwise approved by the City. No construction activities should occur on Sundays or holidays, including New Years and 4th of July.

4.10-6. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. 4.10-7 Locate stationary noise generating equipment (e.g., portable concrete crusher) as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise generating equipment when located near adjoining sensitive land uses.

4.10-8. Utilize "quiet" air compressors and other stationery noise sources where technology exists.

4.10-9. Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction related heavy truck traffic in residential areas where feasible.

4.10-10. Control noise from construction workers' radios to a point that they are not audible at existing residences bordering the project site.

4.10-11. Consider the use of multiple-pile drivers to expedite construction where pile driving is required. (Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced.)



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4.10-12. Use temporary noise control blanket barriers to shroud pile drivers or erect in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.

4.10-13. Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile. Pre-drilling reduces the number of blows required to seat the pile and is a standard construction noise control technique.

4.10-14. The contractor shall prepare a detailed construction management plan identifying the schedule for major noise-generating construction activities. The construction management plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance. Prior to the issuance of any grading and/or building permit, the project applicant shall submit a detailed construction management plan to the City of Soledad for review and approval.

4.10-15. The project applicant shall designate a "disturbance coordinator" who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem are implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. Prior to the issuance of any grading and/or building permit, the project proponent shall provide the City of Soledad with the contact information for the designated "disturbance coordinator."

Evidence. Although Mitigation Measures 4.10-6 through 4.10-15 would reduce noise generated by construction, the impact would remain significant and unavoidable as a result of the extended period of time that adjacent receivers would be exposed to construction noise.

(e) Population and Housing

Project Impact (Significant and Unavoidable). Population Growth/Growth Inducing effects. The proposed specific plan could result in a population addition of 9,712 people at build-out. The project also includes commercial uses that would generate 218 jobs with additional employment at the schools and other public facilities. Growth in population would increase demands on existing community facilities, requiring construction of new facilities that could cause significant environmental effects.

Findings. Changes or alterations have been made or required in the project that lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Changes in circumstances have occurred that would lessen certain impacts (reduced project size and scale), and no new information has been identified that indicates the proposed project would have new or more significant impacts than were identified for the original project. Therefore, the proposed project would not

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result in new significant impacts or substantially increase the severity of previously identified significant effects. Development consistent with the Miramonte Specific Plan would reduce the size of the project boundary by 273 acres and the development density by 2,081 residential units. The reduced scale of the project would still result in significant increased demands for community facilities and infrastructure, although to a lesser extent than the Miravale III EIR.

Evidence. Although the project site is located in an area that has been identified for future population growth in city's general plan and would result in 36.1 percent less growth than the Miravale III project, the project would still result in a significant growth-inducing impacts through the introduction of new sources of employment and a significant portion of the city's projected population growth. Consequently, additional demand would be placed on existing facilities. This remains a significant and unavoidable impact that cannot be reduced to less-than-significant level with mitigation.

(f) Traffic and Circulation

Impact (Potentially Significant and Unavoidable). Unacceptable LOS at Front Street and U.S. Highway 101 SB Ramps: Traffic generated by the proposed project would cause LOS F operations on the U.S. Highway 101 southbound off-ramp to Moranda Road and Front Street at the Moranda Road Interchange during at least one peak hour. Improvements to the interchange and Front Street would be required to accommodate greater than 42 percent of trips generated by development consistent with the Miramonte specific plan uses.

Finding. Changes or alterations have been made or required in the project that substantially lessen the significant environmental effect as identified in the Miravale III EIR or as clarified in the EIR Addendum. Specifically, the following mitigation measure imposed upon the project, in addition to the reduced size and intensity of development allowed by the adopted Miramonte Specific Plan reduce the impact to this intersection to a less-than-significant level; however, this intersection is under the jurisdiction of Caltrans and not under the control of the City. If Caltrans does not implement improvements, the impact would be significant and unavoidable.

Mitigation Measure

4.13-11 U.S. Highway 101 Interchange at Moranda Road/Front Street. Prior to the issuance of any building permit the project developer shall pay the project's fair share of TAMC Regional Development Transportation Impact fees. These fees may be used by TAMC for the construction of interchange improvements that may include signaling the intersection and adding a second lane on the off-ramp and/or reconfiguration and/or reconstruction of the U.S. Highway 101 interchange at Moranda Road/Front Street.

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However, improvements to the interchange are within the jurisdiction of Caltrans and not under the control of the city. Should the improvement of the interchange not be implemented by Caltrans the impact would be considered significant and unavoidable.

All required traffic impact fees shall be subject to review by the Director of Public Works and approval of the City Council.

Evidence. Development consistent with the Miramonte Specific Plan would generate approximately 40 percent fewer vehicle trips than the originally proposed project. The payment of Regional Traffic impact fees mitigates the project's contribution to impacts to the interchange. These fees may be used by TAMC toward construction of interchange improvements that may include signaling the intersection and adding a second lane on the off-ramp and/or reconfiguration and/or reconstruction of the U.S. Highway 101 interchange at Moranda Road/Front Street. As a condition of approval the developer will implement Mitigation Measure 4.13-11, which will reduce the project's impact to this Caltrans facility to less than significant. However, improvements to the interchange are within the jurisdiction of Caltrans and not under the control of the City. Should the improvement of the interchange not be implemented by Caltrans the impact would be significant and unavoidable.

