



City Hall Council Chamber
1515 Sixth Street, Coachella, California
(760) 398-3502 ♦ www.coachella.org

AGENDA

CITY COUNCIL CLOSED SESSION AND REGULAR MEETING

OF THE CITY OF COACHELLA

THE COUNCIL SITTING AS THE COACHELLA SANITARY DISTRICT,
COACHELLA FIRE PROTECTION DISTRICT, COACHELLA FINANCING AUTHORITY,
COACHELLA EDUCATIONAL AND GOVERNMENTAL ACCESS CABLE CHANNEL CORPORATION,
COACHELLA WATER AUTHORITY, AND SUCCESSOR AGENCY TO THE COACHELLA REDEVELOPMENT AGENCY

May 13, 2020

5:00 PM Closed Session

6:00 PM Regular Meeting

Pursuant to Executive Order N-29-20, this meeting will be
conducted by teleconference/electronically and
there will be no in-person public access to the meeting location.

- Public comments may be received **either via email or telephonically**, with a limit of **250 words, or three minutes**.
 - a) Written comments may be submitted to the City Council electronically via email to **cityclerk@coachella.org**. Transmittal **prior to the start** of the meeting is required.
 - b) **Or**, you may provide telephonic comments by leaving a message at **(760)-262-6240 before 6:00 p.m.** to be added to the public comment queue. At the appropriate time, you will be called so that you may provide your public testimony to the City Council.
- The **live stream** of the meeting may be **viewed online** by accessing the city's website at **www.coachella.org**, and clicking on the **"Watch Council Meetings"** tab located on the home page.

CALL TO ORDER: - 5:00 P.M.

ROLL CALL:

APPROVAL OF AGENDA:

“At this time the Council/ Board/Corporation/Authority may announce any items being pulled from the Agenda or continued to another date or request the moving of an item on the agenda”

PUBLIC COMMENTS (CLOSED SESSION ITEMS):

ADJOURN TO CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant Exposure to Litigation, Pursuant to Government Code Section 54956.9(d)(2)/(e)(1)
One (1) potential case

RECONVENE REGULAR MEETING: - 6:00 P.M.

PLEDGE OF ALLEGIANCE:

CLOSED SESSION ANNOUNCEMENTS:

APPROVAL OF MINUTES:

- [2.](#) Regular Meeting Minutes of April 22, 2020, of the City Council, Coachella Fire Protection District, Coachella Sanitary District, Coachella Financing Authority, Coachella Educational and Governmental Access Cable Corporation, Coachella Water Authority, and Successor Agency to the Coachella Redevelopment Agency.

PROCLAMATIONS/PRESENTATIONS:

3. Presentation on Coronavirus (COVID-19) Public Safety Response Efforts

WRITTEN COMMUNICATIONS:

CONSENT CALENDAR:

(It is recommended that Consent Items be acted upon simultaneously unless separate discussion and/or action is requested by a Council Member or member of the audience.)

- [4.](#) Voucher Listings — Manual Checks/Utility Billing Refunds/FY 2019-20 Expenditures as of May 13, 2020, \$2,405,434.81.
- [5.](#) Resolution No. 2020-23 Establishing Revised Selection Criteria and Related Policies to be used during the review of Conditional Use Permits for Cannabis Retailers and Retail Microbusinesses (Round #2) within Subzone #1 (Pueblo Viejo), #3 (Dillon Road), #4 (Wrecking Yard), or #5 (Industrial Park) of the City.
- [6.](#) Annual Investment Policy Update:
 - a) Resolution No. 2020-25 a Resolution of the City Council of the City of Coachella
 - b) Resolution No. WA-2020-05, a Resolution of the Coachella Water Authority
 - c) Resolution No. SD-2020-02, a Resolution of the Coachella Sanitary District
 - d) Resolution No. FD-2020-01, a Resolution of the Coachella Fire Protection District
 - e) Resolution No. CBL-2020-01, a Resolution of the Coachella Education and Government Access Cable Channel Corporation
- [7.](#) Adopt Resolution 2020-26 to set a July 8, 2020 public hearing for Municipal Solid Waste Rates for fiscal year 2020/2021.
- [8.](#) Resolution No. 2020-28 Approving the Creation and Funding for a Part-Time Cannabis Compliance Liaison Position
- [9.](#) Partial Assignment of Phasing Plan Agreement between Pathfinder Coachella Lots, LLC and Pulte Home Company, LLC (Valencia Community).

- [10.](#) Investment Report – February 2020
- [11.](#) Consulting Agreement with CannaBiz Consulting Group, LLC for 2020 Cannabis Consulting Services in the amount of \$25,000.
- [12.](#) Notice of Completion – ProWest Constructors for the Senior Center Expansion, City Project F-31
- [13.](#) Approve Lease Agreement with LGBT Community Center of the Desert, for property located at 1515 Sixth Street, Coachella.
- [14.](#) Authorize rejection of all bids for Bagdouma Pool Rehabilitation Project No. 030520.
- [15.](#) Professional Services Agreement with Arivitas Partners, LLC for 2020 HCD Planning Services in the amount of \$30,000.

NEW BUSINESS CALENDAR (LEGISLATIVE AND ADMINISTRATIVE):

- [16.](#) Resolution No. 2020-29 Stating the Intention to Annex Property into City of Coachella Community Facilities District No. 2005-1 (Law Enforcement, Fire and Paramedic Services) and Authorize the Levy of a Special Tax Within Annexation Area No. 31 (Pueblo Viejo Villas - Parcel 2 of Lot Line Adjustment No. 2018-02).

PUBLIC HEARING CALENDAR (QUASI-JUDICIAL):

- [17.](#) Coachella Travel Center Project
 - a) Environmental Assessment (EA 18-05) adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the development of the Coachella Travel Centre project.
 - b) Ordinance No. 1148 approving Change of Zone (CZ 18-11) from A-R (Agricultural Reserve) to C-G (General Commercial).
 - c) Conditional Use Permits (CUP 310 and 311) for drive-thru restaurant, car wash and truck wash facilities.
 - d) Variance (VAR 18-09) to allow a four-story hotel building in excess of 50 feet in height, in the C-G (General Commercial) zone.
 - e) Architectural Review (AR 18-09) to allow a new 3,800 sq. ft. convenience store with service station, 1,200 sq. ft. drive-thru restaurant, 5,555 sq. ft. restaurant, 2,677 sq. ft. car wash tunnel, 4,754 sq. ft. truck washing facility, and 11, 259 sq. ft. 4-story hotel with related infrastructure on 14.1 acres of vacant land located on the south side of Avenue 50 between the Whitewater Channel and the State Route 86 Expressway.
- [18.](#) Appeal of the Planning Commission's revocation of Conditional Use Permit (CUP 312) to allow a Retail Cannabis Microbusiness on 20,000 square feet of land located at 84-161 Avenue 48. The Coachella Lighthouse, LLC, Appellant.

19. Non-Storefront Retail Cannabis Code Amendments

- a) Ordinance No. 1161 amending various sections of Title 17 (Zoning) of the Coachella Municipal Code to update and clarify provisions regarding retail cannabis businesses, specifically with regards to non-storefront retailers, non-storefront retail microbusinesses, storefront retail microbusinesses, and non-retail microbusinesses. (*First Reading*)
- b) Ordinance No. 1162 amending Coachella Municipal Code Chapters 5.68 and 5.69 regarding cannabis cultivation, manufacturing, testing, distribution, and retail regulatory permits, specifically with regards to non-storefront retailers, non-storefront retail microbusinesses, storefront retail microbusinesses, and non-retail microbusinesses. (*First Reading*)

20. Vista Del Agua Specific Plan and Environmental Impact Report

- a) Resolution No. WA-2020-03 a Resolution of the Board of Directors of the Coachella Water Authority approving the Water Supply Assessment dated November 2017 for the Vista Del Agua Project.
- b) Resolution No. 2020-02, a Resolution of the City Council of the City of Coachella certifying Environmental Impact Report (SCH # 2015031003) prepared for the Vista Del Agua Specific Plan; the adoption of environmental findings and a mitigation monitoring and reporting program pursuant to the California Environmental Quality Act and approving the Vista Del Agua Specific Plan Project.
- c) Resolution No. 2020-03 a Resolution of the City Council of the City of Coachella approving General Plan Amendment 14-01 on approximately 275 acres (Vista Del Agua Specific Plan) generally located on the south side of Interstate 10 and Vista Del Sur, north of Avenue 48; east of Tyler Street and west of Polk Street. General Plan Amendment 14-01 proposes to amend the General Plan from General Neighborhood, Urban Neighborhood, Suburban Neighborhood, Suburban Retail and Neighborhood Center to Specific Plan.
- d) Resolution No. 2020-04, a Resolution of the City Council of the City of Coachella approving Tentative Parcel Map 36872 to subdivide 275 acres into 6 numbered lots and 1 lettered lot for finance and conveyance purposes only.
- e) Ordinance No. 1156 an Ordinance of the of the City of Coachella approving Change of Zone 14-01 that changes the existing General Commercial (C-G), Residential Single Family (R-S), Manufacturing –Service (M-S) zoning to a Specific Plan zone.
- f) Ordinance No. 1157, an Ordinance of the City of Coachella approving the Vista Del Agua Specific Plan 14-01 that proposes residential, commercial, open space and park land uses along with development standards and design guidelines for the development of approximately 275 acres.

PUBLIC COMMENTS (NON-AGENDA ITEMS):

The public may address the City Council/Board/Corporation/ Authority on any item of interest to the public that is not on the agenda but is in the subject matter jurisdiction thereof. Please limit your comments to three (3) minutes.

REPORTS AND REQUESTS:

Council Comments/Report of Miscellaneous Committees.

City Manager's Comments.

ADJOURNMENT:

Complete Agenda Packets are on the City's website www.coachella.org.

THIS MEETING IS ACCESSIBLE TO PERSONS WITH DISABILITIES



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MINUTES

CITY COUNCIL CLOSED SESSION AND REGULAR MEETING

OF THE CITY OF COACHELLA

THE COUNCIL SITTING AS THE COACHELLA SANITARY DISTRICT,
COACHELLA FIRE PROTECTION DISTRICT, COACHELLA FINANCING AUTHORITY,
COACHELLA EDUCATIONAL AND GOVERNMENTAL ACCESS CABLE CHANNEL CORPORATION,
COACHELLA WATER AUTHORITY, AND SUCCESSOR AGENCY TO THE COACHELLA REDEVELOPMENT AGENCY

April 22, 2020

5:00 PM Closed Session

6:00 PM Regular Meeting

CALL TO ORDER: - 5:00 P.M.

The Regular Meeting of the City Council of the City of Coachella was called to order at 5:14 p.m. by Mayor Pro Tem Martinez.

ROLL CALL:

Present: Councilmember Gonzalez, Mayor Pro Tem Martinez and Mayor Hernandez.

Absent: Councilmember Bautista, Councilmember Beaman Jacinto.

(It was noted for the record that Councilmembers Bautista and Beaman Jacinto had excused absences.)

Pursuant to Executive Order N-29-20 pertaining to the coronavirus/COVID-19, this meeting was conducted entirely by teleconference/electronically with no in-person public access to the meeting location.

APPROVAL OF AGENDA:

There were no modifications to the agenda.

PUBLIC COMMENTS (CLOSED SESSION ITEMS):

None.

ADJOURN TO CLOSED SESSION:

The City Council convened into Closed Session at 5:15 p.m. to discuss the following items:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of Litigation, Pursuant to Government Code Section 54956.9(d)(4)
Two (2) potential cases

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant Exposure to Litigation, Pursuant to Government Code Section 54956.9(d)(2)/(e)(1)
Two (2) potential cases

RECONVENE REGULAR MEETING: - 6:00 P.M.

The City Council reconvened into open session at 6:04 p.m.

PLEDGE OF ALLEGIANCE:

City Manager Bill Pattison led the Pledge of Allegiance.

CLOSED SESSION ANNOUNCEMENTS:

None.

APPROVAL OF MINUTES:

3. Regular Meeting Minutes of March 25, 2020, of the City Council, Coachella Fire Protection District, Coachella Sanitary District, Coachella Financing Authority, Coachella Educational and Governmental Access Cable Corporation, Coachella Water Authority, and Successor Agency to the Coachella Redevelopment Agency.
4. Regular Meeting Minutes of March 27, 2020, of the City Council, Coachella Fire Protection District, Coachella Sanitary District, Coachella Financing Authority, Coachella Educational and Governmental Access Cable Corporation, Coachella Water Authority, and Successor Agency to the Coachella Redevelopment Agency.
5. Special Meeting Minutes of April 8, 2020, of the City Council, Coachella Fire Protection District, Coachella Sanitary District, Coachella Financing Authority, Coachella Educational and Governmental Access Cable Corporation, Coachella Water Authority, and Successor Agency to the Coachella Redevelopment Agency.

Motion: To approve the minutes as presented.

Made by: Mayor Hernandez

Seconded by: Councilmember Gonzalez

Approved: 3-0, by a unanimous roll call vote:

AYES: Councilmember Gonzalez, Mayor Pro Tem Martinez, and Mayor Hernandez

NOES: None.

ABSTAIN: None.

ABSENT: Councilmember Bautista and Councilmember Beaman Jacinto.

PROCLAMATIONS/PRESENTATIONS:

None.

WRITTEN COMMUNICATIONS:

None.

CONSENT CALENDAR:

6. Voucher Listings — Manual Checks/Utility Billing Refunds/FY 2019-20 Expenditures as of April 22, 2020, \$2,474,091.76.
7. Resolution No. 2020-07, Approving the Preliminary Engineer's Report for Levy of Annual Assessments for Fiscal Year 2020/2021 for the City of Coachella Landscaping and Lighting Maintenance District Number 1 through 38 Resolution No. 2020-07 and Setting a time and place for the Public hearing to Levy and Collect Assessments for Fiscal year 2020/2021.
8. Resolution No. 2020-21, A Resolution of the City Council of the City of Coachella to adopt a list of Projects for Fiscal Year 2020/21, Funded by SB 1: Road Repair and Accountability Act.
9. Resolution No. 2020-22 Authorizing the City Manager to Execute by Electronic Signature on Behalf of the City of Coachella the Cannabis Equity Act Grant Agreement with the State of California Governor's Office of Business and Economic Development, Including Any Extensions or Amendments Thereof and Any Subsequent Grant Agreement with the Governor's Office of Business and Economic Development in Relation Thereto
10. Quarterly Reports
11. Notice of Completions – Granite Construction Incorporation:
 - a) Avenue 48 Widening, City Project ST-78, Federal Project RSTPL – 5294 (014); and
 - b) Van Buren Street Improvements, City Project ST-122
12. Authorize the City Manager to Execute a Maintenance of Effort Certification Statements Fiscal Year 2020/2021, the Local Streets and Roads Revenue Projections, as well as the Projected Five Year Measure A Capital Improvement Plans Budget for Measure A Funding
13. Authorization for the City Manager to execute a Library Facilities Use Agreement with Desert Community College District.
14. Authorization for the City Manager to execute Amendment No. 6 to the Professional Services Agreement between the City of Coachella and Powers Security Group, Augmenting the Compensation by \$45,000.00 for patrols in the Landscape and Lighting Maintenance Districts (LLMD) areas.
15. Authorizing the City Manager to
 - a) Execute a Professional Services Agreement with Digital Integration to install an Audio System in the Eleanor Shadowen Senior Center, in the amount not to exceed \$12,500.00; and
 - b) Authorize Appropriation of \$12,500.00 from Undesignated General Fund Reserves.

16. Active Transportation Program (ATP) – Cycle 2, authorizing the City Manager to execute:
- a) Service Agreement by and between the City of Coachella and County of Riverside; and
 - b) Amendment 1 by and between the City of Coachella and Matich Corporation for the ATP Cycle 2 Project, City Project No. ST-100.
17. Standard Drainage System Installation and Service Agreement by and between the City of Coachella and Coachella Valley Water District (CVWD) for the Avenue 50 Storm Drain Project, SD-02.

Motion: To approve per staff recommendation, Consent Calendar Items 6 through 17.

Made by: Mayor Hernandez
Seconded by: Councilmember Gonzalez
Approved: 3-0, by a unanimous roll call vote:

AYES: Councilmember Gonzalez, Mayor Pro Tem Martinez, and Mayor Hernandez
NOES: None.
ABSTAIN: None.
ABSENT: Councilmember Bautista and Councilmember Beaman Jacinto.

NEW BUSINESS CALENDAR (LEGISLATIVE AND ADMINISTRATIVE):

18. Review of Selection Criteria to be used during the review of Conditional Use Permits for Cannabis Retail and Retail Microbusinesses (Round #2) within Subzone #1 (Pueblo Viejo), #3 (Dillon Road), #4 (Wrecking Yard), or #5 (Industrial Park) of the City.

Public Comments: Carina Romero-Castro (*via email at 3:49 p.m. with letter*)
Christopher Martinez (*via email at 5:36 p.m. and via phone*)

Action: Direction provided

PUBLIC HEARING CALENDAR (QUASI-JUDICIAL):

19. Vista Del Agua Specific Plan and EIR Project
- a) Resolution No. WA-2020-03 a Resolution of the Board of Directors of the Coachella Water Authority approving the Water Supply Assessment dated November 2017 for the Vista Del Agua Project.
 - b) Resolution No. 2020-02, a Resolution of the City Council of the City of Coachella certifying Environmental Impact Report (SCH # 2015031003) prepared for the Vista Del Agua Specific Plan; the adoption of environmental findings and a mitigation monitoring and reporting program pursuant to the California Environmental Quality Act and approving the Vista Del Agua Specific Plan Project.
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- f) Ordinance No. 1157, an Ordinance of the City of Coachella approving the Vista Del Agua Specific Plan 14-01 that proposes residential, commercial, open space and park land uses along with development standards and design guidelines for the development of approximately 275 acres.

Motion: To **continue** Public Hearing to May 13, 2020

Made by: Mayor Hernandez

Seconded by: Councilmember Gonzalez

Approved: 3-0, by a unanimous roll call vote:

AYES: Councilmember Gonzalez, Mayor Pro Tem Martinez, and Mayor Hernandez

NOES: None.

ABSTAIN: None.

ABSENT: Councilmember Bautista and Councilmember Beaman Jacinto.

PUBLIC COMMENTS (NON-AGENDA ITEMS):

None.

REPORTS AND REQUESTS:

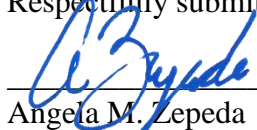
Council Comments/Report of Miscellaneous Committees.

City Manager's Comments.

ADJOURNMENT:

There being no further business to come before the City Council and the Agencies, Mayor Pro Tem Martinez adjourned the meeting at 7:26 p.m.

