

ORDINANCE NO. 683

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLEDAD APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SOLEDAD AND UCP SOLEDAD, LLC - MIRAVALE II SUBDIVISION

WHEREAS, on October 15, 2003, the Soledad City Council adopted Resolution No. 3379 conditionally approving a Vesting Tentative Map for Phase II of the Miravale Subdivision Project ("Project"), a residential subdivision consisting of 236 single family lots, multifamily dwellings, and dedications for schools, parks, streets and construction of related public facilities; and

WHEREAS, Developer UCP Soledad, LLC ("Developer") holds legal interest in real property, consisting of approximately 63.285 acres of land located in an area bounded to the east by Bryant Canyon Road, the south by Metz Road, the west by the virtual extension of Orchard Lane and the north by existing homes on Asilomar Avenue located partially in the City of Soledad and partially in the County of Monterey, on which a portion of the Project is to be located; and

WHEREAS, Vesting Tentative Map Condition No. 7 requires Developer to enter into a "Development Agreement" with City with respect to the approved Project, and California Government Code Section 65864 et seq. and City of Soledad Resolution No. 1656 authorize the City to enter into a development agreement for the purpose of establishing relevant property development rights; and

WHEREAS, City and Developer believe that execution of a Development Agreement will assist in the timely, efficient orderly and proper development of the Project on the involved property; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") the City has found that the Project is within the scope of the Final Environmental Impact Report for the Miravale Partners-Hamby Property certified by the City Council on May 19, 2000, and that the proposed Development Agreement does not approve of any act or action that is inconsistent with said Report, thus negating the need for additional environmental review; and

WHEREAS, prior to taking final action on this ordinance, the City's Planning Commission held a noticed public hearing on April 2, 2014, and made a written recommendation to the City Council concerning adoption of the Development Agreement; and

WHEREAS, in accordance with City of Soledad Resolution No. 1656, the Planning Director gave notice of the Council's intention to take final action on the proposed Development Agreement, by published notice and mailing to impacted property owners, in accordance with applicable law.

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Soledad as follows:

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

Section 2. The Council accepts the Planning Commission's Recommendation Concerning adoption of the Miravale II Development Agreement, dated April 2, 2014.

Section 3. The Council finds as follows:

1. The proposed Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the City of Soledad General Plan; and

2. The proposed Development Agreement is in conformity with public convenience, general welfare and good land use practices; and

3. The proposed Development Agreement will not be detrimental to the health, safety and general welfare of persons residing in the immediate area nor will it be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the City as whole; and

4. The proposed Development Agreement will not adversely affect the orderly development of property or the preservation of property values; and

5. The proposed Development Agreement is consistent with the provisions of Government Code Sections 65864 through 65869.5.

Section 4. The Miravale II Development Agreement, a copy of which is attached hereto as Exhibit A and by this reference incorporated herein, is hereby approved, and the Mayor is hereby authorized and directed to execute the same on behalf of the City of Soledad. The City Clerk is directed to record an executed copy of the Development Agreement with the County Clerk.

Section 5. This Ordinance shall be in full force and effect commencing thirty (30) days after the date of its final passage and a summary hereof shall be published once within fifteen (15) days of passage in the Soledad Bee, a newspaper of general circulation printed and published in the County of Monterey and circulated in the City of Soledad.

This Ordinance was introduced and read by title only on the 2nd day of April, 2014, and was finally passed and adopted on the 7th day of May, 2014, by the following vote:

AYES, and in favor thereof, Councilmembers: Christopher K. Bourke, Richard J. Perez, Patricia D. Stephens, Mayor Pro Tem Alejandro Chavez and Mayor Fred J. Ledesma

NOES, Councilmembers: None.

ABSENT, Councilmembers: None.

ABSTAIN, Councilmembers: None.

FRED LEDESMA, Mayor

ATTEST:

ADELA P. GONZALEZ, City Clerk