IV

CUMULATIVE IMPACTS

The proposed project would contribute to cumulative impacts identified in the Miravale III EIR including significant and unavoidable cumulative impacts related to aesthetics, agriculture, air quality, GHG emissions, noise, and traffic. With the exceptions of these resource areas, the cumulative impacts and project contributions to them will either be less than cumulatively considerable or reduced to a less-than-cumulatively-considerable level with implementation of standard conditions of project approval and implementation of the mitigation measures identified in the EIR Addendum. Due to the lengthy implementation timeline of the project and the potential for the project to contribute to unacceptable levels of service at Front Street intersections and roadway segment levels of service indicates the need for intersection improvements or construction of either or both of the Market Street extension identified in Mitigation Measure 4.13-16 and/or the Gabilan Drive extension identified in Mitigation Measure 4.13-17, and/or the U.S. Highway 101/State Route 146 Bypass (Pinnacles Parkway ) identified in Mitigation Measure 4.13-9 to reduce the impacts to less than significant. Routine monitoring conducted by the City at the developers' expense and overseen by the Director of Public Works is required by Mitigation Measure 4.13-15, and ensures that no building permit shall be issued for any phase of the project unless intersection levels of service are operating at the City's adopted acceptable threshold LOS D.

The EIR Addendum does not change the conclusions regarding the project's contribution to cumulative roadway impacts. The proposed project would not result in new or greater

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cumulatively considerable contributions to cumulative impacts that were not already identified and addressed in the certified Miravale III EIR.

V.  
STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act and the State CEQA Guidelines provide that:

“CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable adverse risks in determining whether to approve the project. If the benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse impacts may be considered acceptable.

Where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement may be necessary if the agency also makes a finding under Section 15091(a)(2) or (a)(3).

If any agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.” (Section 15093 of the State CEQA Guidelines).

Project benefits are defined as those improvements or gains to the community that will not occur without the project.

Project Impacts

As previously discussed, development of the project site will result in significant and unavoidable individual and cumulative impacts related to aesthetics, agriculture, air quality, GHG emissions, noise, and traffic and circulation.

Project Benefits

The City of Soledad finds that the following substantial benefits will occur as a result of approval of the project:

- Provision of a mixed-use development of housing, parks, schools, fire and/or police sub-station, and neighborhood commercial uses guided by a specific plan to serve the local area and provide a balance of uses, consistent with the general plan;
- Preservation of the scenic hills above the 400-foot elevation contour as open space for passive recreational use, with directed public access, space

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for infrastructure to serve the plan area, alternative energy, a community room or clubhouse, and grazing; and

- Provision of a mix of housing types to serve the housing needs of the city consistent with the general plan housing element through policy requirements for the development of a range of low, very low, affordable and inclusionary housing in an amount greater than current regional housing needs, and housing opportunities for senior citizens by providing a range of moderate-income housing types on a variety of lots for the existing and future residents of Soledad; and
- Reserving land for two public schools and new police and fire department substations; and
- Reserving land for commercial development to allow for future economic growth within the city and assist in maintaining a local jobs/housing balance and reducing vehicle trips; and
- Provision of integrated water, wastewater, and storm drainage infrastructure improvements on and off the site; and,
- Provision of storm water drainage system that retains post-development runoff within the plan area, aiding in recharging the groundwater basin, and minimizing or avoiding impacts to downstream facilities; and
- Provision of complete streets to serve the plan area and connect to the surrounding road network, directing most trips by way of San Vicente Road, in addition to improving San Vicente Road and facilitating construction of the Gabilan Drive Extension identified in the general plan; and
- Provision of interconnected public parklands to serve the recreational needs of the development and surrounding community by dedicating land sufficient to provide public park and recreational facilities at a minimum ratio of five acres per 1,000 persons; and
- Provision of 150 acres of open space and an opportunity to extend the Golden Stairway trail system identified in the general plan; and
- Supports the local economy by increasing income within the plan area through permits, fees, property taxes, and job creation.

The City of Soledad City Council has considered each of the significant and unavoidable adverse environmental impacts identified above in deciding whether to approve the project. Pursuant to Public Resources Code 21081 (CEQA) the City of Soledad City

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Council makes the following findings in adopting this statement of overriding conditions for each significant impact:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Although substantial evidence demonstrates that the unavoidable impacts identified in the Final EIR and EIR Addendum and its Errata will be substantially lessened by the mitigation measures incorporated into the project, the City recognizes that approval of the project will nonetheless result in certain unavoidable effects.

After balancing the project's environmental risks with its benefits described above, the City specifically finds that, despite the reduced scale of the Miramonte Specific Plan project, and to the extent that adverse or potentially adverse impacts set forth above have not been mitigated to a level of insignificance, that specific economic and social benefits, namely, the provision of affordable housing stock that exceeds regional housing need requirements, preservation of the scenic hillsides above the 400-foot contour, an increase in public parks and recreational facilities, utility and roadway infrastructure improvements on San Vicente Road, new school sites and a police and fire substation site, outweigh the significant effects on the environment. Furthermore, the City specifically finds that any one and each of the foregoing benefits constitutes a significant consideration sufficient to approve the project despite the unavoidable impacts identified herein. Therefore, each of the foregoing benefits is adopted as an overriding consideration with respect to each of the significant unavoidable impacts individually.

Additionally, for the potentially significant and unavoidable impacts to Caltrans facilities, the City specifically finds that the potentially adverse impacts set forth above have not been mitigated to a level of insignificance, that the necessary changes identified herein are not under the control of the City but are within the responsibility and jurisdiction of another public agency (Caltrans) and can and should be, adopted by that other agency.

Each overriding consideration is severable from any other consideration should one or more consideration be shown to be legally insufficient for any reason. The Statement of Overriding Considerations for the project is thus adopted.