Respectfully submitted,



Angela M. Lepeda
City Clerk

apChkLst
04/20/2020 8:26:26AM

Check List
City of Coachella

Page: 1

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
107932	4/22/2020	53621	ALL THE RIGHT CONNECTION2414	4/6/2020	PE 4/5: F. HERNANDEZ	540.00	
			2392	3/30/2020	WE 3/29: F. HERNANDEZ	720.00	1,260.00
107933	4/22/2020	52366	ALTA LANGUAGE SERVICES, IIS474960	3/31/2020	MAR SVCS: BILINGUAL ASSE	55.00	55.00
107934	4/22/2020	42837	ARAMARK UNIFORM SERVICE	MAR2020	3/31/2020	PE3/31 UNIFORMS, MATS & G	4,203.58
			MAR2020 CC	3/31/2020	PE3/31 MATS & MOPS	344.84	
			MAR2020 SAN	3/31/2020	PE3/31 UNIFORMS, MATS & G	862.58	5,411.00
107935	4/22/2020	42837	ARAMARK UNIFORM SERVICE	22279896	3/25/2020	POLY PRFMNCE SS POLOS V	303.12
107936	4/22/2020	47955	ARCADIS U.S., INC.	34138289	12/20/2019	PE11/24 SENIOR CENTER EX	5,259.56
			34147093	2/21/2020	PE1/26 SENIOR CENTER EXP	9,795.34	15,054.90
107937	4/22/2020	53551	ARTIFACTS & ARTS ACROSS	Final Pymnt	4/8/2020	FINAL- TV EPISODE FEAT. CI	4,750.00
107938	4/22/2020	53344	BEAMAN JACINTO, MEGAN	Stipend	2/25/2020	STIPEND FOR 1/15 MTG	50.00
107939	4/22/2020	45929	BECK OIL, INC.	33135CL	3/31/2020	PE3/31 ENG DEPT FUEL	71.86
			33137CL	3/31/2020	PE3/31 BLDG/PLANNING DEP	79.58	
			33139CL	3/31/2020	PE3/31 LLMD DEPT FUEL	119.12	
			33143CL	3/31/2020	PE3/31 STREETS DEPT FUEL	870.97	
			33145CL	3/31/2020	PE3/31 WATER DEPT FUEL	628.46	
			33149CL	3/31/2020	PE3/31 PARKS DEPT FUEL	640.34	
			33171CL	3/31/2020	PE3/31 VEHICLE MAINT DEPT	93.68	
			33172CL	3/31/2020	PE3/31 SENIOR CNTR FUEL	146.13	
			33185CL	3/31/2020	PE3/31 CODE ENF DEPT FUE	285.90	
			33196CL	3/31/2020	PE3/31 SANITARY DEPT FUEL	946.59	
			384155	3/23/2020	DYED CARD ULS DIESEL	440.61	
			33203CL	3/31/2020	PE3/31 BLDG MAINT DEPT FL	97.48	
			33204CL	3/31/2020	PE3/31 ADMIN DEPT FUEL	47.71	4,468.43
107940	4/22/2020	43862	BRENNTAG PACIFIC, INC	BPI28312	2/27/2020	SODIUM HYPOCHLORITE	1,351.54
107941	4/22/2020	53391	BSK ASSOCIATES	RD00159	3/13/2020	JAN-FEB2020 WATER SAMPL	8,976.00
			RD00160	3/13/2020	DEC-FEB2020 WASTEWATER	5,774.50	14,750.50
107942	4/22/2020	01109	BSN SPORTS INC.	302342564	4/7/2020	PREMIUM STEEL SAFETY NE	518.78
107943	4/22/2020	44494	BURRTEC WASTE & RECYCLIBD	3/31/20	3/31/2020	MAR2020 SWEEPER BOXES,	3,741.86
			BD 4/1/20	4/1/2020	AC 50-CC 212175, 1540 7TH, I	15.26	3,757.12
107944	4/22/2020	44494	BURRTEC WASTE & RECYCLIBD	3/1/20	3/1/2020	AC 44-BS 405340, 85075 AVE	179.96
107945	4/22/2020	46730	CALPERS	1000000159977	4/2/2020	2020 REPLACEMENT BENEFI	813.09
107946	4/22/2020	53423	CBE OFFICE SOLUTIONS	IN2258614	3/20/2020	ACC #CC3502, COLOR COPIE	1,321.96

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
107947	4/22/2020	02048	CDW GOVERNMENT, INC.	XFJ1813	3/11/2020	BLACK BOX 6FT MOD COIL H	103.70
				XFF0863	3/11/2020	TRIPP DISPLAY MONITOR ST.	238.62
				XGD4569	3/13/2020	STARTECH 15FT PWR CORD	222.94
				XGD4615	3/13/2020	BELKIN 12FT COIL HANDSET	64.38
107948	4/22/2020	07950	CITY OF COACHELLA	Feb 2020	2/29/2020	FEB2020 WATER- ST, PARKS,	14,813.85
				Feb 2020-LLD's	2/29/2020	FEB2020 WATER- LLD'S	11,655.37
107949	4/22/2020	53220	COACHELLA ACE HARDWARE	753/1	3/26/2020	MINI ELECTRIC OIL FLLD HE/	58.15
				734/1	3/17/2020	ACE GLOVES, WET TOWELE	86.04
				751/1	3/25/2020	NUTSETTER MAGNETIC & HV	14.99
				750/1	3/24/2020	DBL END BOLT SNAP SS	21.73
107950	4/22/2020	01924	CONSOLIDATED ELECTRICAL	3298-413234	4/2/2020	4-PIN 11W 1300 LUMEN 4K LE	217.50
107951	4/22/2020	52375	CORE & MAIN LP	M022489	3/6/2020	HYD 6H COMMERCIAL, HYD E	2,564.60
107952	4/22/2020	00749	COUNTY OF RIVERSIDE	SH0000037232	4/13/2020	2/27-3/25 LAW ENFORCEMEN	717,315.81
				SH0000037169	3/31/2020	1/30-2/26 LAW ENFORCEMEN	643,315.27
107953	4/22/2020	52163	COUNTY OF RIVERSIDE	SH0000037200	4/1/2020	JAN2020 SEXUAL/DOMESTIC	2,000.00
107954	4/22/2020	49858	CV PIPELINE CORP.	S2305	3/24/2020	3/20 PMP'D WTR OUT @ RET	575.00
				S2306	3/24/2020	3/20 PMP'D WTR OUT @ RET	475.00
107955	4/22/2020	53473	CVCAN	00862	4/8/2020	2020 MBRSHR RNWL- GABRII	749.00
107956	4/22/2020	50506	DATE FARMERS ART STUDIO	11001	3/4/2020	SHADY LANE PARK ART MUR	7,229.00
107957	4/22/2020	01089	DESERT ELECTRIC SUPPLY	S2735538.001	3/26/2020	GREEN HDPE & VNL TAPE	64.30
107958	4/22/2020	52970	DESERT POOL SPECIALISTS,	123523	3/31/2020	APR2020 FOUNTAIN SVCS	400.00
107959	4/22/2020	48359	DESERT STEEL SUPPLY	18475	4/2/2020	RECT TUBE, ROUND TUBE, E	137.03
107960	4/22/2020	42254	DESERT TRUCK & AUTO PAR	108385	4/1/2020	REAR BUMPER ASSEMBLY	108.75

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
107961	4/22/2020	13700	DEWEY PEST CONTROL INC.	13308155	3/1/2020	AC103361, MAR2020, SENIOR	80.00
				13364910	4/1/2020	AC1008112, APR-JUNE2020, C	126.00
				13372324	4/1/2020	AC103361, MAR/APR2020, SE	160.00
				13378523	4/1/2020	AC1452292, APR-JUNE2020, S	150.00
				13378524	4/1/2020	AC1450610, APR2020, DE OR	160.00
				13381126	4/1/2020	AC241000, APR-JUNE2020, 15	111.00
				13383383	4/1/2020	AC1318239, APR-JUNE2020, F	90.00
				13383384	4/1/2020	AC1318244, APR-JUNE2020, E	90.00
				13383385	4/1/2020	AC1318235, APR-JUNE2020, E	90.00
				13383387	4/1/2020	AC1318236, APR-JUNE2020, F	123.00
				13383402	4/1/2020	AC1281215, APR2020, SIERRA	301.00
				13383403	4/1/2020	AC1281218, APR2020, 51251 I	900.00
				13393075	4/1/2020	AC1178382, APR-JUNE2020, E	126.00
				13393080	4/1/2020	AC1161434, APR-JUNE2020, E	195.00
				13400280	4/1/2020	AC1067451, APR-JUNE2020, 1	111.00
				AC1062335-AP-	4/1/2020	AC1062335, APR-JUNE2020, C	426.00
				AC1315475-AP/	4/1/2020	AC1315475, APR-JUNE2020, F	810.00
				AC1434611-AP/	4/1/2020	AC1434611, APR-JUNE2020, F	480.00
				13351869	4/1/2020	AC1126447, APR-JUNE2020, S	90.00
				13358449	4/1/2020	AC1404426, APR-JUNE2020, L	255.00
				13364498	4/1/2020	AC102942, APR-JUNE2020, 15	175.50
				AC934340-AP/JI	4/1/2020	AC934340, APR-JUNE2020, S/	450.00
107962	4/22/2020	42442	DIRECTV	37319088779	4/3/2020	APR2020 BUSINESS XTRA PK	205.22
107963	4/22/2020	14860	E. K. WOOD LUMBER COMPAN	487657	4/6/2020	MM 3/8" SOCK ADAPTER, ETC	26.68
				484140	11/12/2019	3/4 CP PI INSUL	5.05
				484301	11/19/2019	TUBING	6.71
				484302	11/19/2019	FIRST AID KIT	14.00
				486989	3/11/2020	PVC CAPS & VOC BLU PVC C	22.13
				487099	3/17/2020	HEX BIT SOCKET	3.65
				487123	3/17/2020	STL EPOXY SYSTEM	4.62
				487248	3/23/2020	3GAL BACKREL SPRAYER, G	119.30
107964	4/22/2020	49635	EISENHOWER MEDICAL CEN	Feb 2020	3/18/2020	AC #700000133, FEB2020 SVC	1,200.00
107965	4/22/2020	48970	ENTRAVISION COMMUNICATI	AP-MY Svcs	4/3/2020	APR-MAY AD SPOT: CENSUS	1,000.00
107966	4/22/2020	44713	FARMER BROTHERS CO.	69964625	3/24/2020	COFFEE	214.50

Bank : wfb WELLS FARGO BANK

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
107967	4/22/2020	51604 FRONTIER	BD 3/16/20	3/16/2020	ACC 209-188-4039-091192-5, 3	174.12	
			3982369-MA20	3/25/2020	760/398-2369, 3/25/20	70.89	245.01
107968	4/22/2020	43672 FULTON DISTRIBUTING COM	503605	3/19/2020	TOWEL MULTIFOLD, TOWEL	124.78	
			503856	3/23/2020	NITRILE GLOVES	108.73	
			503991	3/25/2020	TISSUE TOILET, OVEN CLEAN	382.98	
			504250	3/30/2020	OVEN CLEANER	-49.52	
			504395	4/1/2020	NITRILE GLOVES, S/O CLNR I	1,105.15	
			504856	4/9/2020	LINER, URINAL BLOCK, URIN	357.35	2,029.47
107969	4/22/2020	52615 G/M BUSINESS INTERIORS	0259255-IN	3/11/2020	FURNITURE @ WATER DEPT	1,670.40	1,670.40
107970	4/22/2020	51494 GARDA CL WEST, INC.	10550186	3/1/2020	MAR2020 ARMORED TRANSF	626.43	
			10550196	3/1/2020	MAR2020 CASHLINK MAINTEN	788.43	
			20423296	2/29/2020	2/6 EXCESS PREMISE TIME	4.48	
			20423305	2/29/2020	2/4+6+20+27 EXCESS LIABIL	370.15	1,789.49
107971	4/22/2020	00207 GRAINGER INC	9454097461	2/24/2020	PARKING LOT LIGHT FIXTURE	2,288.45	
			9492167789	4/1/2020	ANTIMICROB WRDRB LOCKE	1,677.01	
			9493875323	4/2/2020	COOLING BANDANA	11.94	
			9493875331	4/2/2020	COOLING BANDANA	200.76	
			9495483084	4/3/2020	MULTI-BAND LIME	30.17	
			9496975815	4/6/2020	MULTI-BAND LIME	120.67	4,329.00
107972	4/22/2020	25500 GRANITE CONSTRUCTION CO	1757543	11/30/2019	PE11/30 AVE 48 WIDENING S	192,671.86	192,671.86
107973	4/22/2020	53671 GREAT WESTERN RECREATI	2003061	3/30/2020	RUBBER STRAP SWING SEA	288.61	288.61
107974	4/22/2020	51892 HERC RENTALS, INC.	31378436-001	4/6/2020	3/20-4/1 TELEHANDLER LIFT	1,183.95	1,183.95
107975	4/22/2020	00996 HOME DEPOT	3013990	3/25/2020	DRIVE HYBRID SOCKET SET,	137.30	
			3014006	3/25/2020	EASY REACH POLE, UTILITY	94.35	
			5095052	4/2/2020	DEWALT POCKET KNIFE, SCF	112.92	
			6094139	3/12/2020	SILICONE LUBE & MAP-PRO C	45.51	
			9013340	3/19/2020	UTILITY CABLE CUTTERS, GF	237.81	
			6014578	4/1/2020	DIABLO 6" PSA SANDING DIS	124.47	752.36

Bank : wfb WELLS FARGO BANK

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
107976	4/22/2020	20450	IMPERIAL IRRIGATION DISTRI	50035755-MA20	3/30/2020	AC50035755, 2/27-3/26, PUMP	31.25	
				50408460-MA20	3/30/2020	AC50408460, 2/27-3/26, WELL	4,266.32	
				50434217-MA20	3/30/2020	AC50434217, 2/27-3/26	47.79	
				50459795-MA20	3/30/2020	AC50459795, 2/27-3/26	36.45	
				50459796-MA20	3/30/2020	AC50459796, 2/27-3/26	71.43	
				50459819-MA20	3/30/2020	AC50459819, 2/27-3/26	37.27	
				50522793-MA20	3/30/2020	AC50522793, 2/28-3/26, SCAD	11.30	
				MdFB-MdMA	3/16/2020	MID FEBRUARY-MID MARCH	40,282.83	44,784.64
107977	4/22/2020	45108	IMPERIAL SPRINKLER SUPPL	4077185-00	2/25/2020	CHEM ROUNDUP PRO MAX, I	102.65	
				4083163-00	2/28/2020	KNEE PAD	58.70	
				4087923-00	3/4/2020	RAINBIRD 1" PLASTIC INLINE	79.80	
				4090903-01	3/18/2020	6" ROUND VALVE BOX COVEI	45.09	
				4097898-00	3/11/2020	KNEE PAD	58.70	
				4101089-00	3/16/2020	PVC RAIN BOOT	19.56	
				4101314-00	3/16/2020	PVC RAIN BOOT & GLOVES	59.22	
				4110552-00	3/26/2020	SAFETY FACE SHIELD, ETC	94.69	
				4111438-00	3/31/2020	ZDC KIT FX LUMINAIRE	326.25	
				4116046-00	3/31/2020	1GAL SPEEDZONE SOUTHER	168.89	
				4109487-00	3/25/2020	CHEM ROUNDUP PRO MAX, I	162.60	
				4104261-00	3/25/2020	LUMINAIRE REPLACEMENT L	293.63	
				4104624-00	3/19/2020	47" SHOVEL	42.38	
				4108428-00	3/24/2020	1/2" 90 ELL SCH40 PVC, ETC	5.20	
				4108705-00	3/24/2020	RAINBIRD 1" PLASTIC INLINE	61.17	1,578.53
107978	4/22/2020	44766	IMPERIAL WESTERN PRODU	2015133	3/26/2020	2/20 MAINLINE JETTING @ RI	300.00	300.00
107979	4/22/2020	42223	J.L. WINGERT CO.	3003319	3/30/2020	LMI 0.9 FLUORO LIQUIFRAM,	1,167.38	1,167.38
107980	4/22/2020	48293	KOA CORPORATION	JB72075x21	3/11/2020	PE3/1 AVE 50 IMPROVEMENT	491.25	
				JB92071x4	3/11/2020	PE3/1 PS&E/RIGHT-OF-WAY C	15,495.00	15,986.25
107981	4/22/2020	47328	KONICA MINOLTA	35171021	3/23/2020	BIZHUB C454+951+C364, MAF	63.00	63.00
107982	4/22/2020	44047	KONICA MINOLTA BUSINESS	9006595582	3/13/2020	BIZHUB C454E, CITY HALL, 2/	119.44	
				9006615361	3/20/2020	BIZHUB C360, CITY HALL, 3/2	38.94	
				9006620802	3/22/2020	BIZHUB 282, FIRE DEPT, 2/23	0.92	159.30
107983	4/22/2020	44767	KUNA FM	AP-MY Svcs	4/3/2020	AP-MY AD SPOT: CENSUS 20	2,000.00	
				Apr Svcs	4/6/2020	4/13-26 AD SPOT: COVID-19	2,500.00	4,500.00
107984	4/22/2020	45051	LAMAR OF PALM SPRINGS	111255188	3/23/2020	3/23-4/19 POSTER ADVERTIS	1,200.00	
				Cntrct 3409791	4/6/2020	4/13-5/17 ADVERTISING: COV	3,500.00	4,700.00

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
107985	4/22/2020	50501	LIVESCAN MGMT GROUP, INC	033120COC	3/31/2020	COVID-19 ALUMINUM PARK S	3,271.20	3,271.20
107986	4/22/2020	49857	MANPOWER US INC.	34279590	9/8/2019	WE 9/8: OSUNA+RAMIREZ	1,041.60	
				34846220	3/22/2020	WE 3/22: RAMIREZ	93.00	
				34867876	3/29/2020	WE 3/29: RAMIREZ	744.00	1,878.60
107987	4/22/2020	51445	MEDIWASTE DISPOSAL	0000095867	4/1/2020	APR2020 BIOHAZARD WST S	74.00	74.00
107988	4/22/2020	25900	MEREDITH & SIMPSON CONS	200330	3/20/2020	TRBLSHT/RPR'D VARIOUS EC	2,701.02	
				200331	3/20/2020	120V HR METER & LIGHT LAN	418.60	3,119.62
107989	4/22/2020	51579	METLIFE- GROUP BENEFITS	Apr2020	3/15/2020	APR2020 DENTAL/VISION/LIF	12,730.84	12,730.84
107990	4/22/2020	45197	MSA CONSULTING, INC.	2406.001-14	2/29/2020	PE2/29 SHADY LN WTR SYST	176.20	
				2406.002-13	2/29/2020	PE2/29 SHADY LN SEPTIC TC	1,268.50	1,444.70
107991	4/22/2020	49482	NAPAAUTO PARTS	133320	3/17/2020	VALU PAK	22.89	22.89
107992	4/22/2020	47192	O'REILLY AUTO PARTS	2855-196670	3/18/2020	HYD FLUID	68.50	
				2855-196897	3/19/2020	BLOWER MOTOR & NEW MAI	116.30	
				2855-197985	3/23/2020	OIL & AIR FILTERS	51.61	
				2855-197993	3/23/2020	SWITCH	7.82	
				2855-198730	3/26/2020	ALTERNATOR	140.20	
				2855-198862	3/26/2020	TPMS SENSOR	46.48	
				2855-200397	4/1/2020	FUEL PUMP ASY	155.95	
				2855-200399	4/1/2020	BATTERY	95.06	
				2855-200414	4/1/2020	F/P ASSEMBLY	243.88	
				2855-200444	4/1/2020	CRNKSHFT SEN & CAMSHAF	106.18	
				2855-200504	4/1/2020	HARMONIC BAL	51.92	
				2855-201946	4/7/2020	BATTERY	83.30	1,167.20
107993	4/22/2020	00298	PARKHOUSE TIRE, INC.	2030188268	4/8/2020	235/75R17 108S FST DEST A/	500.60	500.60
107994	4/22/2020	53427	PASTION INDUSTRIES, INC.	031566	3/25/2020	AP-JN2020 FIRE ALARM/RADI	195.00	195.00
107995	4/22/2020	49989	PAUL ASSOCIATES	84646	4/3/2020	CITY OF COACHELLA LETTEF	2,453.98	
				84710	3/24/2020	BUSINESS CARDS: G. MARTI	93.42	2,547.40
107996	4/22/2020	02028	PETE'S ROAD SERVICE, INC.	403452-00	4/7/2020	MOUNT/BALANCE NEW TIRE	175.52	
				399623-00	3/26/2020	P225/70R15 B HANKOOK KINI	158.10	
				401000-00	3/26/2020	MOUNT/BALANCA NEW TIRE:	1,446.00	1,779.62
107997	4/22/2020	52389	POWER SECURITY GROUP IN	4143	3/30/2020	MAR2020 PATROL SVCS	5,307.20	5,307.20
107998	4/22/2020	53198	PROACTIVE ENGINEERING	17040	3/17/2020	PE2/29 STORMWATER MASTI	7,235.50	7,235.50
107999	4/22/2020	42759	PROPER SOLUTIONS, INC.	11170	3/27/2020	WE 3/27: E. GARAYT	775.13	775.13
108000	4/22/2020	48977	PROTECTION 1/ADT	133219486	2/28/2020	ADDTNL EQUIP/LABOR CHRC	2,519.03	2,519.03
108001	4/22/2020	52082	PROWEST PCM, INC.	03 PC	3/31/2020	PE3/31 FIRE STATION REHAB	2,142.26	2,142.26

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
108002	4/22/2020	53552	QUENCH USA, INC.	INV02358200	3/23/2020	AC D347652, APR2020 RNTL,	32.63	32.63
108003	4/22/2020	52306	QUINN COMPANY	WOG00007414	3/25/2020	3/4 LOAD BANK TEST @ WW	750.00	
				WOG00007415	3/25/2020	3/4 PM2 INSPECTION SVC @	552.67	
				WOG00007416	3/25/2020	3/4 PM2 INSPECTION SVC @	1,535.42	
				PCK30000567	3/24/2020	CLEAR DIESEL	82.44	
				WOG00007413	3/25/2020	3/4 PM2 INSPECTION SVC @	1,424.49	4,345.02
108004	4/22/2020	42443	RDO EQUIPMENT CO.	P3948945	4/8/2020	SPOOL VALVE	2,450.91	2,450.91
108005	4/22/2020	01571	RIVERSIDE COUNTY FLOOD (FC0000017966		3/12/2020	FY19/20 WHITEWATER NPDE	38,706.50	38,706.50
108006	4/22/2020	51785	RMC WATER AND ENVIRONM 27497		3/9/2020	PE2/28 AMEZCUA/SHADY LN	12,021.40	12,021.40
108007	4/22/2020	50340	ROYAL GYM SERVICES	5796	2/21/2020	FEB2020 PREVENTATIVE MAI	295.00	295.00
108008	4/22/2020	32950	SAFETY-KLEEN SYSTEMS, IN 82602855		3/16/2020	3/12 SVC	570.23	570.23
108009	4/22/2020	01830	SAM'S FENCE INC.	18215	3/27/2020	INSTLL'D 2X2 SCHEDULE 40 I	775.00	775.00
108010	4/22/2020	44262	SCST, INC.	678124	12/31/2019	PE12/31 CONCRETE CYLINDR	5,123.00	5,123.00
108011	4/22/2020	52924	SIEMENS MOBILITY, INC.	5620029111	3/26/2020	2/20 SVC CALL @ HRSN ST/A	2,854.65	2,854.65
108012	4/22/2020	44581	SIGN-A-RAMA	100909	3/20/2020	TRANSLUCENT VINYL LOGO'S	349.33	349.33
108013	4/22/2020	35450	SOCALGAS	1377 6th-MA20	3/26/2020	AC 012 623 3701 5, 2/24-3/24	62.36	
				1515 6th-MA20	3/26/2020	AC 031 523 3700 6, 2/24-3/24	107.13	
				1517 6th-MA20	3/26/2020	AC 010 594 4824 9, 2/24-3/24	45.30	
				84626Bag-MA20	3/26/2020	AC 153 323 6215 9, 2/24-3/24	14.30	
				87075Av54-MA2	3/26/2020	AC 123 573 5834 5, 2/24-3/24	35.05	
				BagPool-MA20	3/26/2020	AC 069 323 6500 7, 2/24-3/24	0.50	
				1500 6th-MA20	3/26/2020	AC 020 678 1257 4, 2/24-3/24	63.17	
				1540 7th-MA20	3/26/2020	AC 008 423 3900 4, 2/24-3/24	67.81	395.62
108014	4/22/2020	53672	SOLIZ, JAVIER	Trvl Exp 3/3-6	4/2/2020	TRVL EXP 3/3-6, PLANNING C	955.75	955.75
108015	4/22/2020	47319	SPARKLETTS	9467308 022420	2/24/2020	BOTTLE RETURN	10.01	
				9467308 032420	3/24/2020	MAR2020 WATER @ SANITAF	128.58	138.59
108016	4/22/2020	51023	SPRINT CORPORATE SECURILCI-333104		3/12/2020	2/12-3/12 L-SITE GPS: 951486	100.00	100.00
108017	4/22/2020	36000	STATE CONTROLLER'S OFFICFAUD-00002138		3/30/2020	FY18/19 ANNUAL STREET RE	3,300.00	3,300.00
108018	4/22/2020	52125	TAG/AMS, INC.	2764534	3/12/2020	2020 ANNUAL RENEWAL FEE	175.00	175.00

Bank : wfb WELLS FARGO BANK

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
108019	4/22/2020	38250	TOPS N BARRICADES	1080740	2/28/2020	COOLING NECK SHADE, ETC	87.87
				1080874	3/6/2020	STRAW PREMIUM HATS, ETC	48.90
				1081215	3/27/2020	BOX BRACKET FLARED 3/4"	158.56
				1081265	3/30/2020	SVC CHRGE- RPLC'D MSG BO	590.00
				1081330	4/2/2020	NECK GAITERS & PAINT WHI	548.64
				1081334	4/2/2020	CLAMP LG POST ADJ, ETC	252.84
				1081005	3/13/2020	JACKET FLEECE LIME	125.61
				1081138	3/24/2020	TAPE BANNER CAUTION	71.78
				1081143	3/24/2020	TAPE BANNER CAUTION	71.78
							1,955.98
108020	4/22/2020	52204	TPX COMMUNICATIONS	127867832-0	3/16/2020	AC33325, 3/16-4/15	3,634.15
108021	4/22/2020	45665	TRIMAX SYSTEMS, INC.	0030221-IN	3/25/2020	3/16 TRBLSHT @ WELL #18	1,500.48
108022	4/22/2020	44978	TRI-STATE MATERIALS, INC.	90417	2/26/2020	DESERT GOLD DG BLENDED	182.05
108023	4/22/2020	38800	UNDERGROUND SERVICE AL	dsb20190711	3/1/2020	CA STATE FEE FOR REGULA	57.80
				220200111	3/1/2020	FEB2020- 34 NEW TICKETS+I	66.10
							123.90
108024	4/22/2020	42187	UNION BANK OF CALIFORNIA	1203023	3/23/2020	AC6712160600, COA RDA 201	5,640.00
				1188816	12/18/2019	AC6712016200, DC19-NV20, C	2,225.00
							7,865.00
108025	4/22/2020	02134	UNITED RENTALS, INC.	179937499-001	3/19/2020	3/12-19 3" & 4" PUMP RNTL	438.19
							438.19
108026	4/22/2020	48436	UNIVAR SOLUTIONS USA INC.	48525248	3/19/2020	SODIUM HYPOCHLORITE	5,803.73
							5,803.73
108027	4/22/2020	50229	URBAN HABITAT ENVIRONME	5429	3/20/2020	RPLC'D SOIL & DG @ DIST 27	1,320.00
							1,320.00
108028	4/22/2020	43751	USA BLUEBOOK	163557	3/4/2020	VAC-RING FILTER SEAL, GLA	676.51
				164229	3/5/2020	FAST RELEASE PIPETTE PUM	34.75
							711.26
108029	4/22/2020	39640	VALLEY LOCK & SAFE	BW6361939	3/18/2020	CYBER KEYS & KEY TIPS	1,449.09
							1,449.09
108030	4/22/2020	50440	VELOCITY DYNE - VELOCITY DYN	0000022864	3/25/2020	VALVE CHECK VBND 1/2" FNF	321.05
							321.05
108031	4/22/2020	44966	VERIZON WIRELESS	9851035514	3/22/2020	AC571164685-00001, 2/23-3/22	45.51
							45.51
108032	4/22/2020	44775	VISTA PAINT CORPORATION	2020-376121-00	4/9/2020	TIP LINE LAZER S/O	161.57
				2020-354848-00	3/25/2020	RAGS, TIP LINE LAZER, ETC	130.11
							291.68
108033	4/22/2020	01732	WAXIE SANITARY SUPPLY	79020635	3/26/2020	TOUCHFREE ANTIMICROBIAL	310.21
				79026444	3/27/2020	BOBRICK SOAP DISPENSER	221.85
							532.06
108034	4/22/2020	51697	WESTERN WATER WORKS SI	58090-01	3/25/2020	MTR BOX LID HOOK	228.92
				58153-00	3/9/2020	1-1/2 INSERT PJ CTS LONG	24.79
				58189-00	3/12/2020	SS BOLT W/ BLUE NUT SET, I	261.55
				58201-00	3/13/2020	2-1/2 DI HYD 6H DI CAPS 1-1/2	4,887.91
				58202-00	3/16/2020	2-1/2 DI HYD 6H DI CAPS 1-1/2	3,135.59
				58287-00	3/24/2020	ADJ HYD WRENCH	25.45
							8,564.21
108035	4/22/2020	00384	WILLDAN FINANCIAL SERVICE	002-22430	3/5/2020	FEB2020 BLDG & SAFETY SV	12,750.00
							12,750.00

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04/20/2020 8:26:26AM

Check List
City of Coachella

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Item 4.

Bank : wfb WELLS FARGO BANK

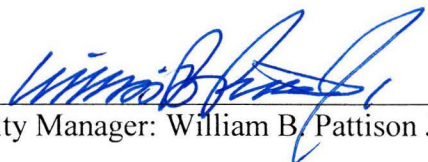
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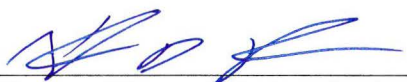
Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
108036	4/22/2020	00384	WILLDAN FINANCIAL SERVICES	010-44140	3/27/2020	APR-JUNE2020 ADMIN SVCS,	2,591.02	2,591.02
108037	4/22/2020	42100	ZUMAR INDUSTRIES INC	87778	3/26/2020	PEDESTRIAN SYMBOL, ETC	2,651.70	
				87796	3/27/2020	SCHOOL XING SYMBOL	1,513.36	4,165.06
Sub total for WELLS FARGO BANK:							1,916,540.88	

106 checks in this report.

Grand Total All Checks: 1,916,540.88

Date: April 22, 2020


City Manager: William B. Pattison Jr.


Finance Director: Nathan Statham

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04/28/2020 4:57:56PM

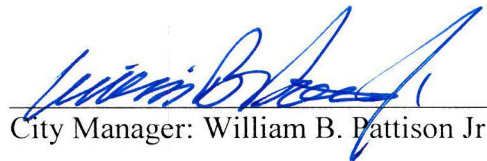
Check List
City of Coachella

Bank : wfb WELLS FARGO BANK							
Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
108038	4/28/2020	50506	DATE FARMERS ART STUDIO 11001	3/4/2020	SHADY LANE PARK ART MUR	7,229.00	7,229.00
Sub total for WELLS FARGO BANK:							7,229.00

1 checks in this report.

Grand Total All Checks: 7,229.00

Date: April 28, 2020


City Manager: William B. Pattison Jr.


Finance Director: Nathan Statham

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04/20/2020 7:21:29AM

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City of Coachella

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Bank : wfb WELLS FARGO BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
107914	4/22/2020	53679	CALDERA, DANIEL	Ref000211352	4/14/2020	UB Refund Cst #00050519	27.08	27.08
107915	4/22/2020	53686	CRAWFORD, KEVIN	Ref000211359	4/14/2020	UB Refund Cst #00051495	87.50	87.50
107916	4/22/2020	53681	D.R. HORTON	Ref000211354	4/14/2020	UB Refund Cst #00051318	89.17	89.17
107917	4/22/2020	53682	D.R. HORTON	Ref000211355	4/14/2020	UB Refund Cst #00051322	43.29	43.29
107918	4/22/2020	53683	D.R. HORTON	Ref000211356	4/14/2020	UB Refund Cst #00051323	42.23	42.23
107919	4/22/2020	53680	DR HORTON	Ref000211353	4/14/2020	UB Refund Cst #00050978	58.49	58.49
107920	4/22/2020	53687	DR HORTON	Ref000211360	4/14/2020	UB Refund Cst #00051626	63.66	63.66
107921	4/22/2020	53688	DR HORTON	Ref000211361	4/14/2020	UB Refund Cst #00051637	44.65	44.65
107922	4/22/2020	53689	DR HORTON	Ref000211362	4/14/2020	UB Refund Cst #00051638	33.40	33.40
107923	4/22/2020	53690	DR HORTON	Ref000211363	4/14/2020	UB Refund Cst #00051642	56.29	56.29
107924	4/22/2020	53685	GRACE REAL ESTATE	Ref000211358	4/14/2020	UB Refund Cst #00051426	48.17	48.17
107925	4/22/2020	53678	JIMENEZ, ANDREA	Ref000211351	4/14/2020	UB Refund Cst #00050009	58.20	58.20
107926	4/22/2020	53673	KETO, ANA LILLY	Ref000211346	4/14/2020	UB Refund Cst #00030034	31.00	31.00
107927	4/22/2020	53674	LIRA, RITA	Ref000211347	4/14/2020	UB Refund Cst #00045524	90.51	90.51
107928	4/22/2020	53676	NARANJO, YARELI	Ref000211349	4/14/2020	UB Refund Cst #00049709	1.54	1.54
107929	4/22/2020	53675	NUNEZ DELGADO, BRISA	Ref000211348	4/14/2020	UB Refund Cst #00046950	58.67	58.67
107930	4/22/2020	53684	RIGHT SOLUTIONS LLC	Ref000211357	4/14/2020	UB Refund Cst #00051388	80.69	80.69
107931	4/22/2020	53677	STREMLow, NATHAN	Ref000211350	4/14/2020	UB Refund Cst #00049761	78.99	78.99

Sub total for WELLS FARGO BANK: 993.53

18 checks in this report.

Grand Total All Checks: 993.53

Date: April 22, 2020



City Manager: William B. Pattison Jr.



Finance Director: Nathan Statham

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05/05/2020 12:22:24PM

Check List
City of Coachella

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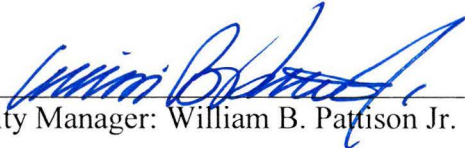
Bank : wfb WELLS FARGO BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
108120	5/13/2020	53694	ARELLANO, CARLOS	Ref000211673	5/5/2020	UB Refund Cst #00032959	13.23	13.23
108121	5/13/2020	53697	CAMARENA, MARTIN	Ref000211676	5/5/2020	UB Refund Cst #00049351	3.89	3.89
108122	5/13/2020	53702	ESQUIVEL, BELGICA	Ref000211681	5/5/2020	UB Refund Cst #00051231	68.56	68.56
108123	5/13/2020	53699	GRANITE CONSTRUCTION	Ref000211678	5/5/2020	UB Refund Cst #00050027	993.12	993.12
108124	5/13/2020	53700	LEMUS, MARIA	Ref000211679	5/5/2020	UB Refund Cst #00050473	96.62	96.62
108125	5/13/2020	53693	LUNA, FRANCISCO	Ref000211672	5/5/2020	UB Refund Cst #00001725	89.25	89.25
108126	5/13/2020	53703	MARTA, ROCIO	Ref000211682	5/5/2020	UB Refund Cst #00051914	93.92	93.92
108127	5/13/2020	53701	MENDEZ, EFREN	Ref000211680	5/5/2020	UB Refund Cst #00050915	69.03	69.03
108128	5/13/2020	53696	MERAZ, ROSEMARY	Ref000211675	5/5/2020	UB Refund Cst #00048320	91.40	91.40
108129	5/13/2020	53695	RODRIGUEZ, CLAUDIA	Ref000211674	5/5/2020	UB Refund Cst #00035545	117.18	117.18
108130	5/13/2020	53698	TORRES, ANNA	Ref000211677	5/5/2020	UB Refund Cst #00049356	72.46	72.46
Sub total for WELLS FARGO BANK:							1,708.66	

11 checks in this report.

Grand Total All Checks: 1,708.66

Date: May 13, 2020



City Manager: William B. Pattison Jr.



Finance Director: Nathan Statham

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05/04/2020 8:48:18AM

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City of Coachella

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Bank : wfb WELLS FARGO BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
108039	5/13/2020	46835	AIR AND HOSE SOURCE, INC. 381972	4/21/2020	PRESSURE WASHER HOSE A	144.64	144.64
108040	5/13/2020	53621	ALL THE RIGHT CONNECTION 2441	4/21/2020	WE 4/19: F. HERNANDEZ	495.00	
			2424	4/13/2020	WE 4/12: F. HERNANDEZ	495.00	990.00
108041	5/13/2020	01661	ANAYA'S TOWING SERVICE 1095	4/10/2020	4/10 TOWING: CORP YARD	90.00	90.00
108042	5/13/2020	03650	BARBARA SINATRA CHILDREN Mar 2020	4/6/2020	3/20 SVCS: LAW ENFORCEME	231.00	231.00
108043	5/13/2020	45929	BECK OIL, INC. 33240CL	3/31/2020	PE3/31 GRAFFITI DEPT FUEL	265.90	
			33558CL	4/15/2020	PE4/15 GRAFFITI DEPT FUEL	146.99	
			33470CL	4/15/2020	PE4/15 STREETS DEPT FUEL	357.13	
			33472CL	4/15/2020	PE4/15 WATER DEPT FUEL	305.04	
			33476CL	4/15/2020	PE4/15 PARKS DEPT FUEL	504.04	
			33496CL	4/15/2020	PE4/15 VEHICLE MAINT DEPT	92.55	
			33497CL	4/15/2020	PE4/15 SENIOR CNTR FUEL	176.72	
			33507CL	4/15/2020	PE4/15 CODE ENF DEPT FUE	222.77	
			33519CL	4/15/2020	PE4/15 SANITARY DEPT FUEL	158.04	
			33526CL	4/15/2020	PE4/15 BLDG MAINT DEPT FL	110.49	
			33463CL	4/15/2020	PE4/15 ENG DEPT FUEL	131.00	
			33464CL	4/15/2020	PE4/15 BLDG/PLANNING DEP	37.68	
			33466CL	4/15/2020	PE4/15 LLMD DEPT FUEL	50.92	2,559.27

Bank : wfb WELLS FARGO BANK

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
108044	5/13/2020	43462	BEST BEST & KRIEGER, LLP	873127	3/29/2020	PE2/29, #80237, GENERAL RE	31,409.55
				873128	3/29/2020	PE2/29, #80237.00230, 52318 I	47.10
				873129	3/29/2020	PE2/29, #80237.00236, USA LA	195.80
				873146	3/29/2020	PE2/29, #80237.00868, TRAVE	527.50
				873141	3/29/2020	PE2/29, #80237.03002, AV50 F	20,088.01
				873142	3/29/2020	PE2/29, #80237.03004, AV50 F	6,827.80
				873132	3/29/2020	PE2/29, #80237.00827, LA EN1	724.95
				873134	3/29/2020	PE2/29, #80237.00836, VISTA I	10,368.89
				873139	3/29/2020	PE2/29, #80237.00861, ADV CI	4,672.30
				873140	3/29/2020	PE2/29, #80237.00863, ADV BI	5,950.15
				873130	3/29/2020	PE2/29, #80237.00445, DESEF	85.90
				873131	3/29/2020	PE2/29, #80237.00810, LABOF	679.20
				873133	3/29/2020	PE2/29, #80237.00833, TELEC	169.80
				873135	3/29/2020	PE2/29, #80237.00844, CHROI	12,349.50
				873136	3/29/2020	PE2/29, #80237.00851, GLEN I	1,585.30
				873137	3/29/2020	PE2/29, #80237.00857, RENEV	5,007.02
				873138	3/29/2020	PE2/29, #80237.00858, COA V	395.76
							101,084.53
108045	5/13/2020	43862	BRENNTAG PACIFIC, INC	BPI310760	4/3/2020	4/2 DRUM RETURN	-720.00
				BPI38191	4/2/2020	SODIUM HYPOCHLORITE	2,188.93
				BPI38192	4/2/2020	SODIUM HYPOCHLORITE	2,188.93
							3,657.86
108046	5/13/2020	50977	BRISAS AIR CONDITIONING IN	10815	4/18/2020	SVC'D A/C UNIT @ 51251 DOU	352.54
				10807	4/17/2020	SVC'D A/C UNIT @ 1515 6TH S	222.77
				10808	4/17/2020	SVC'D A/C UNIT @ 1517 6TH S	265.04
				10809	4/18/2020	SVC'D A/C UNIT @ 1540 7TH S	716.78
				10810	4/17/2020	SVC'D A/C UNIT @ 1515 6TH S	316.94
				10811	4/17/2020	SVC'D A/C UNIT @ 1540 7TH S	601.74
				10812	4/18/2020	SVC'D A/C UNIT @ 1538 7TH S	83.77
				10813	4/17/2020	SVC'D A/C UNIT @ 1515 6TH S	73.71
				10814	4/17/2020	SVC'D A/C UNIT @ 1515 6TH S	443.47
							3,076.76
108047	5/13/2020	53391	BSK ASSOCIATES	RD00208	4/15/2020	FEB-MAR2020 WASTEWATER	2,993.50
				RD00209	4/15/2020	MAR2020 WATER SAMPLES	768.00
							3,761.50
108048	5/13/2020	01109	BSN SPORTS INC.	908909777	4/10/2020	PREMIUM STEEL SAFETY NE	518.78
							518.78
108049	5/13/2020	44494	BURRTEC WASTE & RECYCLIBD	4/1/20	4/1/2020	AC 44-BS 405340, 85075 AVE	89.98
							89.98

Bank : wfb WELLS FARGO BANK

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
108050	5/13/2020	53038	CDS OFFICE INTERIORS LLC 10065	4/9/2020	SPECIAL ORDER STAMP	81.55	
			10072	4/13/2020	FLIP-N-GO RECT. TRAINING	2,172.83	
			10073	4/13/2020	FLIP-N-GO RECT. TRAINING	1,448.55	
			10074	4/13/2020	FLIP-N-GO RECT. TRAINING	2,172.83	5,875.76
108051	5/13/2020	53220	COACHELLA ACE HARDWARE 656/1	2/15/2020	HANDLE KIT CROSS VISE, ET	48.92	
			663/1	2/18/2020	HANDLE KIT CROSS VISE	-15.21	
			664/1	2/18/2020	AIRWICK OIL FRESHWTR	3.91	
			665/1	2/18/2020	AIRWICK OIL FRESHWTR	3.91	
			739/1	3/20/2020	LYSOL LINEN	15.20	
			758/1	3/29/2020	PEG BOARD, RIVET TOOL KIT	65.83	
			767/1	4/2/2020	CASTER PLATE, CASTER 2.5'	52.15	
			769/1	4/5/2020	KING SIZE MARKER, SHARPIE	88.47	
			772/1	4/7/2020	STEEL WOOL PAD, LED FEIT	49.49	
			777/1	4/10/2020	LETTER STENCIL	7.18	
			789/1	4/16/2020	HOSE FLEXOGEN, ACE PAINT	84.74	
			795/1	4/20/2020	SCOURING STICK	26.04	
			801/1	4/23/2020	MISC FASTENERS, HAND TRI	206.78	
			781/1	4/13/2020	SCOURING STICK & TOILET F	28.22	
			786/1	4/14/2020	WASHER HOSE RUBBER, HO	19.64	685.27
108052	5/13/2020	45032	COLLINS ELECTRIC CORP. 040920-1	4/9/2020	TRBLSHT WIRING TO A/C CO	585.00	585.00
108053	5/13/2020	50160	COMPRESSED AIR SPECIALTY 100036145	2/7/2020	ANNUAL SVC ON BAUER AIR	1,108.27	1,108.27
108054	5/13/2020	52375	CORE & MAIN LP M105967	3/26/2020	NORTHTOW SHOVEL SQUAR	485.24	485.24
108055	5/13/2020	11800	COUNTY OF RIVERSIDE AN0000001939	4/23/2020	MAR2020 ANML SHLTR+FIELD	25,249.00	25,249.00
108056	5/13/2020	12870	DEPARTMENT OF JUSTICE 447456	4/8/2020	MAR2020 BLOOD ALCOHOL A	210.00	
			447510	4/8/2020	JAN2020 BLOOD ALCOHOL AI	315.00	
			445280	4/3/2020	MAR2020 FINGERPRINTS	49.00	574.00
108057	5/13/2020	00118	DEPARTMENT OF TRANSPORTS SL200761	4/15/2020	JAN-MAR2020 TRAFFIC SIGN	2,541.67	
			SL200459	1/14/2020	OCT-DEC2019 TRAFFIC SIGN	2,807.57	5,349.24
108058	5/13/2020	14860	E. K. WOOD LUMBER COMPANY 487884	4/14/2020	FG DBLE BOLT SNAPS	17.41	
			488025	4/20/2020	GLV PLUG STEEL	1.28	18.69
108059	5/13/2020	48970	ENTRAVISION COMMUNICATIONS AP-MY Svcs	4/6/2020	APR-MAY AD SPOT: COVID-19	2,000.00	
			AP-MY Svcs	4/3/2020	APR-MAY AD SPOT: CENSUS	1,000.00	3,000.00
108060	5/13/2020	51141	FENCEWORKS, INC. 120997	4/15/2020	AP-JN2020 FENCE RNTL @ G	248.30	248.30

Bank : wfb WELLS FARGO BANK

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
108061	5/13/2020	43672	FULTON DISTRIBUTING COM	505336	4/22/2020	DISINFECTANT SPRAY, ETC	347.32
				505438	4/23/2020	DISINFECTANT SPRAY	31.78
				502240	3/12/2020	TISSUE TOILET, TOWEL ROL	244.35
				504433	4/1/2020	DISINFECTANT SPRAY & WIP	85.61
				504434	4/1/2020	NITRILE GLOVES	108.73
				505083	4/15/2020	DISINFECTANT SPRAY	45.30
108062	5/13/2020	51494	GARDA CL WEST, INC.	20430034	3/31/2020	3/17+24 EXCESS PREMISE TI	13.44
				10559127	4/1/2020	APR2020 ARMORED TRANSP	626.43
				10559137	4/1/2020	APR2020 CASHLINK MAINTEN	788.43
				20430052	3/31/2020	MAR2020 EXCESS PREMISE/I	635.35
108063	5/13/2020	49100	GOLDMAN, RONALD A.	Mar2020	3/31/2020	MAR2020 SVCS: VISTA DEL A	1,872.00
108064	5/13/2020	53123	GRANICUS	121185	12/18/2019	DEC2019/20 GOVACCESS (M/	12,682.50
				121187	12/17/2019	GOVACCESS (WEB DESIGN &	9,532.00
108065	5/13/2020	51892	HERC RENTALS, INC.	31184351-003	12/11/2019	12/5-6 LIGHT TOWER RNTLS	188.48
				31287039-001	2/7/2020	2/6 TELEHANDLER RNTL	561.61
108066	5/13/2020	49799	HOY, JONATHAN	Hlth Premium	4/6/2020	JAN2020 HEALTH PREMIUM F	1,883.69
108067	5/13/2020	20150	HYDRO AG SYSTEMS	251672	3/25/2020	PVC SCH80 UNION 1 SS	13.05
				252114	4/16/2020	1" BRASS GATE VALVE, ETC	50.22

Bank : wfb WELLS FARGO BANK

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
108068	5/13/2020	20450	IMPERIAL IRRIGATION DISTRI	50035560-MA20	4/2/2020	AC50035560, 2/29-3/30, ST LIC	18,693.09
				50035734-MA20	4/6/2020	AC50035734, 3/4-4/1, CVHS PI	75.87
				50035836-MA20	4/6/2020	AC50035836, 3/4-4/1, WELL #1	35.87
				50217597-MA20	4/6/2020	AC50217597, 3/4-4/1	39.52
				50387122-MA20	4/7/2020	AC50387122, 3/4-4/1, SEWER	24,836.88
				50404153-MA20	4/6/2020	AC50404153, 3/4-4/2	83.05
				50404154-MA20	4/6/2020	AC50404154, 3/4-4/2	13.16
				50404155-MA20	4/6/2020	AC50404155, 3/4-4/2	82.00
				50416425-MA20	4/6/2020	AC50416425, 3/4-4/2	126.11
				50487676-MA20	4/6/2020	AC50487676, 3/4-4/1, LIFT ST/	14.10
				50516108-MA20	4/6/2020	AC50516108, 3/4-4/2	13.37
				50527782-MA20	4/6/2020	AC50527782, 3/4-4/2	12.34
				50642002-MA20	4/6/2020	AC50642002, 3/5-4/1	92.17
				50642141-MA20	4/6/2020	AC50642141, 3/4-4/1	35.82
				50705542-MA20	4/6/2020	AC50705542, 3/4-4/1, PERMIT	737.08
				50705544-MA20	4/6/2020	AC50705544, 3/4-4/1, PERMIT	111.16
				50733502-MA20	4/6/2020	AC50733502, 3/4-4/2	27.40
				50734422-MA20	4/6/2020	AC50734422, 3/4-4/2	42.79
108069	5/13/2020	45108	IMPERIAL SPRINKLER SUPPL	4105007-00	3/19/2020	VINYL RAIN PONCHO	13.02
				4123140-00	4/7/2020	RED MARKING FLAGS	19.60
				4123946-00	4/8/2020	HERBICIDE GOWAN NUTSED	14.29
108070	5/13/2020	51600	IRC, INC.	2020030048	3/1/2020	3/1-4/1 PRE-EMPLOYMENT SC	355.70
108071	5/13/2020	42223	J.L. WINGERT CO.	3003699	4/17/2020	LMI 3/8 TUBE POLYPRO, ETC	1,919.59
108072	5/13/2020	23450	KNORR SYSTEMS, INC.	SI220415	3/11/2020	REG 2/24-25, AFO COURSE: M	395.00
108073	5/13/2020	53692	KUSSMAUL ELECTRONICS	0000167089	4/13/2020	AUTO PUMP 12V	655.57
108074	5/13/2020	45051	LAMAR OF PALM SPRINGS	111342806	4/13/2020	4/13-5/10 VINYL ADVERTISING	2,200.00
				111092782	1/27/2020	1/27-2/23 POSTER ADVERTIS	1,200.00
				111255199	3/23/2020	3/23 VINYL ADVERTISING	595.00
108075	5/13/2020	24250	LEAGUE OF CALIFORNIA CITI	2020 Mbrshp	4/27/2020	2020 MEMBERSHIP DUES	15,997.00
108076	5/13/2020	08970	LEE ESPINOZA COACHELLA	v0220	2/1/2020	FEB2020 BOXING CLUB SER	2,500.00
				0320	3/1/2020	MAR2020 BOXING CLUB SER	2,500.00
				0420	4/1/2020	APR2020 BOXING CLUB SER	2,500.00
108077	5/13/2020	49857	MANPOWER US INC.	34888813	4/5/2020	WE 4/5: RAMIREZ	558.00
108078	5/13/2020	25900	MEREDITH & SIMPSON CONS	200351	3/30/2020	TRBLSHT ROADWAY LIGHT F	2,116.83
				200421	4/10/2020	RPLC'D FAULTY SWITCH AMF	840.74

Bank : wfb WELLS FARGO BANK

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
108079	5/13/2020	43425	MOWERS PLUS, INC	204916	3/30/2020	STRING TRIMMER & FEED TF	479.48
				205905	4/22/2020	7 3/4 TINES RYAN	977.49
108080	5/13/2020	26950	MUNICIPAL CODE CORPORAT	00340633	3/17/2020	SUPPLEMENT PGS, IMAGES,	2,409.00
108081	5/13/2020	00101	MUNISERVICES/GRS	INV06-008422	3/31/2020	JAN-MAR2020 SVCS: UTILITY	4,393.72
108082	5/13/2020	42112	NRO ENGINEERING	04-20-014	3/31/2020	PE3/31 PLNCK, SHADY LANE:	1,071.00
108083	5/13/2020	44714	NV5, INC.	155959	3/16/2020	PE2/22 GRAPEFRUIT BLVD UI	19,973.61
108084	5/13/2020	52757	OLLIN STRATEGIES	102	3/24/2020	MAR2020 CONSULTING SVCS	5,000.00
				111	4/20/2020	APR2020 CONSULTING SVCS	5,000.00
108085	5/13/2020	47192	O'REILLY AUTO PARTS	2855-193248	3/7/2020	6PK PAPER & METAL POLISH	23.89
				2855-203631	4/14/2020	AIR FILTER	33.35
				2855-203637	4/14/2020	BLOWER MOTOR	45.69
				2855-204080	4/15/2020	BATTERY	98.61
108086	5/13/2020	02028	PETE'S ROAD SERVICE, INC.	403413-00	4/7/2020	FLAT REPAIR ON TRACTOR	130.20
108087	5/13/2020	52389	POWER SECURITY GROUP IN	4185	4/13/2020	DEC-MAR2020 SECURITY GR	4,879.20
108088	5/13/2020	39250	PRAXAIR DISTRIBUTION, INC.	96050937	4/14/2020	WIRE MS 70S6	48.15
				96050938	4/14/2020	STARGOLD C25 ARG-CO2, ET	233.16
108089	5/13/2020	48977	PROTECTION 1/ADT	133714489	4/1/2020	MY-JL2020 ALARM/EXT SVC F	413.70
				133714490	4/1/2020	MAY2020 ALARM/EXT SVC PF	626.74
				133714491	4/1/2020	MAY2020 ALARM/EXT SVC PF	1,023.39
				133714492	4/1/2020	MY-JL2020 ALARM/EXT SVC F	572.70
				133714493	4/1/2020	MY-JL2020 ALARM/EXT SVC F	212.85
				133714494	4/1/2020	MAY2020 CELL/ESUITE/ALAR	62.00
				133714495	4/1/2020	MAY2020 CELL/EXT SVC PRC	27.00
108090	5/13/2020	52344	QUADIENT FINANCE USA, IN	CD 4/12/20	4/12/2020	FIN CHRGS	35.91
108091	5/13/2020	52327	QUADIENT LEASING USA, IN	CN8221397	3/20/2020	4/20-7/19, LSE NO. N17071771	826.50
108092	5/13/2020	52306	QUINN COMPANY	13895901	4/3/2020	4/1-2 DUMP TRUCK RNTL	774.53
				13994101	4/22/2020	4/15-16 COMPACT TRACK LO	820.80
108093	5/13/2020	51785	RMC WATER AND ENVIRONM	27468	2/13/2020	PE1/31 AMEZCUA/SHADY LN	30,020.40
108094	5/13/2020	45190	RUDY'S TERMITE & PEST COI	120427	4/14/2020	4/14 RMV'D BEES @ BAGDOL	250.00
108095	5/13/2020	47658	RUIZVA L. PEST CONTROL	095	3/27/2020	MAR2020 SVCS: FIRE STATIO	65.00
108096	5/13/2020	52991	S & D CAR WASH MANAGEM	EARB109448	3/31/2020	MAR2020 CAR WASH SERVIC	13.98
108097	5/13/2020	53691	SANCHEZ, MARIO	PD 2/23-25	4/16/2020	PD 2/23-25, AFO COURSE: AN	165.00
108098	5/13/2020	52924	SIEMENS MOBILITY, INC.	5620029391	4/16/2020	MAR2020 TRAFFIC SIGNAL C	2,442.29
				5610200334	4/16/2020	MAR2020 TRAFFIC SIGNAL M	1,812.80
108099	5/13/2020	44581	SIGN-A-RAMA	100706	4/10/2020	INSTLL'D WALL SIGN @ DIST	977.40

Bank : wfb WELLS FARGO BANK

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
108100	5/13/2020	35000	SMART & FINAL	053679	4/22/2020	CREAMER, GLADE REFILL & ,	75.70
				053984	4/23/2020	ZIP QRT SLIDER BAGS, NAPK	141.00
108101	5/13/2020	51139	SOUTHERN COMPUTER WARIN-000629855	3/4/2020	WALL MOUNT FOR MONITOR	99.40	216.70
			IN-000629951	3/4/2020	WALL MOUNT FOR COMPUTE	276.36	375.76
108102	5/13/2020	52595	STAPLES BUSINESS CREDIT	7305443438-0-2	3/16/2020	PERK HAND SANITIZER	9.34
				7305708889-0-1	3/9/2020	HP 37A BLACK TONER, ETC	116.45
				7305787306-0-2	3/13/2020	PURELL HAND SANITIZER WI	8.84
				7305789650-0-1	3/13/2020	SBG WHITEBOARD ALUM FR.	89.16
				7305789650-0-2	3/10/2020	SCOTT RAGS	16.30
				7306217869-0-1	3/18/2020	DAB N SEAL & SPLS 8.5X11 N	96.10
				7306386224-0-1	3/25/2020	XEROX 6510/15 CYAN TONE	659.28
				7306386224-0-2	3/25/2020	XEROX 6510/15 BLACK TONE	112.55
				7305769439-0-1	3/10/2020	STPLS HD VIEW BINDER, PO	67.91
				7306671480-0-1	4/3/2020	HP 62XL HY TRI-COLOR INK,	58.16
				7306671480-0-2	4/3/2020	HP 62XL HY BLACK INK	42.51
				7306828148-0-1	4/10/2020	5 CASES OF COPY PAPER	198.41
				7306402785-0-1	3/30/2020	HONEYSTICKS RAW HONEY	31.49
				7306402785-0-2	4/2/2020	HONEY PACKETS	79.78
				7306402785-0-4	4/1/2020	NITRILE GLOVES	45.00
				7306417435-0-1	3/25/2020	BIC ROUNDSTICK BP MED, S	49.69
				7306417435-0-2	3/25/2020	SCOTT RAGS	16.30
				7306417435-0-3	4/2/2020	CLOTH WIPES	11.73
				7306417435-0-6	3/30/2020	SCOTT RAGS	48.90
				7306812519-0-1	4/9/2020	PENTEL ENERGEL & STPLS H	144.87
				7307004100-0-1	4/16/2020	HP 62XL HY TRI-COLOR INK,	131.61
108103	5/13/2020	52125	TAG/AMS, INC.	2765904	4/15/2020	MAR2020 DRUG/ALCOHOL TE	291.00
108104	5/13/2020	00745	THE PIN CENTER	0320086	3/25/2020	COACHELLA LAPEL PINS (ES	663.00
108105	5/13/2020	52237	THE WORKS FLOOR & WALL	5231-1	2/4/2020	INSTLL'D PLAQUE, ETC @ VE	362.70
108106	5/13/2020	38250	TOPS N BARRICADES	1081347	4/3/2020	HIGH-VIZ KNIT BEANIE	25.94
				1081370	4/6/2020	TAPE BANNER CAUTION	179.44
				1081390	4/7/2020	CLAMP LG POST ADJ & BOX I	332.56
				1081406	4/8/2020	PAINT WHITE RDRY & REFLE	1,051.18
				1081473	4/15/2020	BARRICADE 8"	1,941.19
				1081474	4/15/2020	BARRICADE 8"	1,941.19
							5,471.50

Bank : wfb WELLS FARGO BANK		(Continued)					
Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
108107	5/13/2020	38800	UNDERGROUND SERVICE AL dsb20191344	4/1/2020	CA STATE FEE FOR REGULA	57.80	
			320200108	4/1/2020	MAR2020- 48 NEW TICKETS+	89.20	147.00
108108	5/13/2020	50229	URBAN HABITAT ENVIRONME 5446	3/31/2020	3/25 RE-STAKED TREE @ DIS	79.26	
			5447	3/31/2020	3/1 RMV'D SHRUBS @ DIST 1	191.00	
			5411	3/31/2020	RPLC'D PLANTS @ DIST 17	195.00	
			5453	3/31/2020	3/5 RPR'D IRRGTN @ DIST 16	74.05	
			5454	3/31/2020	3/11 RPR'D IRRGTN @ DIST 2	117.84	
			5455	3/31/2020	3/11 RPR'D IRRGTN @ DIST 2	51.60	
			5456	3/31/2020	3/11 RPR'D IRRGTN @ DIST 2	47.59	
			5457	3/31/2020	3/16 RPR'D IRRGTN @ DIST 1	46.49	
			5458	3/31/2020	3/16 RPR'D IRRGTN @ DIST 2	361.20	
			5459	3/31/2020	3/17 RPR'D IRRGTN @ DIST 1	91.80	
			5460	3/31/2020	3/14 RPR'D IRRGTN @ DIST 3	48.83	
			5461	3/31/2020	3/24 RPR'D IRRGTN @ DIST 2	41.31	
			5462	3/31/2020	3/24 RPR'D IRRGTN @ DIST 3	45.43	
			5463	3/31/2020	3/25 RPR'D IRRGTN @ DIST 2	43.23	
			5464	3/31/2020	3/26 RPR'D IRRGTN @ DIST 3	186.56	
			5465	3/31/2020	3/26 RPR'D IRRGTN @ DIST 3	37.40	
			5412	3/31/2020	RPLC'D PLANTS & TREE @ D	423.00	
			5413	3/31/2020	RPLC'D PLANTS @ DIST 30	273.00	
			5414	3/31/2020	RPLC'D PLANTS @ DIST 25	104.00	
			5415	3/31/2020	RPLC'D PLANTS @ DIST 28	396.00	
			5416	3/31/2020	2/25 RPR'D IRRGTN @ DIST 1	39.76	
			5417	3/31/2020	2/24 RPR'D IRRGTN @ DIST 2	35.76	
			5418	3/31/2020	2/24 RPR'D IRRGTN @ DIST 1	34.32	
			5419	3/31/2020	2/26 RPR'D IRRGTN @ DIST 3	32.86	
			5436	3/31/2020	MAR2020 LANDSCAPE MAINT	47,504.41	
			5466	3/31/2020	3/26 RPR'D IRRGTN @ DIST 4	191.33	50,693.03
108109	5/13/2020	43751	USA BLUEBOOK	200704	4/8/2020	SPILLTRAY & DRYING RACK	40.41
				201087	4/8/2020	CHESSELL STRIP CHART Z-F	61.87
108110	5/13/2020	50440	VELODYNE - VELOCITY DYNA0000022776	2/25/2020	BODY VBND 6" ACTIVE PVC, 1	1,449.85	
			0000022844	3/17/2020	ADAPTER MALE 1/2" PUSH TC	96.10	1,545.95
108111	5/13/2020	53173	VERIZON CONNECT NWF, INC(OSV0000020743	4/1/2020	MAR2020 GPS MONITORING	1,403.70	1,403.70
108112	5/13/2020	44966	VERIZON WIRELESS	9851576433	4/1/2020	AC371867190-00001, 3/2-4/1	5,218.98
				9851576434	4/1/2020	AC371867190-00002, 3/2-4/1	315.20
							5,534.18

Bank : wfb WELLS FARGO BANK


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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
108113	5/13/2020	50629	VINTAGE ASSOCIATES, INC	216378	3/31/2020	RMV'D TREES @ RLF/BGDM	860.00
				216370	4/15/2020	APR2020 LNDSCPE MAINT @	3,850.80
				216447	4/15/2020	APR2020 LNDSCPE MAINT @	8,181.00
				216379	3/31/2020	CLEAN-UP @ RLF/AVE 53 ME	1,196.00
				216380	3/31/2020	JA-MA2020 LNDSCPE MAINT	1,500.00
				216361	4/15/2020	APR2020 LNDSCPE MAINT @	10,845.40
				216363	4/15/2020	APR2020 LNDSCPE MAINT @	4,950.00
							31,383.20
108114	5/13/2020	49778	WEST COAST ARBORIST, INC	157137	12/31/2019	PE12/31 TREE MAINT @ LLMI	2,100.00
				158787	3/31/2020	PE3/31 TREE MAINT @ LLMD	3,792.00
				158786	3/17/2020	PE3/17 TREE MAINT @ LLMD	1,248.00
				157223	1/31/2020	PE1/31 TREE MAINT @ STRE	450.00
				157254	1/28/2020	PE1/28 TREE MAINT @ LLMD	900.00
				157256	1/31/2020	PE1/31 TREE MAINT @ LLMD	600.00
				157255	1/29/2020	PE1/29 TREE MAINT @ LLMD	225.00
							9,315.00
108115	5/13/2020	44203	WEST COAST SAND & GRAVE	240548	3/24/2020	FILL SAND & RECYCLED CLA	2,022.30
108116	5/13/2020	51697	WESTERN WATER WORKS SI	58287-01	4/20/2020	4FT SS PROBE, ADJ HYD WR	479.91
				58479-00	4/17/2020	ADJ HYD WRENCH, ETC	63.40
				58479-01	4/20/2020	ABS ELL 90 6" & ABS ADAPTE	217.29
				58516-00	4/22/2020	SS BOLT W/ BLUE NUT SET, I	295.04
							1,055.64
108117	5/13/2020	48971	XPRESS GRAPHICS & PRINTI	120-37390	3/27/2020	ST POLE BANNERS: CENSUS	4,366.07
108118	5/13/2020	53596	XTREME HEATING AND AIR	1896	4/18/2020	SVC'D A/C UNITS @ CORPOR	2,058.00
				1897	4/18/2020	SVC'D A/C UNITS @ PERMIT	1,180.00
							3,238.00
108119	5/13/2020	42100	ZUMAR INDUSTRIES INC	87937	4/8/2020	OBJECT MARKER RED/RED	4,256.31
							4,256.31
Sub total for WELLS FARGO BANK:							478,962.74

81 checks in this report.

Grand Total All Checks: 478,962.74

Date: May 13, 2020


City Manager: William B. Pattison Jr.


Finance Director: Nathan Statham



STAFF REPORT
5/13/2020

TO: Honorable Mayor and City Council Members

FROM: Luis Lopez, Development Services Director

SUBJECT: Resolution No. 2020-23 Establishing Revised Selection Criteria and Related Policies to be used during the review of Conditional Use Permits for Cannabis Retailers and Retail Microbusinesses (Round #2) within Subzone #1 (Pueblo Viejo), #3 (Dillon Road), #4 (Wrecking Yard), or #5 (Industrial Park) of the City.

STAFF RECOMMENDATION:

Staff recommends that the City Council adopt the attached Resolution No. 2020-23 establishing the revised selection criteria to be used during the review of Conditional Use Permits for Cannabis Retailers and Retail Microbusinesses (Round #2) within Subzone #1 (Pueblo Viejo), #3 (Dillon Road), #4 (Wrecking Yard), and #5 (Industrial Park) of the City.

BACKGROUND:

On March 11, 2020 the City of Coachella City Council conducted a study session and gave staff direction to update and revisit the selection criteria for Round #2 Retail Cannabis applicants, in light of other directives including the hiring of a city consultant to assist with developing an on-line portal, a pre-submittal workshop, and new criteria benefitting local owners and social equity applicants.

On April 22, 2020 staff presented a discussion item of the various policies and criteria that are in need of updating and modifications. The City Council gave affirmative direction on how to change the policies and selection criteria. This new information is now reflected in the attached resolution and Exhibit A (Selection Criteria) along with “Appendix A – City of Coachella Cannabis Social Equity Program” which will be used to reference who are the “eligible applicants” and what is an “eligible business” under the City’s social equity program.

DISCUSSION/ANALYSIS:

Listed below is a comparison of the “Current Policy” or “Current Selection Criteria” and the “New Policy” or “New Selection Criteria” based on the April 22, 2020 discussion, and a brief explanation of the changes. The attached Resolution No. 2020-23 and “Attachment A” with Appendix 1, will supersede the prior policies and selection criteria approved under Resolution No. 2019-51.

“Exhibit A” Preamble:

The Selection Criteria preamble has been changed by adding additional “highlighted” language as shown below:

The City of Coachella is located at the eastern end of the Coachella Valley and enjoys a rich cultural heritage known for its entrepreneurial families and engaged youth population. It is the City Council’s desire to promote potential cannabis businesses that will further the economic development goals, and cannabis social equity policies, of the community in order to create jobs, provide a stronger tax base, and enhance the public health and wellness of the community. The policies and selection criteria listed below, along with the Eligible Applicant and Eligible Business descriptions in the attached “Appendix 1 – City of Coachella Cannabis Social Equity Program” will be used in the City’s Retail Cannabis (Round #2) reviews of Conditional Use Permit applications.

Revised Subzone 1 Policy – Round #1 Applicants Prioritized:

This policy has been updated as shown on the highlighted text below.

The applicants which submitted a complete application for Change of Zone and Conditional Use Permit for Retail Cannabis Businesses as part of Round #1 and were prioritized by the Cannabis Ratings Committee in the Pueblo Viejo (Sub-Zone #1) will be allowed to proceed with Conditional Use Permit public hearings on any qualifying location without competing with new applicants in Round #2, if the previously-approved location was adversely affected by the removal of the R-C (Retail Cannabis Overlay) zone as part of Ordinance No. 1040. The previously-ranked applicant that chooses a new location will be required to forfeit their prior-approved location. All Round #1 dispensary owners are disqualified from competing for a second dispensary as part of Round #2 applications.

Subzone 2 Policy – Reserved through a Development Agreement:

No changes proposed to this policy.

Revised Subzones 1, 3, 4, & 5 Selection Criteria–Round #2 Applicants:

This policy has been updated to reflect new schedule for application window period, as shown in the highlighted text below.

With the adoption of Ordinance No. 1140 setting the zoning and regulatory framework for new retailers, the City anticipates that there may be more applications for cannabis business conditional use permits than allowed under the City regulations. Only four (4) new businesses will be moving forward, after the Round #1 awardees have been given an additional nine (9) months to establish their businesses.

I. Completeness Review

This policy has been updated to reflect the City’s new application procedures and to reflect the new schedule to begin in late July 2020.

All cannabis retailers are required to submit a Conditional Use Permit (CUP) application with fee using the City's on-line resources and guidance documents, and a Cannabis Regulatory Permit Application with all required Attachments. The applicant shall participate in the City's pre-submittal workshop and shall become informed about the City's cannabis social equity policies in the attached Appendix 1. The City's staff and consultants shall review all applications for "completeness" to ensure that applicants have submitted all the required information necessary for review of the application. Only applications received between July 27, 2020 and August 31, 2020 ("initial review and prioritization period") and deemed complete will move on for review under the City's revised selection criteria, unless exempted through a Development Agreement. Persons and/or entities that are currently involved or were involved in the 6 months prior to the initial review and prioritization period with an active court proceeding adverse to the City are ineligible to apply for a CUP.

II. Revised Selection Criteria

The title and preamble to the selection criteria have been updated to reflect the new point system.

The following selection criteria will be used by the Development Services Department to evaluate and prioritize CUPs for retailers and retail microbusinesses. Selection criteria are each worth a maximum of either 5, 10, or 15 points, with a grand total of 85 100 points possible. To obtain the points, the applicant must demonstrate compliance with each criterion listed in the section below.

1. Proof of Applicant's Ability to Open in Short Period of Time (Up to 30 points)

This policy has been updated to: reflect a total of 30 points possible; include a time limit for opening the business at 180 days instead of 180-360 days; deleting the detailed description of property management to avoid negative impacts of loitering and nuisance (this item has been moved to Item 4 below); deleting requirements for building and fire code compliance; and, adding a new 10-points question for a construction schedule and signed affidavit as shown in the highlighted text below.

- a. *Has the landowner provided written authorization for a retailer and provided the applicant with a lease agreement? (Worth 5 points)*
- b. *Is the proposed retailer property capable of opening the business within 180 180-360 days after approval? (Worth 5 points)*
- c. *Is the proposed retailer property not the subject of any outstanding code enforcement activity? (Worth 5 points)*
- d. ~~*Has the applicant provided a detailed description of how the premises and exterior building areas will be managed so as to avoid nuisance, loitering, and other negative impacts on surrounding properties? (Worth 5 points)*~~
- e. ~~*Does the applicant provide a detailed tenant improvement plan that identifies compliance with California Building and Fire Codes? (Worth 5 points)*~~
Has the applicant submitted a construction schedule with a signed affidavit acknowledging an informed consent that the City will revoke an approved CUP for retail cannabis business if the business does not open within six (6) months of the effective date of the CUP? (Worth 10 points)

2. Proof of Local Ownership (Up to 30 35 Points)

This policy has been revised with a new 15-points question for a social equity applicant, and a new 10-point question for a social equity business (per the City's adopted Cannabis Social Equity Program) and a revised question requiring a written commitment to hire 75% local residents for all employees of the dispensary, as shown below.

- a. ~~Is there evidence showing that: 1) the Local Stakeholder Owner of the retail cannabis business has a primary residence in the City of Coachella where he/she has been residing for the past 36 months; or, 2) the Local Stakeholder Owner is a Coachella business owner which has 5 or more City of Coachella residents employed which have been employed during the past 36 months? (Worth 10 points)~~ Is the applicant an eligible applicant under the City's Cannabis Social Equity Program as a Classification 1 or Classification 2 applicant? (Worth 15 Points)
- b. ~~Does the applicant commit to hiring City of Coachella residents for 85% of all hires of the retail cannabis and secondary businesses? (Worth 10 points)~~ Is the proposed Cannabis Retailer or Cannabis Microbusiness an eligible applicant under the City's Cannabis Social Equity Program as a Classification 3 business? (Worth 10 points)
- c. ~~Does the applicant have proof (through financial documents and/or capital investments) that there is a 20% Local Stakeholder Ownership Interest by either the applicant, partner or shareholder to apply for all aspects of retailer or retail microbusiness? (Worth 10 points)~~ Does the applicant commit in a signed writing to hire City of Coachella residents for 75% of all hires of the retail cannabis business? (Worth 10 points)

3. Proof of Ability to Open a Secondary Business (Up to 20 Points)

This policy has been revised to require proof of financing and ability to open the secondary business, clarify the local hiring policy, and delete the "community contributions" question (this has been reworded and included in Item 4 below).

- a. Does the applicant propose to operate a new secondary business (such as a restaurant, retail sales, hotel, bed & breakfast, bakery, art gallery, bar/tavern, coffee shop, bookstore or personal service business, etc.) on separate premises within 12 months of the application date in addition to the proposed retailer business? (Worth 5 points)
- b. ~~Does the applicant describe credible benefits to the overall community, local economy, and any community or non profit contributions or affiliations? (Worth 5 points)~~ Does the applicant provide written proof of available financing to construct a secondary business consisting of new construction or tenant improvements with the ability to open the business at the same time as the dispensary. (Worth 5 points)

- c. ~~Does the applicant commit to hiring City of Coachella residents for 85% of all hires? (Worth 5 points)~~ Does the applicant commit in a signed writing to hire City of Coachella residents for 75% of all hires for the secondary business? (Worth 5 points)
- d. Does the secondary business have a minimum of 1,000 square feet and is it located within on a separate commercial suite from the retail cannabis business? (Worth 5 points)

4. Proposed Retail Location/Community Benefits (Up to 10 20 Points)

- a. Does the applicant provide a detailed architectural plan for building façade improvements (Worth 5 points)
- b. ~~Is the applicant committing to exterior façade improvements that will enhance the surrounding areas? (Worth 5 points)~~ Does the applicant provide a written commitment for intended contributions to a Coachella community-based organization or non-profit in the form of recurring monetary donations for a minimum of ten years. (Worth 5 points)
- c. Is the applicant committing to exterior façade and landscape improvements that will enhance the surrounding areas? (Worth 5 points)
- d. Has the applicant provided a detailed description of how the premises and exterior building areas will be managed so as to avoid nuisance, loitering, and other negative impacts on surrounding properties? (Worth 5 points)

III. Ranking and Appeals

No changes were recommended for the ranking and appeals section.

FISCAL IMPACT:

None.

CONCLUSIONS AND RECOMMENDATIONS:

Staff recommends that the City Council adopt the attached Resolution No. 2020-23 establishing the Revised Selection Criteria and to implement these policies in an expedited manner.

Attachments: Resolution No. 2020-23 w/ Exhibit A and Appendix 1

RESOLUTION NO. 2020-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, ESTABLISHING REVISED SELECTION CRITERIA TO BE USED DURING THE REVIEW OF CONDITIONAL USE PERMITS FOR CANNABIS RETAILERS AND RETAIL MICROBUSINESSES (ROUND #2) WITHIN SUBZONE #1 (PUEBLO VIEJO), #3 (DILLON ROAD), #4 (WRECKING YARD), OR #5 (INDUSTRIAL PARK) OF THE CITY.

WHEREAS, pursuant to the authority granted to the City of Coachella (“City”) by Article XI, Section 7 of the California Constitution, the City has the police power to regulate the use of land and property within the City in a manner designed to promote public convenience and general prosperity, as well as public health, welfare, and safety; and,

WHEREAS, adoption and enforcement of comprehensive zoning regulation and other land use regulations lies within the City’s police powers; and,

WHEREAS, in November 2016, voters approved Proposition 64, otherwise known as the Control, Regulate, Tax Adult Use of Marijuana Act (“AUMA”) which legalized the adult use of cannabis and created a statutory framework for the state to regulate adult use of cannabis. Senate Bill 94, adopted on June 27, 2017, reconciled standards for medical cannabis with the standards for adult use cannabis activity under a single law, entitled Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”); and,

WHEREAS, MAUCRSA retains the provisions in the MCRSA and the AUMA that granted local jurisdictions control over whether non-commercial and commercial cannabis activities could occur in a particular jurisdiction. Specifically, California Business and Professions Code section 26200 provides that MAUCRSA shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances that completely prohibit the establishment or operation of one or more businesses licensed under the state licensing authority and shall not approve an application for a state license for a business to engage in commercial cannabis activity if approval by the state license will violate the provisions of any local ordinance or regulation. State licensing authorities began issuing licenses to cannabis businesses beginning January 1, 2018; and,

WHEREAS, MAUCRSA establishes a regulatory structure for cultivation, processing, manufacturing, tracking, quality control, testing, inspection, distribution, and retail sale of commercial cannabis, including medicinal and adult-use cannabis. The Act designates applicable responsibilities for oversight of cannabis commerce to several State agencies; and,

WHEREAS, the City Council of the City of Coachella, California (“City Council”), did on the 8th day of May, 2019 and on the 26th day of June, 2019, held duly noticed public hearings to consider changes to the City of Coachella Municipal Code (“Code”), and adopted Ordinance

Nos. 1140 establishing retail and personal cannabis regulations and a conditional use permit review process; and,

WHEREAS, Ordinance 1140 amends Title 17 (Zoning), Chapters 17.34, 17.46, 17.47, 17.84, and 17.85 to (i) comply with current City policies and State law; (ii) to allow additional cannabis retail businesses in the City; (iii) to designate additional areas in the City where cannabis retail businesses may operate; and,

WHEREAS, the City has established five new subzones where cannabis will be allowed. These subzones are identified geographically as part of Ordinance No. 1140 as follows: Subzone #1 (Modified Downtown/Pueblo Viejo Area); Subzone #2 (Expanded Glenroy Resort Area); Subzone #3 (Dillion Road Area); Subzone #4 M-W (Wrecking Yard Area); and Subzone #5 MS-IP (Industrial Park Area); and,

WHEREAS, the City Council directed staff to establish a selection criteria that allowed for Sub-Zone #1 (Downtown/Pueblo Viejo) applicants in Round #1 to participate without a competitive process including an allowance to relocate the business from its approved Round #1 location, and to establish new criteria for applicants within Sub-Zones #2 (Glenroy Resort), #3 (Dillion Road), #4 (M-W, Wrecking Yard Area), and #5 (MS-IP, Industrial Park) to be used for retailers and retail microbusinesses during the conditional use permit process in Round #2 to ensure that only qualified operators are permitted in the City and to provide a basis for prioritizing applicants should the number of applicants exceed the number or locations of available conditional use permits; and,

WHEREAS, on October 9, 2019 the City Council adopted Resolution No. 2019-51 establishing the new selection criteria for review of retailers and retail microbusinesses during the conditional use permit process to ensure that only qualified operators are permitted in the City and to provide a basis for prioritizing applicants should the number of applicants exceed the number or locations of available conditional use permits; and,

WHEREAS, on March 11, 2020 and on April 22, 2020 the City Council gave staff direction to revise the new selection criteria previously adopted by Resolution No. 2019-51.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Adoption of Recitals. The City Council hereby adopts the foregoing recitals as its findings in support of the following regulations and further finds that the following revised regulations to establish selection and prioritization criteria for retailers and retail microbusinesses are beneficial and appropriate to protect the health, safety and welfare of the residents and businesses of the City of Coachella.

SECTION 2. Adoption of Revised Selection Criteria. The City Council hereby adopts

the revised selection criteria set forth in Exhibit “A,” attached hereto, to review retailer applicants through the conditional use permit process.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this resolution or related ordinances or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this resolution or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION 4. Immediate Effect. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

SECTION 5. Supersession. This Resolution hereby annuls, repeals, and replaces in its entirety, the new selection criteria previously approved by City Council as part of Resolution No. 2019-51.

PASSED, APPROVED, and ADOPTED this 13th day of May 2020.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2020-23 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on this 13th day of May 2020 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk

EXHIBIT “A”

The City of Coachella is located at the eastern end of the Coachella Valley and enjoys a rich cultural heritage known for its entrepreneurial families and engaged youth population. It is the City Council’s desire to promote potential cannabis businesses that will further the economic development goals, and cannabis social equity policies, of the community in order to create jobs, provide a stronger tax base, and enhance the public health and wellness of the community. The policies and selection criteria listed below, along with the Eligible Applicant and Eligible Business descriptions in the attached “Appendix 1 – City of Coachella Cannabis Social Equity Program” will be used in the City’s Retail Cannabis (Round #2) reviews of Conditional Use Permit applications.

Revised Subzone 1 Policy – Round #1 Applicant Policies:

The applicants which submitted a complete application for Change of Zone and Conditional Use Permit for Retail Cannabis Businesses as part of Round #1 and were prioritized by the Cannabis Ratings Committee in the Pueblo Viejo (Sub-Zone #1) will be allowed to proceed with Conditional Use Permit public hearings on any qualifying location without competing with new applicants in Round #2, if the previously-approved location was adversely affected by the removal of the R-C (Retail Cannabis Overlay) zone as part of Ordinance No. 1040. The previously-ranked applicant that chooses a new location will be required to forfeit their prior-approved location. All Round #1 dispensary owners are disqualified from competing for a second dispensary as part of Round #2 applications.

Subzone 2 Policy – Reserved through a Development Agreement:

The City reserves the right to allocate two (2) retail cannabis businesses within the Glenroy Resort Sub-Area #2, subject to a negotiated Development Agreement, and these two businesses will not be required to compete in Round #2.

Revised Subzones 1, 3, 4, & 5 Selection Criteria–Round #2 Applicants:

With the adoption of Ordinance No. 1140 setting the zoning and regulatory framework for new retailers, the City anticipates that there may be more applications for cannabis business conditional use permits than allowed under the City regulations. Only four (4) new businesses will be moving forward, after the Round #1 awardees have been given an additional nine (9) months to establish their businesses.

The City has enacted, through Resolution, the following process for prioritizing applications.

I. Completeness Review

All cannabis retailers are required to submit a Conditional Use Permit (CUP) application with fee using the City’s on-line resources and guidance documents, and a Cannabis Regulatory Permit Application with all required Attachments. The applicant shall participate in the City’s pre-submittal workshop and shall become informed about the City’s cannabis social equity policies contained in the attached Appendix 1. The City’s staff and consultants shall review all applications for “completeness” to ensure that

applicants have submitted all the required information necessary for review of the application. Only applications received between July 27, 2020 and August 31, 2020 (“initial review and prioritization period”) and deemed complete will move on for review under the City’s revised selection criteria, unless exempted through a Development Agreement. Persons and/or entities that are currently involved or were involved in the 6 months prior to the initial review and prioritization period with an active court proceeding adverse to the City are ineligible to apply for a CUP.

II. **Revised Selection Criteria**

The following selection criteria will be used by the Development Services Department to evaluate and prioritize CUPs for retailers and retail microbusinesses. Selection criteria are each worth either 5, 10, or 15 points, with a grand total of 100 points possible. To obtain the points, the applicant must demonstrate compliance with each criterion listed in the section below.

1. **Proof of Applicant’s Ability to Open in Short Period of Time** (Up to 30 Points)
 - a. Has the landowner provided written authorization for a retailer and provided the applicant with a lease agreement? *(Worth 5 points)*
 - b. Is the proposed retailer property capable of opening the business within 180 days after approval? *(Worth 5 points)*
 - c. Is the proposed retailer property not the subject of any outstanding code enforcement activity? *(Worth 5 points)*
 - d. Has the applicant submitted a construction schedule with a signed affidavit acknowledging an informed consent that the City will revoke an approved CUP for retail cannabis business if the business does not open within six (6) months of the effective date of the CUP? *(Worth 10 points)*
2. **Proof of Local Ownership** (Up to 35 Points)
 - a. Is the applicant an eligible applicant under the City’s Cannabis Social Equity Program as a Classification 1 or Classification 2 applicant? *(Worth 15 Points)*
 - b. Is the proposed Cannabis Retailer or Cannabis Microbusiness an eligible applicant under the City’s Cannabis Social Equity Program as a Classification 3 business? *(Worth 10 points)*
 - c. Does the applicant commit in a signed writing to hire City of Coachella residents for 75% of all hires of the retail cannabis business? *(Worth 10 points)*
3. **Proof of Ability to Open a Secondary Business** (Up to 20 Points)
 - a. Does the applicant propose to operate a new secondary business (such as a restaurant, retail sales, hotel, bed & breakfast, bakery, art gallery, bar/tavern, coffee shop, bookstore or personal service business, etc.) on separate premises within 12 months of the application date in addition to the proposed retailer business? *(Worth 5 points)*
 - b. Does the applicant provide written proof of available financing to construct a secondary business consisting of new construction or tenant improvements with the ability to open the business at the same time as the dispensary. *(Worth 5 points)*

- c. Does the applicant commit in a signed writing to hire City of Coachella residents for 75% of all hires for the secondary business? *(Worth 5 points)*
 - d. Does the secondary business have a minimum of 1,000 square feet and is it located within a separate commercial suite from the retail cannabis business? *(Worth 5 points)*
4. Proposed Retail Location/Community Benefits (Up to 20 Points)
- a. Does the applicant provide a detailed architectural plan for building façade improvements *(Worth 5 points)*
 - b. Does the applicant provide a written commitment for intended contributions to a Coachella community-based organization or non-profit in the form of recurring monetary donations for a minimum of ten years. *(Worth 5 points)*
 - c. Is the applicant committing to exterior façade and landscape improvements that will enhance the surrounding areas? *(Worth 5 points)*
 - d. Has the applicant provided a detailed description of how the premises and exterior building areas will be managed so as to avoid nuisance, loitering, and other negative impacts on surrounding properties? *(Worth 5 points)*

III. Ranking and Appeals

Applications will be ranked by a 3-Member Ad-Hoc Committee made up of one disinterested member of the Chamber of Commerce, one disinterested member of the City Parks Commission, one disinterested Community Resident, and one disinterested 3rd Party Consultant, with the Director of Development Services serving as the Committee coordinator. The final rankings of the Ad-Hoc Committee will be subject to an appeal hearing by a 3-Member Appellate Board made up of two City mid-management staff and one City executive staff member.

Attachment: APPENDIX 1 – Coachella Social Equity Program

APPENDIX 1*(Adopted by City Council Resolution No. 2019-15)*

CITY OF COACHELLA

Cannabis Social Equity Program

The City of Coachella will establish a pilot social equity program dedicated to aiding individuals and businesses that were negatively or disproportionately impacted by cannabis criminalization within the City of Coachella. The goal of the program will be to allow participants to gain entry and successfully operate in the State of California's regulated cannabis marketplace and economy.

Office of the City Manager

3/27/2019

CITY OF COACHELLA

CANNABIS SOCIAL EQUITY PROGRAM

1. PROGRAM PURPOSE:

The Cannabis Social Equity Program ("Program") will reduce the barriers of entry and participation for applicants and businesses that have been negatively impacted by the disproportionate law enforcement of cannabis related criminalization by providing them access to cannabis business development resources and small business support services. This program will make a cognizant effort to provide technical assistance and services to those persons from economically disadvantaged communities that experienced high rates of poverty or communities most harmed by cannabis prohibition, regardless of economic status, gender, racial, cultural background and criminal history. Although City of Coachella funding for the Program shall expire in two years from the date of adoption, the Program's definition, eligibility, processing, benefits, features and functions shall remain intact as policy.

2. REVIEW PROCESS:

The City Manager or their designee shall review and approve all Program applications that meet the eligibility requirements described in Section 3 below. If an application is denied, that applicant may appeal to the City for further evaluation and a final determination.

3. PROGRAM ELIGIBILITY:

An applicant must provide documentation, as described in Section 4 below that sufficiently demonstrates that the applicant satisfies any one of the following Classifications:

- a. **Individuals:** An individual that is eligible to participate in the Program must be lawfully able to work in the United States and be Twenty-One (21) years of age or older. They must satisfy a Classification below as well:
 - i. **Classification 1.** A current or former resident of the City of Coachella who previously resided or currently resides in a low-income household and was either: a) arrested or convicted for a cannabis related crime in the City of Coachella between the years of 1980 and 2011; or is b) an immediate family member of an individual in subsection a of Classification 1 or Classification 2.
 - ii. **Classification 2.** A current or former resident of the City of Coachella who has lived in a low-income household for at least five (5) years, between the years of 1908 and 2018. Annual family income must be at or below 80 percent of the Area Median Income (AMI) and net worth below \$250,000.

- b. **Businesses:** A cannabis business that is eligible to participate must provide a description of a statutory entity or business form that will serve as the legal structure for the applicant and a copy of its formation and organizing documents, including, but not limited to, articles of incorporation, certificate of amendment, statement of information, articles of association, bylaws, partnership agreement, operating agreement and fictitious business name statement. They must satisfy a Classification below as well:
 - i. **Classification 3.** A cannabis business with not less than 51% ownership by individuals meeting Classification 1 or 2 criteria that their business resides within the City of Coachella. If no such individual exists, individuals meeting Classification 1 or 2 criteria from other applicable areas may be utilized.
 - ii. **Classification 4.** A Cannabis Incubator Business or a Cannabis Social Enterprise with not less than 51% ownership by individuals meeting Classification 1 or 2 criteria.

4. DOCUMENTATION AND REVIEW:

An applicant shall provide the following with its application for the Program, in addition to any other documentation that the City of Coachella deems necessary to determine the applicant's eligibility:

- a. **Proof of Income.** Proof of income shall be supported with federal and state tax returns and at least one of the following documents from the last five (5) years: two months of pay stubs; proof of current eligibility for General Assistance, food stamps, Medi-Cal/CalWORKs, supplemental security income, or social security disability, or similar documentation.
- b. **Proof of residency.** Proof of residency shall be supported by a minimum of two of the following documents: California driver's or identification card records, property tax billings and payments, signed rental agreement, verified copies of state or federal tax returns with an address in the geographic area of the city of Coachella, school records, medical records, banking records, Coachella Housing Authority records, or utility, cable, or internet company billing and payment records.
- c. **Proof of arrest or conviction of a cannabis related crime.** Proof of an arrest or conviction of a cannabis related crime shall be demonstrated by federal or state court records indicating the disposition of the criminal matter, records expungement documentation, or any other applicable law enforcement record.



5. PARTICIPANT BENEFITS:

General program benefits may include but are not limited to: business plan development, business mentoring, assistance securing capital, business needs assessment, loan readiness assessment, market assessment, data and research strategies and support, assistance with establishing a legal entity, assistance with criminal records expungement, lease negotiation assistance, small business legal considerations, mentoring, fiscal management, marketing/social media, technical training, employee training, and regulatory compliance. The City will also work with local partners and stakeholders to develop a workforce development educational program to assist with a creation of a well-trained, qualified and diverse workforce, including transitional workers. A program participant shall be entitled to receive the following benefits based on eligibility:

- i. All business support services offered under the program;
- ii. The City will provide priority processing of the participant's cannabis related business and conditional use permit;
- iii. The City will waive all fees associated with participants cannabis related business permit;
- iv. The City shall provide assistance with State and City regulatory compliance.

6. CONDITION ON CANNABIS BUSINESS OPERATION PERMIT:

Program participants are required to continue, maintain, and carry out their respective eligibility requirements through the term of their respective cannabis business operations permit. Compliance with this section 6 shall be a condition of participants respective cannabis business operations permit, such that failure to comply with this section 6 shall be grounds to deny, suspend, or revoke such cannabis business operations permit pursuant to City of Coachella Municipal Code.

7. PROGRAM MONITORING AND REPORTING:

The Office of the City Manager shall provide bi-annually updates to the City Council on the status of the Program, including number of participants, participant success measured by the number of participants either ready to obtain or that have obtained a cannabis business operating permit. The City will reevaluate and update the Program when data becomes available or known to it that may expand the eligibility and benefits of the program; including, but not limited to, an analysis of disproportionate impacts within census tracts. Additionally, the report should include an evaluation of any ongoing barriers to entry and participation, any reevaluations of the Program, and recommend solutions as needed to advance equity and accomplish the City of Coachella's goals, which, includes achieving 50 percent of all cannabis business permits awarded to Program participants.

8. DEFINITIONS:

- a) "Eligible local jurisdiction" means a local jurisdiction that has adopted or operates a local equity program.
- b) "Local equity applicant" means an applicant who has submitted, or will submit, an application to a local jurisdiction to engage in commercial cannabis activity within the jurisdictional boundaries of that jurisdiction and who meets the requirements of that jurisdiction's local equity program.
- c) "Local equity licensee" means a person who has obtained a license from a local jurisdiction to engage in commercial cannabis activity within the jurisdictional boundaries of that jurisdiction and who meets the requirements of that jurisdiction's local equity program.
- d) "Local equity program" means a program adopted or operated by a local jurisdiction that focuses on inclusion and support of individuals and communities in California's cannabis industry who are linked to populations or neighborhoods that were negatively or disproportionately impacted by cannabis criminalization.
- e) "Local jurisdiction" means a city, county, or city and county.
- f) "State commercial cannabis license" means a license issued pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act by the Bureau, the California Department of Public Health, or the California Department of Food and Agriculture.
- g) "Transitional worker" means a person who, at the time of starting employment at the business premises, resides in a ZIP Code or census tract area with higher than average unemployment, crime, or child death rates, and faces at least one of the following barriers to employment: (1) is homeless; (2) is a custodial single parent; (3) is receiving public assistance; (4) lacks a GED or high school diploma; (5) has a criminal record or other involvement with the criminal justice system; (6) suffers from chronic unemployment; (7) is emancipated from the foster care system; (8) is a veteran; or (9) is over 65 years of age and is financially compromised.



STAFF REPORT
5/13/2020

TO: Honorable Mayor and City Council Members

FROM: Nathan Statham, Finance Director

SUBJECT: Annual Investment Policy Update:

SPECIFICS:

- a) Resolution No. 2020-25 a Resolution of the City Council of the City of Coachella
- b) Resolution No. WA-2020-05, a Resolution of the Coachella Water Authority
- c) Resolution No. SD-2020-02, a Resolution of the Coachella Sanitary District
- d) Resolution No. FD-2020-01, a Resolution of the Coachella Fire Protection District
- e) Resolution No. CBL-2020-01, a Resolution of the Coachella Education and Government Access Cable Channel Corporation

STAFF RECOMMENDATION:

- a) Approve Resolution No. 2020-25, a Resolution of the City Council of the City of Coachella, California to Amend and Reestablish the Investment Policy Originally Adopted July 9, 2003 and Amended Annually by the City Council for fiscal year 2020-2021.
- b) Approve Resolution No. WA-2020-05, a Resolution of the Board of Directors of the Coachella Water Authority, Coachella, California to Amend and Reestablish the Investment Policy Originally Adopted July 9, 2003 and Amended Annually by the Authority Board for fiscal year 2020-2021.
- c) Approve Resolution No. SD-2020-02, a Resolution of the Board of Directors of the Coachella Sanitary District, Coachella, California to Amend and Reestablish the Investment Policy Originally Adopted July 9, 2003 and Amended Annually by the District Board for fiscal year 2020-2021.
- d) Approve Resolution No. FD-2020-01, a Resolution of the Board of Directors of the Coachella Fire Protection District, Coachella, California to Amend and Reestablish the Investment Policy Originally Adopted July 9, 2003 and Amended Annually by the District Board for fiscal year 2020-2021.

- e) Approve Resolution No. CBL-2020-01, a Resolution of the Board of Directors of the Coachella Educational and Governmental Access Cable Channel Corporation, Coachella, California to Amend and Reestablish the Investment Policy Originally Adopted July 9, 2003 and Amended Annually by the Corporation Board for fiscal year 2020-2021.

BACKGROUND:

The California Government Code, City and Agency Resolutions, and their respective Investment Policies require that their respective Investment Policies be updated, reviewed and then filed with the legislative body on an annual basis. This is a request to reestablish the investment policy currently in effect as adopted on April 10, 2019. The City and its related agencies have been following the current investment policy as adopted July 9, 2003 and as amended on an annual basis.

Staff requested that PFM Asset Management review our existing investment policy and recommend changes to assure that the City's policy is comprehensive and remains compliant with all applicable California Government Code statutes regulating the investment of public funds. The recommended changes are outlined and explained in the attached memo from PFM.

Staff also included policy updates in the following four sections:

Section 2.0 – The terms Trust and Agency were replaced with Fiduciary in referring to the fund type. This change was implemented for consistency with Government Accounting Standards Board Pronouncement 84.

Section 10.0 – Wording was clarified in the second paragraph of the section to reflect procedures currently performed by the City's independent external auditors.

Section 12.0 – Wording was clarified to reflect maximum maturities allowed by California state law.

Section 13.0 – Wording was clarified to reflect procedures currently performed by the City's independent external auditors.

FISCAL IMPACT:

There is no fiscal impact as part of this action.

EXHIBITS:

1. Coachella Investment Policy Approved April 2019
2. Recommended Coachella Investment Policy 2020-2021
3. PFM Memo of Recommended Changes
4. Investment Policy Resolution City 2020-25
5. Investment Policy Resolution Water 2020-05

6. Investment Policy Resolution Sanitary 2020-02
7. Investment Policy Resolution Fire 2020-01
8. Investment Policy Resolution Cable 2020-01

CITY OF COACHELLA
STATEMENT OF INVESTMENT POLICY
ADOPTED APRIL 10, 2019

1.0 POLICY:

This statement is intended to provide guidelines for the prudent investment of the City of Coachella's (hereafter called "City") temporarily idle cash in all funds, and outline the policies for maximizing the efficiency of the City's cash management system.

It is the objective of this investment policy to provide guidelines for:

- Insuring the safety of funds invested;
- Meeting the City's daily cash flow demands;
- Maximizing investment interest income for the City;
- Conform with all laws and statutes governing the investment of public funds.

2.0 SCOPE:

The investment policy applies to the temporary idle cash of the City and its component units as accounted for in the Audited Annual Financial Report. Policy statements outlined in this document focus on the City's pooled funds. This policy is applicable, but not limited to all funds listed below:

- General Fund
- Special Revenue Funds
- Capital Outlay Funds
- Debt Service Funds
- Enterprise Funds
- Trust and Agency Funds
- Any new fund created by the City Council unless specifically exempted

Exceptions may exist with funds for retiree pension and medical benefits held in a trust and bond proceeds held by a trustee or fiscal agent and governed by the instructions in the bond document. In addition, if in the opinion of the City Treasurer or their Authorized Designee (Designee), matching the segregated investment portfolio of the bond reserve fund with the maturity schedule of an individual bond issue is prudent given current economic analysis, the investment policy authorizes extending beyond the five year maturity limitation with City Council authorization no less than three months prior to the investment as outlined in this document.

3.0 PRUDENCE:

The City Treasurer or Designee are authorized to make investment decisions on behalf of the City and considered as trustees and therefore fiduciaries subject to the prudent investors' standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, and managing

City of Coachella
Statement of Investment Policy
April 10, 2019
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public funds, the City Treasurer or Designee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct and management of their own affairs.

Within the limitations of this section and considering individual investments as part to an overall strategy, the City Treasurer or Designee are authorized to acquire approved and suitable investments as described in paragraph 8.0 hereof.

The City Treasurer, Authorized Designee and other individuals assigned to manage the investment portfolio, acting within the intent and scope of the investment policy and other written procedures and exercising due diligence, shall be relieved of personal responsibility and liability for an individual security credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

4.0 OBJECTIVES:

The three fundamental considerations, in order of priority, for managing the City's investments are safety, liquidity, and yield. At no time should safety or liquidity be compromised in exchange for higher yields.

Safety of Principal

The preservation of invested capital is the foremost objective of the City and of primary importance. The City shall only invest in financial instruments that are considered safe. The safety and risk associated with an investment refers to the potential loss of principal, accrued interest, or a combination of these amounts. Each investment decision shall seek to ensure that capital losses are avoided. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Liquidity

The City's investment portfolio shall contain investments with a diversified mix of maturities in order to provide sufficient liquidity to meet projected operating cash requirements of the City.

Return on Investments

The City's investment portfolio shall be designed with the objective of obtaining a reasonable and competitive market rate of return taking into consideration risk constraints, prudent investment principles and the cash flow characteristics of the portfolio.

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5.0 DELEGATION OF AUTHORITY:

The authority to invest or to reinvest funds or to sell or exchange securities so purchased of City Funds is vested in the City Council. Government Code Section (“GCS”) 53607 authorizes the delegation of the above duties to the City Treasurer for a one-year period. Therefore, the authority to invest and reinvest City funds or to sell or exchange the securities so purchased with City funds is hereby delegated to the City Treasurer for a one year period unless sooner terminated by the City Council.

The City Treasurer or Designee shall prepare written procedures for the operation of the investment program consistent with this investment policy. The procedures shall also include reference to: safekeeping, wire transfer agreements, banking service contracts and collateral/depository agreements. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. The written procedures may provide for the delegation of authority to an Authorized Designee, who upon assuming such position shall become responsible for investment transactions. No person may engage in an investment decision except as permitted by this policy and by the procedures approved by the City Treasurer or Designee.

The City may delegate investment authority to an investment advisor. The advisor will follow the Investment Policy and such other written instructions as are provided.

6.0 ETHICS AND CONFLICTS OF INTEREST:

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials are required to annually file all applicable financial disclosures as required by the Fair Political Practices Commission (FPPC).

7.0 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS:

For any investment not purchased directly from the issuer, the City shall transact business only with banks, savings and loans, and investment broker/dealers. The broker/dealers should be primary dealers regularly reporting to the New York Federal Reserve Bank. The City Treasurer or Designee shall select all security dealers and depositories subject to City Council approval and the execution of an appropriate written agreement. Investment transactions shall be conducted with several competing, reputable security broker/dealers. The selection process shall focus on financial viability, knowledge, experience and ethics in the fixed-income security industry. The City Treasurer or Designee will maintain a list and a written agreement with financial institutions authorized to provide investment services.

City of Coachella
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 April 10, 2019
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All financial institutions and broker/dealers who desire to become an authorized financial institution for investment transactions must supply the City Treasurer or Designee with the following: most recent audited financial statements, proof of Financial Industry Regulatory Authority (FINRA) certification, trading resolution, proof of state registration, completed broker/dealer questionnaire, certification of having read the City's investment policy and depository contracts. The City Treasurer or Designee will conduct an annual review of the financial condition and registrations of qualified bidders.

The City Treasurer or Designee shall annually send a copy of the current investment policy to all broker/dealers approved to do business with the City. Confirmation of receipt of this policy shall be considered evidence that the dealer understands the City's investment policies and intends to sell the City only appropriate investments authorized by this investment policy.

If the City has an investment advisor, the investment advisor may use its own list of authorized broker/dealers to conduct transactions on behalf of the City.

8.0 AUTHORIZED INVESTMENTS:

As provided in GCSs 16429.1, 53601, 53601.1, 53631, 53649 and 53684, the State of California limits the investment vehicles available to local agencies as summarized in the following paragraphs. Where this Policy specifies a percentage limitation for a particular security type or issuer, that percentage is applicable at the time the security is purchased. No more than 5% of the City's portfolio shall be invested in any one issuer regardless of sector except for the U.S. Treasury, Federal Agencies, supranationals, and pools (including LAIF, County Pools, LGIPs, and money market funds). Credit criteria listed in this section refers to the credit rating at the time the security is purchased. If an investment's credit rating falls below the minimum rating required at the time of purchase, the City's investment advisor (if any) and Treasurer will review the rating agency action and decide whether to sell or hold the investment. The City may invest funds in the following instruments and subject to the limitations set forth in Section 11.0:

State Treasurer's Local Agency Investment Fund (LAIF): As authorized in GCS 16429.1 and by LAIF procedures, local government agencies are each authorized to invest a maximum of \$65 million in this investment program administered by the California State Treasurer.

U.S. Treasury Bills and Notes: U.S. Treasury bills, notes, bonds or certificates of indebtedness, or those for which the full faith and credit of the United States are pledged for the payment of principal and interest.

Federal Agencies: Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.

City of Coachella
Statement of Investment Policy
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State of California Obligations: Registered state warrants or treasury notes or bonds of this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency, or authority of the state rated in a rating category of "A" long-term or "A-1" short-term or its equivalent or higher by a nationally recognized statistical rating organization ("NRSRO").

Obligations of the Other 49 States: Registered treasury notes or bonds of any of the other 49 states in addition to California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states, in addition to California, rated in a rating category of "A" long-term or "A-1" short-term or its equivalent or higher by a NRSRO.

Obligations of Local Agencies in California: Bonds, notes, warrants, or other evidences of indebtedness of a local agency within this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency rated in a rating category of "A" long-term or "A-1" short-term or its equivalent or higher by a NRSRO.

County Pooled Investment Funds: As authorized by GCS 53684, the City may invest in pooled investments managed by the County of Riverside.

Bankers' Acceptances: Bills of exchange or time drafts drawn on and accepted by a commercial bank, otherwise known as bankers' acceptances. Purchases of bankers' acceptances may not exceed 180 days maturity or total more than 40% of the cost value of the City's investment portfolio. Eligible bankers' acceptances must be rated in the highest letter and number rating as provided for by a NRSRO.

Commercial Paper: Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a NRSRO. The entity that issues the commercial paper shall meet all of the following conditions in either paragraph (1) or paragraph (2):

- 1) The entity meets the following criteria: Is organized and operating in the United States as a general corporation. Has total assets in excess of five hundred million dollars (\$500,000,000). Has debt other than commercial paper, if any, that is rated in a rating category of "A" or higher, or the equivalent, by a NRSRO.
- 2) The entity meets the following criteria: Is organized within the United States as a special purpose corporation, trust, or limited liability company. Has program wide credit enhancements including, but not limited to, over collateralization, letters of credit, or surety

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bond. Has commercial paper that is rated “A-1” or higher, or the equivalent, by a NRSRO.

Purchases of eligible commercial paper may not exceed 25% of the market value of the City’s portfolio or have a term to maturity which exceeds 270 days. The City may not own more than 10% of an issuer’s outstanding commercial paper.

Negotiable Certificates of Deposit: Negotiable certificates of deposit issued by a nationally or state-chartered bank, a savings association or a federal association (as defined by Section 5102 of the Financial Code), a state or federal credit union, or by a federally- or state-licensed branch of a foreign bank rated in a rating category of “A” long-term or “A-1” short-term or its equivalent or higher by a NRSRO. No more than 30% of the City’s portfolio may be invested in negotiable CDs.

Non-Negotiable Certificates of Deposit: Non-negotiable certificates of deposit from eligible depositories are fixed-term investments, There are no portfolio limits on the amount or maturity for this investment vehicle. Eligible depositories may be a state or national bank, savings association or federal association, a state or federal credit union, or a federally insured industrial loan company, which must have received an overall rating of not less than “satisfactory” in its most recent evaluation by the appropriate federal financial supervisory agency of its record of meeting the credit needs of California’s communities. Deposits in excess of federal deposit limits must be collateralized per Section 9.0.

Medium Term Corporate Notes: Medium-term corporate notes, defined as all corporate and depository institution debt securities with a maximum remaining maturity of 5 years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Medium-term corporate notes shall be rated in a rating category of “A” or its equivalent or better by a NRSRO. No more than 30% of the City’s portfolio may be invested in corporate notes.

Demand Deposits: The City Treasurer may establish accounts for deposits in a state or national bank, savings association or federal association, a state or federal credit union, or a federally insured industrial loan company in the State of California, which must have received an overall rating of not less than “satisfactory” in its most recent evaluation by the appropriate federal financial supervisory agency of its record of meeting the credit needs of California’s communities. Deposits in excess of federal deposit limits must be collateralized per Section 9.0.

Money Market Funds: Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1, et seq.). To be eligible for investment pursuant to this subdivision these companies shall either: have an investment advisor registered or exempt from registration with the Securities and Exchange

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Commission with not less than 5 years experience managing money market mutual funds and with assets under management in excess of \$500,000,000, or attain the highest ranking letter or numerical rating provided by not less than two of the three largest NRSROs. No more than 20% of the City's portfolio may be invested in money market funds.

Local Government Investment Pools (LGIPs): Shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 that invests in the securities and obligations authorized in subdivisions (a) to (q), inclusive. Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To be eligible under this section, the joint powers authority issuing the shares shall have retained an investment adviser that meets all of the following criteria:

- 1) The adviser is registered or exempt from registration with the Securities and Exchange Commission.
- 2) The adviser has not less than five years of experience investing in the securities and obligations authorized in subdivisions (a) to (q), inclusive.
- 3) The adviser has assets under management in excess of five hundred million dollars (\$500,000,000).

Asset-Backed Security (ABS): Any mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-back certificate, consumer receivable pass-through certificate, or consumer receivable-backed bond of a maximum of five years maturity. Eligible securities shall be issued by an issuer rated in a rating category of "A" or its equivalent or better for the issuer's debt as provided by an NRSRO and rated in a rating category of "AA" or its equivalent or better by an NRSRO. No more than 20% of the City's portfolio may be invested in this type of security.

Supranational: United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development (IBRD), International Finance Corporation (IFC), or Inter-American Development Bank (IADB), with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Investments under this subdivision shall be rated in a rating category of "AA" or its equivalent or better by a NRSRO. No more than 30% of the City's portfolio may be invested in this security type.

Any other permissible investments outlined within Section 53601 may be purchased from time to time.

Notwithstanding any other provision of law, moneys held by a trustee or fiscal agent and pledged to the payment or security of bonds or other indebtedness, or obligations under a lease,

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installment sale, or other agreement of the City, or certificates of participation in those bonds, indebtedness, or lease installment sale, or other agreements, may be invested in accordance with the statutory provision governing the issuance of those bonds, indebtedness, or lease installment sale, or other agreement or to the extent not inconsistent therewith or if there are no specific statutory provisions, in accordance with the ordinance, resolution, indenture, or agreement of the local agency providing for the issuance. This includes investing bond proceeds in guaranteed investment contracts with United States financial institutions rated in a rating category of “AA,” or equivalent, or better by a NRSRO.

9.0 COLLATERALIZATION:

Collateral is required for investments in Non-Negotiable Certificates of Deposit and Demand Deposits. Investments in excess of federal deposit insurance limits must be collateralized at 105% to 150% depending on the specific security pledged as collateral in accordance with GCS 53630 et seq. The collateral pool is administered by the State, and is composed of a wide variety of government securities, including those indicated above, as well as promissory notes secured by first mortgages on improved residential property located in the state and letters of credit issued by the Federal Home Loan Bank of San Francisco.

10.0 SAFEKEEPING AND CUSTODY:

To protect against fraud or embezzlement or losses caused by collapse of an individual securities dealer, all deliverable securities owned by the City shall be held in safekeeping by a third party bank trust department, acting as agent for the City under the terms of a custody agreement or professional services agreement (PSA). All trades executed by a dealer will settle delivery vs. payment (DVP) through the City’s safekeeping agent.

Securities held in custody for the City shall be independently audited on an annual basis to verify investment holdings.

11.0 DIVERSIFICATION:

It is the City’s policy to minimize portfolio risk by diversifying maturity, sector and class allocation. Default risk shall be minimized by investing in an assortment of permitted investments as outlined in Section 8.0. To minimize overall portfolio risk, the following not-to-exceed diversification goals shall guide the City’s operating fund portfolio, based upon the portfolio structure at the time of purchase.

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Investment Type	Not-to-Exceed Limit	Other Restrictions
Local Agency Investment Fund (LAIF)	\$50 million	Established by the State Treasurer
U.S. Treasury	No Limit	None
Federal Agency	No Limit	Maximum of 40% per issuer
State of California Obligations	No Limit	<ul style="list-style-type: none"> • No more than 5% per issuer • Rated in a rating category of “A” or its equivalent or higher by a NRSRO for maturities in excess of one year • Rated in a rating category “A-1” or its equivalent or higher by a NRSRO for maturities under one year
Obligations of the Other 49 States	No Limit	<ul style="list-style-type: none"> • No more than 5% per issuer • Rated in a rating category of “A” or its equivalent or higher by a NRSRO for maturities in excess of one year • Rated in a rating category of “A-1” or its equivalent or higher by a NRSRO for maturities under one year
Obligations of Local Agencies in California	No Limit	<ul style="list-style-type: none"> • No more than 5% per issuer • Rated in a rating category of “A” or its equivalent or higher by a NRSRO for maturities in excess of one year • Rated in a rating category of “A-1” or its equivalent or higher by a NRSRO for maturities under one year
County Pool	\$10 million	None
Bankers’ Acceptances	40%	<ul style="list-style-type: none"> • No more than 5% per issuer regardless of security type

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Investment Type	Not-to-Exceed Limit	Other Restrictions
		<ul style="list-style-type: none"> • Maximum maturity of 180 days • Must be rated in highest category by a NRSRO
Commercial Paper	25%	<ul style="list-style-type: none"> • No more than 5% per issuer regardless of security type • No more than 10% of an issuer's outstanding commercial paper • Maximum maturity of 270 days • Must be rated in highest category by a NRSRO
Negotiable CDs	30%	<ul style="list-style-type: none"> • No more than 5% per issuer regardless of security type • Rated in a rating category of "A" or its equivalent or higher by a NRSRO for maturities in excess of one year • Rated in a rating category of "A-1" or its equivalent or higher by a NRSRO for maturities under one year
Non-Negotiable CDs	No Limit	<ul style="list-style-type: none"> • See Section 9.0 for collateral requirements
Medium Term Corporate Notes	30%	<ul style="list-style-type: none"> • No more than 5% per issuer regardless of security type • Maximum maturity of five years • Minimum credit rating of "A" or its equivalent by a NRSRO
Demand Deposits	No Limit	<ul style="list-style-type: none"> • See Section 9.0 for collateral requirements
Money Market Funds	20%	<ul style="list-style-type: none"> • See Section 8.0 for advisor requirements or the Fund must have the highest rating by two

Investment Type	Not-to-Exceed Limit	Other Restrictions
		NRSRO
Local Government Investment Pools (LGIPs)	No Limit	<ul style="list-style-type: none"> • See Section 8.0 for advisor requirements
Asset-Backed Securities (ABS)	20%	<ul style="list-style-type: none"> • No more than 5% per issuer • Rated in a rating category of “AA” (Issue) and “A” (Issuer) or its equivalent or higher by a NRSRO
Supranational	30%	<ul style="list-style-type: none"> • Rated in a rating category of “AA” or its equivalent or higher by a NRSRO

12.0 MAXIMUM MATURITIES:

The average dollar weighted maturity of a portfolio may not exceed 3 years. No investment shall be made in an investment authorized by this Policy (and that GCS 53601 does not specific a maximum maturity) that has a term remaining to maturity in excess of 5 years from date of purchase without approval of the City Council no less than three months prior to any such transactions. Maturities shall be staggered to minimize liquidity risk and to enhance the stability of incoming cash flows. At least 10% of the portfolio shall be invested in instruments, which can be liquidated on one day’s notice.

Reserve funds may be invested in securities exceeding 5 years if the maturities of such investments are made to coincide as nearly as possible with the expected use of the funds.

13.0 INTERNAL CONTROL:

The City Treasurer or Designee shall establish an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with policies and procedures. The compliance of the total Fund to all applicable federal, state and local regulations and requirements is the responsibility of the City Treasurer and/or the Director of Finance.

14.0 INTEREST EARNINGS:

All moneys earned and collected from investments authorized in this policy shall be allocated monthly to various fund accounts based on the cash balance in each fund as a percentage of the

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entire pooled portfolio. Interest earnings on bond proceeds, bond reserves or other restricted investments held by trustees shall be allocated directly to the appropriate fund and not be part of the pooled allocation.

15.0 PERFORMANCE STANDARDS:

The City's policy is to achieve a market rate of return on public funds while minimizing risks and preserving capital. In evaluating the performance of the City's portfolio in complying with this policy, the City shall establish an appropriate performance benchmark and compare the total return of its portfolio to the total return of the benchmark.

16.0 REPORTING:

The City Treasurer or Designee shall provide to the City Council a monthly investment report, which provides a clear picture of the status of the current investment portfolio. Based on GCS 53646, the report shall include, at a minimum, the following information for each type of investment held in the City's investment portfolio: the issuer, date of purchase, date of maturity, amount of investment, current market value, yield on investment, income generated from investments, dollar amount invested on all securities, investments and moneys held by the local agency, and shall additionally include a description of any of the local agency's funds, investments, or programs, and a description of unusual investment activity or developments during the month for which the report is prepared. Based on GCS 53607, the report shall also include a listing of investment transactions. With respect to all securities held by the local agency, and under management of any outside party that is not also a local agency or the State of California Local Agency Investment Fund, the report shall also include a current market value as of the date of the report and shall include the source of this same valuation.

The report shall state compliance of the portfolio to the statement of investment policy, or manner in which the portfolio is not in compliance and include a statement denoting the ability of the City to meet its expenditure requirements for the next six months, or provide an explanation as to why sufficient money shall, or may, not be available.

The City Treasurer or Designee may supply to the City Council the most recent statement or statements received by the local agency from the Local Agency Investment Fund (LAIF), County Investment Pools, or Federal Deposit Insurance Corporation-insured accounts in a bank or savings and loan association.

The City Treasurer or Designee shall prepare and deliver such a report each month to the Mayor and each City Council member no later than 30 days after the close of the month for which each report is prepared.

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In the event that an investment advisor is retained by the City, the investment advisor shall prepare and deliver a report for each month's investment activity as required herein to the City in such time as to allow compliance with the delivery times for each report required by this policy.

The City Council may relieve the City Treasurer of his or her duties under this policy in the event of any failure to comply with the reporting requirements of this policy.

17.0 INVESTMENT POLICY ADOPTION:

The City's investment policy shall be adopted annually by the City Council. The policy shall be reviewed annually by the City Treasurer and/or Designee with any and all modifications made thereto approved by the City Council at a public meeting.

CITY OF COACHELLA
STATEMENT OF INVESTMENT POLICY
FOR FISCAL YEAR 2020-2021
ADOPTED MAY 13, 2020

1.0 POLICY:

This statement is intended to provide guidelines for the prudent investment of the City of Coachella's (hereafter called "City") temporarily idle cash in all funds, and outline the policies for maximizing the efficiency of the City's cash management system.

It is the objective of this investment policy to provide guidelines for:

- Insuring the safety of funds invested;
- Meeting the City's daily cash flow demands;
- Maximizing investment interest income for the City;
- Conform with all laws and statutes governing the investment of public funds.

2.0 SCOPE:

The investment policy applies to the temporary idle cash of the City and its component units as accounted for in the Audited Annual Financial Report. Policy statements outlined in this document focus on the City's pooled funds. This policy is applicable, but not limited to all funds listed below:

- General Fund
- Special Revenue Funds
- Capital Outlay Funds
- Debt Service Funds
- Enterprise Funds
- Fiduciary Funds
- Any new fund created by the City Council unless specifically exempted

Exceptions may exist with funds for retiree pension and medical benefits held in a trust and bond proceeds held by a trustee or fiscal agent and governed by the instructions in the bond document. In addition, if in the opinion of the City Treasurer or their Authorized Designee (Designee), matching the segregated investment portfolio of the bond reserve fund with the maturity schedule of an individual bond issue is prudent given current economic analysis, the investment policy authorizes extending beyond the five year maturity limitation with City Council authorization no less than three months prior to the investment as outlined in this document.

3.0 PRUDENCE:

The City Treasurer or Designee are authorized to make investment decisions on behalf of the City and considered as trustees and therefore fiduciaries subject to the prudent investors'

standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, and managing public funds, the City Treasurer or Designee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct and management of their own affairs.

Within the limitations of this section and considering individual investments as part to an overall strategy, the City Treasurer or Designee are authorized to acquire approved and suitable investments as described in paragraph 8.0 hereof.

The City Treasurer, Authorized Designee and other individuals assigned to manage the investment portfolio, acting within the intent and scope of the investment policy and other written procedures and exercising due diligence, shall be relieved of personal responsibility and liability for an individual security credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

4.0 OBJECTIVES:

The three fundamental considerations, in order of priority, for managing the City's investments are safety, liquidity, and yield. At no time should safety or liquidity be compromised in exchange for higher yields.

Safety of Principal

The preservation of invested capital is the foremost objective of the City and of primary importance. The City shall only invest in financial instruments that are considered safe. The safety and risk associated with an investment refers to the potential loss of principal, accrued interest, or a combination of these amounts. Each investment decision shall seek to ensure that capital losses are avoided. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Liquidity

The City's investment portfolio shall contain investments with a diversified mix of maturities in order to provide sufficient liquidity to meet projected operating cash requirements of the City.

Return on Investments

The City's investment portfolio shall be designed with the objective of obtaining a reasonable and competitive market rate of return taking into consideration risk constraints, prudent investment principles and the cash flow characteristics of the portfolio.

5.0 DELEGATION OF AUTHORITY:

The authority to invest or to reinvest funds or to sell or exchange securities so purchased of City Funds is vested in the City Council. Government Code Section (“GCS”) 53607 authorizes the delegation of the above duties to the City Treasurer for a one-year period. Therefore, the authority to invest and reinvest City funds or to sell or exchange the securities so purchased with City funds is hereby delegated to the City Treasurer for a one year period unless sooner terminated by the City Council.

The City Treasurer or Designee shall prepare written procedures for the operation of the investment program consistent with this investment policy. The procedures shall also include reference to: safekeeping, wire transfer agreements, banking service contracts and collateral/depository agreements. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. The written procedures may provide for the delegation of authority to an Authorized Designee, who upon assuming such position shall become responsible for investment transactions. No person may engage in an investment decision except as permitted by this policy and by the procedures approved by the City Treasurer or Designee.

The City may delegate investment authority to an investment advisor. The advisor will follow the Investment Policy and such other written instructions as are provided.

6.0 ETHICS AND CONFLICTS OF INTEREST:

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials are required to annually file all applicable financial disclosures as required by the Fair Political Practices Commission (FPPC).

7.0 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS:

For any investment not purchased directly from the issuer, the City shall transact business only with banks, savings and loans, and investment broker/dealers. The broker/dealers should be primary dealers regularly reporting to the New York Federal Reserve Bank. The City Treasurer or Designee shall select all security dealers and depositories subject to City Council approval and the execution of an appropriate written agreement. Investment transactions shall be conducted with several competing, reputable security broker/dealers. The selection process shall focus on financial viability, knowledge, experience and ethics in the fixed-income security industry. The City Treasurer or Designee will maintain a list and a written agreement with financial institutions authorized to provide investment services.

All financial institutions and broker/dealers who desire to become an authorized financial institution for investment transactions must supply the City Treasurer or Designee with the

following: most recent audited financial statements, proof of Financial Industry Regulatory Authority (FINRA) certification, trading resolution, proof of state registration, completed broker/dealer questionnaire, certification of having read the City's investment policy and depository contracts. The City Treasurer or Designee will conduct an annual review of the financial condition and registrations of qualified bidders.

The City Treasurer or Designee shall annually send a copy of the current investment policy to all broker/dealers approved to do business with the City. Confirmation of receipt of this policy shall be considered evidence that the dealer understands the City's investment policies and intends to sell the City only appropriate investments authorized by this investment policy.

If the City has an investment advisor, the investment advisor may use its own list of authorized broker/dealers to conduct transactions on behalf of the City.

8.0 AUTHORIZED INVESTMENTS:

As provided in GCSs 16429.1, 53601, 53601.1, 53631, 53649 and 53684, the State of California limits the investment vehicles available to local agencies as summarized in the following paragraphs. Where this Policy specifies a percentage limitation for a particular security type or issuer, that percentage is applicable at the time the security is purchased. No more than 5% of the City's portfolio shall be invested in any one issuer regardless of sector except for the U.S. Treasury, Federal Agencies, supranationals, and pools (including LAIF, County Pools, LGIPs, and money market funds). Credit criteria listed in this section refers to the credit rating at the time the security is purchased. If an investment's credit rating falls below the minimum rating required at the time of purchase, the City's investment advisor (if any) and Treasurer will review the rating agency action and decide whether to sell or hold the investment. The City may invest funds in the following instruments and subject to the limitations set forth in Section 11.0:

State Treasurer's Local Agency Investment Fund (LAIF): As authorized in GCS 16429.1 and by LAIF procedures, local government agencies are each authorized to invest a maximum of \$75 million in this investment program administered by the California State Treasurer.

U.S. Treasury Bills and Notes: U.S. Treasury bills, notes, bonds or certificates of indebtedness, or those for which the full faith and credit of the United States are pledged for the payment of principal and interest.

Federal Agencies: Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.

State of California Obligations: Registered state warrants or treasury notes or bonds of this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency, or authority of the

state rated in a rating category of "A" long-term or "A-1" short-term or its equivalent or higher by a nationally recognized statistical rating organization ("NRSRO").

Obligations of the Other 49 States: Registered treasury notes or bonds of any of the other 49 states in addition to California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states, in addition to California, rated in a rating category of "A" long-term or "A-1" short-term or its equivalent or higher by a NRSRO.

Obligations of Local Agencies in California: Bonds, notes, warrants, or other evidences of indebtedness of a local agency within this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency rated in a rating category of "A" long-term or "A-1" short-term or its equivalent or higher by a NRSRO.

County Pooled Investment Funds: As authorized by GCS 53684, the City may invest in pooled investments managed by the County of Riverside.

Bankers' Acceptances: Bills of exchange or time drafts drawn on and accepted by a commercial bank, otherwise known as bankers' acceptances. Purchases of bankers' acceptances may not exceed 180 days maturity or total more than 40% of the cost value of the City's investment portfolio. Eligible bankers' acceptances must be rated in the highest letter and number rating as provided for by a NRSRO.

Commercial Paper: Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a NRSRO. The entity that issues the commercial paper shall meet all of the following conditions in either paragraph (1) or paragraph (2):

- 1) The entity meets the following criteria: Is organized and operating in the United States as a general corporation. Has total assets in excess of five hundred million dollars (\$500,000,000). Has debt other than commercial paper, if any, that is rated in a rating category of "A" or higher, or the equivalent, by a NRSRO.
- 2) The entity meets the following criteria: Is organized within the United States as a special purpose corporation, trust, or limited liability company. Has program wide credit enhancements including, but not limited to, over collateralization, letters of credit, or surety bond. Has commercial paper that is rated "A-1" or higher, or the equivalent, by a NRSRO.

Purchases of eligible commercial paper may not exceed 25% of the market value of the City's portfolio or have a term to maturity which exceeds 270 days. The City may not own more than 10% of an issuer's outstanding commercial paper.

Negotiable Certificates of Deposit: Negotiable certificates of deposit issued by a nationally or state-chartered bank, a savings association or a federal association (as defined by Section 5102 of the Financial Code), a state or federal credit union, or by a federally- or state-licensed branch of a foreign bank rated in a rating category of “A” long-term or “A-1” short-term or its equivalent or higher by a NRSRO. No more than 30% of the City’s portfolio may be invested in negotiable CDs.

Non-Negotiable Certificates of Deposit: Non-negotiable certificates of deposit from eligible depositories are fixed-term investments, There are no portfolio limits on the amount or maturity for this investment vehicle. Eligible depositories may be a state or national bank, savings association or federal association, a state or federal credit union, or a federally insured industrial loan company, which must have received an overall rating of not less than “satisfactory” in its most recent evaluation by the appropriate federal financial supervisory agency of its record of meeting the credit needs of California’s communities. Deposits in excess of federal deposit limits must be collateralized per Section 9.0.

Medium Term Corporate Notes: Medium-term corporate notes, defined as all corporate and depository institution debt securities with a maximum remaining maturity of 5 years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Medium-term corporate notes shall be rated in a rating category of “A” or its equivalent or better by a NRSRO. No more than 30% of the City’s portfolio may be invested in corporate notes.

Demand Deposits: The City Treasurer may establish accounts for deposits in a state or national bank, savings association or federal association, a state or federal credit union, or a federally insured industrial loan company in the State of California, which must have received an overall rating of not less than “satisfactory” in its most recent evaluation by the appropriate federal financial supervisory agency of its record of meeting the credit needs of California’s communities. Deposits in excess of federal deposit limits must be collateralized per Section 9.0.

Money Market Funds: Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1, et seq.). To be eligible for investment pursuant to this subdivision these companies shall either: have an investment advisor registered or exempt from registration with the Securities and Exchange Commission with not less than 5 years experience managing money market mutual funds and with assets under management in excess of \$500,000,000, or attain the highest ranking letter or numerical rating provided by not less than two of the three largest NRSROs. No more than 20% of the City’s portfolio may be invested in money market funds.

Local Government Investment Pools (LGIPs): Shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 that invests in the securities and obligations authorized in subdivisions (a) to (q), inclusive. Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To

be eligible under this section, the joint powers authority issuing the shares shall have retained an investment adviser that meets all of the following criteria:

- 1) The adviser is registered or exempt from registration with the Securities and Exchange Commission.
- 2) The adviser has not less than five years of experience investing in the securities and obligations authorized in subdivisions (a) to (q), inclusive.
- 3) The adviser has assets under management in excess of five hundred million dollars (\$500,000,000).

Asset-Backed Security (ABS): Any mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-back certificate, consumer receivable pass-through certificate, or consumer receivable-backed bond of a maximum of five years maturity. Eligible securities shall be issued by an issuer rated in a rating category of “A” or its equivalent or better for the issuer’s debt as provided by an NRSRO and rated in a rating category of “AA” or its equivalent or better by an NRSRO. No more than 20% of the City’s portfolio may be invested in this type of security.

Supranational: United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development (IBRD), International Finance Corporation (IFC), or Inter-American Development Bank (IADB), with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Investments under this subdivision shall be rated in a rating category of “AA” or its equivalent or better by a NRSRO. No more than 30% of the City’s portfolio may be invested in this security type.

Any other permissible investments outlined within Section 53601 may be purchased from time to time.

Notwithstanding any other provision of law, moneys held by a trustee or fiscal agent and pledged to the payment or security of bonds or other indebtedness, or obligations under a lease, installment sale, or other agreement of the City, or certificates of participation in those bonds, indebtedness, or lease installment sale, or other agreements, may be invested in accordance with the statutory provision governing the issuance of those bonds, indebtedness, or lease installment sale, or other agreement or to the extent not inconsistent therewith or if there are no specific statutory provisions, in accordance with the ordinance, resolution, indenture, or agreement of the local agency providing for the issuance. This includes investing bond proceeds in guaranteed investment contracts with United States financial institutions rated in a rating category of “AA,” or equivalent, or better by a NRSRO.

9.0 COLLATERALIZATION:

Collateral is required for investments in Non-Negotiable Certificates of Deposit and Demand Deposits. Investments in excess of federal deposit insurance limits must be collateralized at

105% to 150% depending on the specific security pledged as collateral in accordance with GCS 53630 et seq. The collateral pool is administered by the State, and is composed of a wide variety of government securities, including those indicated above, as well as promissory notes secured by first mortgages on improved residential property located in the state and letters of credit issued by the Federal Home Loan Bank of San Francisco.

10.0 SAFEKEEPING AND CUSTODY:

To protect against fraud or embezzlement or losses caused by collapse of an individual securities dealer, all deliverable securities owned by the City shall be held in safekeeping by a third party bank trust department, acting as agent for the City under the terms of a custody agreement or professional services agreement (PSA). All trades executed by a dealer will settle delivery vs. payment (DVP) through the City's safekeeping agent.

Securities held in custody for the City shall be verified on an annual basis by the City's independent auditor.

11.0 DIVERSIFICATION:

It is the City's policy to minimize portfolio risk by diversifying maturity, sector and class allocation. Default risk shall be minimized by investing in an assortment of permitted investments as outlined in Section 8.0. To minimize overall portfolio risk, the following not-to-exceed diversification goals shall guide the City's operating fund portfolio, based upon the portfolio structure at the time of purchase.

Investment Type	Not-to-Exceed Limit	Other Restrictions
Local Agency Investment Fund (LAIF)	\$75 million	Established by the State Treasurer
U.S. Treasury	No Limit	None
Federal Agency	No Limit	Maximum of 40% per issuer
State of California Obligations	No Limit	<ul style="list-style-type: none"> • No more than 5% per issuer • Rated in a rating category of "A" or its equivalent or higher by a NRSRO for maturities in excess of one year • Rated in a rating category "A-1" or its equivalent or higher by a NRSRO for maturities under one year
Obligations of the Other 49 States	No Limit	<ul style="list-style-type: none"> • No more than 5% per issuer • Rated in a rating category of "A" or its equivalent or higher by a

Investment Type	Not-to-Exceed Limit	Other Restrictions
		<p>NRSRO for maturities in excess of one year</p> <ul style="list-style-type: none"> • Rated in a rating category of “A-1” or its equivalent or higher by a NRSRO for maturities under one year
Obligations of Local Agencies in California	No Limit	<ul style="list-style-type: none"> • No more than 5% per issuer • Rated in a rating category of “A” or its equivalent or higher by a NRSRO for maturities in excess of one year • Rated in a rating category of “A-1” or its equivalent or higher by a NRSRO for maturities under one year
County Pool	\$10 million	None
Bankers’ Acceptances	40%	<ul style="list-style-type: none"> • No more than 5% per issuer regardless of security type • Maximum maturity of 180 days • Must be rated in highest category by a NRSRO
Commercial Paper	25%	<ul style="list-style-type: none"> • No more than 5% per issuer regardless of security type • No more than 10% of an issuer’s outstanding commercial paper • Maximum maturity of 270 days • Must be rated in highest category by a NRSRO
Negotiable CDs	30%	<ul style="list-style-type: none"> • No more than 5% per issuer regardless of security type • Rated in a rating category of “A” or its equivalent or higher by a NRSRO for maturities in excess of one year • Rated in a rating category of “A-1” or its equivalent or higher by a

Investment Type	Not-to-Exceed Limit	Other Restrictions
		NRSRO for maturities under one year
Non-Negotiable CDs	No Limit	<ul style="list-style-type: none"> • See Section 9.0 for collateral requirements
Medium Term Corporate Notes	30%	<ul style="list-style-type: none"> • No more than 5% per issuer regardless of security type • Maximum maturity of five years • Minimum credit rating of “A” or its equivalent by a NRSRO
Demand Deposits	No Limit	<ul style="list-style-type: none"> • See Section 9.0 for collateral requirements
Money Market Funds	20%	<ul style="list-style-type: none"> • See Section 8.0 for advisor requirements or the Fund must have the highest rating by two NRSRO
Local Government Investment Pools (LGIPs)	No Limit	<ul style="list-style-type: none"> • See Section 8.0 for advisor requirements
Asset-Backed Securities (ABS)	20%	<ul style="list-style-type: none"> • No more than 5% per issuer • Rated in a rating category of “AA” (Issue) and “A” (Issuer) or its equivalent or higher by a NRSRO
Supranational	30%	<ul style="list-style-type: none"> • Rated in a rating category of “AA” or its equivalent or higher by a NRSRO

12.0 MAXIMUM MATURITIES:

The average dollar weighted maturity of a portfolio may not exceed 3 years. No investment shall be made in an investment authorized by this Policy (and that GCS 53601 does not specific a maximum maturity) that has a term remaining to maturity in excess of 5 years from date of purchase. Maturities shall be staggered to minimize liquidity risk and to enhance the stability of incoming cash flows. At least 10% of the portfolio shall be invested in instruments, which can be liquidated on one day’s notice.

Bond reserve funds may be invested in securities exceeding 5 years if the maturities of such

investments are made to coincide as nearly as possible with the expected use of the funds.

13.0 INTERNAL CONTROL:

The City Treasurer or Designee shall establish sufficient internal controls to ensure compliance with all applicable federal, state and local regulations. These internal controls will be incorporated into an annual process of independent review by the City's external auditor. This will provide a review of the internal controls by assuring compliance with policies and procedures.

14.0 INTEREST EARNINGS:

All moneys earned and collected from investments authorized in this policy shall be allocated monthly to various fund accounts based on the cash balance in each fund as a percentage of the entire pooled portfolio. Interest earnings on bond proceeds, bond reserves or other restricted investments held by trustees shall be allocated directly to the appropriate fund and not be part of the pooled allocation.

15.0 PERFORMANCE STANDARDS:

The City's policy is to achieve a market rate of return on public funds while minimizing risks and preserving capital. In evaluating the performance of the City's portfolio in complying with this policy, the City shall establish an appropriate performance benchmark and compare the total return of its portfolio to the total return of the benchmark.

16.0 REPORTING:

The City Treasurer or Designee shall provide to the City Council a monthly investment report, which provides a clear picture of the status of the current investment portfolio. Based on GCS 53646, the report shall include, at a minimum, the following information for each type of investment held in the City's investment portfolio: the issuer, date of purchase, date of maturity, amount of investment, current market value, yield on investment, income generated from investments, dollar amount invested on all securities, investments and moneys held by the local agency, and shall additionally include a description of any of the local agency's funds, investments, or programs, and a description of unusual investment activity or developments during the month for which the report is prepared. Based on GCS 53607, the report shall also include a listing of investment transactions. With respect to all securities held by the local agency, and under management of any outside party that is not also a local agency or the State of California Local Agency Investment Fund, the report shall also include a current market value as of the date of the report and shall include the source of this same valuation.

The report shall state compliance of the portfolio to the statement of investment policy, or manner in which the portfolio is not in compliance and include a statement denoting the ability of the City to meet its expenditure requirements for the next six months, or provide an

explanation as to why sufficient money shall, or may, not be available.

The City Treasurer or Designee may supply to the City Council the most recent statement or statements received by the local agency from the Local Agency Investment Fund (LAIF), County Investment Pools, or Federal Deposit Insurance Corporation-insured accounts in a bank or savings and loan association.

The City Treasurer or Designee shall prepare and deliver such a report each month to the Mayor and each City Council member no later than 30 days after the close of the month for which each report is prepared.

In the event that an investment advisor is retained by the City, the investment advisor shall prepare and deliver a report for each month's investment activity as required herein to the City in such time as to allow compliance with the delivery times for each report required by this policy.

The City Council may relieve the City Treasurer of his or her duties under this policy in the event of any failure to comply with the reporting requirements of this policy.

17.0 INVESTMENT POLICY ADOPTION:

The City's investment policy shall be adopted annually by the City Council. The policy shall be reviewed annually by the City Treasurer and/or Designee with any and all modifications made thereto approved by the City Council at a public meeting.



April 22, 2020

Memorandum

To: Nathan Statham, CPA, MBA, Finance Director
City of Coachella

From: Sarah Meacham, Managing Director
Richard Babbe, Senior Managing Consultant
PFM Asset Management LLC

Re: Annual Review of Investment Policy

We completed our annual review of the City of Coachella's (the "City") Investment Policy (the "Policy"). As written, the Policy is comprehensive and in compliance with the sections of the California Government Code (the "Code") that govern the investment of public funds.

We are, however, recommending the City make one update to the Policy. Effective January 1, 2020, California State Treasurer Fiona Ma increased the Local Agency Investment Fund's deposit limit for regular accounts to \$75 million from the previous \$65 million. We recommend the City update the reference in Section 8.0 Authorized Investments to reflect the State's new limit. The City had specified a lower \$50 million for LAIF in the table in Section 11.0 Diversification. As it appears that this lower limit was to encourage diversification, it is dependent on the City's preferences whether to retain the \$50 million limit or increase it to \$75 million to match the State's new limit.

Although no Policy changes are required, we wanted to make you aware of a couple other recent changes to local agency investment requirements. Assembly Bill No. 857, which took effect January 1, 2020, provides for the establishment of public banks by local agencies, subject to approval by the Department of Business Oversight (DBO) and Federal Deposit Insurance Corporation (FDIC). As a part of the Bill, subsection (r) was added to Code section 53601, which will permit local agencies to invest in the commercial paper, debt securities, or other obligations of a public bank. However, we do not recommend that the City add this investment type to the Policy at this time as we are not aware of any public banks that are currently in operation. Furthermore, we would want to review the operational history and credit quality of any public bank before we could recommend investing in its securities.

In addition, Assembly Bill No. 954, which took effect January 1, 2020, increased the amount that local agencies are allowed to invest in placement service deposits (Code Section 53601.8) to 50% from 30%. Unless amended, this revision is repealed as of January 1, 2026. As the Policy does not currently permitted this investment type, no changes are required.

Please let us know if you have any questions or if would like to discuss our comments in more detail.

RESOLUTION NO. 2020-25**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA TO AMEND AND REESTABLISH THE INVESTMENT POLICY ORIGINALLY ADOPTED JULY 9, 2003 AND AMENDED BY THE CITY COUNCIL FOR FISCAL YEAR 2020-2021**

WHEREAS, Government Code Section 53601 of the State of California authorizes the legal bodies of local agencies to invest surplus money which is not required for the immediate necessities of the local agencies in accordance with the rules set forth in the section; and

WHEREAS, Government Code Section 53607 authorizes the local legislative body to delegate to the Treasurer of the local agency, the authority to invest or reinvest funds of the local agency, or to sell or exchange securities so purchased; and

WHEREAS, said Section 53607 requires that once the Treasurer of the local agency is delegated that authority, he thereafter assumes full responsibility for such transactions until such time as the delegated authority is revoked; and

WHEREAS, said Section 53607 requires the Treasurer of the local Agency to make a monthly report of such transactions to the legislative body; and

WHEREAS, said Section 53607 requires an annual ratification of the delegation of authority of the legislative body to the Treasurer; and

WHEREAS, Government Code Section 53646 (2) requires that the Treasurer shall annually render to the City Council and any oversight committee a Statement of Investment Policy and any change in the policy, which the City Council shall consider at a public meeting; and

WHEREAS, it is in the best interest of the City of Coachella to have any surplus or idle City funds invested so as to provide additional income to the City of Coachella.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA HEREBY RESOLVES AS FOLLOWS:

SECTION 1 - That the City Treasurer, or their authorized designee(s), of the City of Coachella is hereby delegated the authority to invest or reinvest surplus funds of the City of Coachella, or to sell, or exchange securities so purchased.

SECTION 2 - The City Treasurer, or their authorized designee(s), will assume full responsibility for such transactions until such time as the aforementioned delegated authority is revoked, and that the City Treasurer will make a monthly report of such transactions to the City Council of the City of Coachella,

SECTION 3 - The City Treasurer shall render to the City Council a Statement of Investment Policy in the first quarter of each calendar year. Any changes to said policy shall be

considered by the City Council at such a public regular meeting.

SECTION 4 - The Statement of Investment Policy, attached hereto and incorporated herewith, is adopted as the Statement of Investment Policy of the City of Coachella for fiscal year 2020-2021.

SECTION 5 - The City Treasurer shall comply with the Statement of Investment Policy of the City of Coachella adopted by this Resolution.

SECTION 6 - The City Treasurer shall report to the City Council, the City Manager and the City's Auditor as required by the Statement of Investment Policy and all applicable laws.

PASSED, APPROVED, and ADOPTED this 13th day of May 2020.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2020-25 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on this 13th day of May 2020 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk

RESOLUTION NO. WA-2020-05**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COACHELLA WATER AUTHORITY, COACHELLA, CALIFORNIA TO AMEND AND REESTABLISH THE INVESTMENT POLICY ORIGINALLY ADOPTED JULY 9, 2003 AND AMENDED BY THE AUTHORITY BOARD FOR FISCAL YEAR 2020-2021**

WHEREAS, the Board of Directors of the Coachella Water Authority (hereafter “BOARD” and “AUTHORITY” respectively) wants to be in compliance with State law; and

WHEREAS, Government Code Section 53601 of the State of California authorizes the legal bodies of local agencies to invest surplus money which is not required for the immediate necessities of the local agencies in accordance with the rules set forth in the section; and

WHEREAS, Government Code Section 53607 authorizes the local legislative body to delegate to the Treasurer of the local agency, the authority to invest or reinvest funds of the local agency, or to sell or exchange securities so purchased; and

WHEREAS, said Section 53607 requires that once the Treasurer of the local agency is delegated that authority, he thereafter assumes full responsibility for such transactions until such time as the delegated authority is revoked; and

WHEREAS, said Section 53607 requires the Treasurer of the local Agency to make a monthly report of such transactions to the legislative body; and

WHEREAS, said Section 53607 requires an annual ratification of the delegation of authority of the legislative body to the Treasurer; and

WHEREAS, Government Code Section 53646 (2) requires that the Treasurer shall annually render to the BOARD and any oversight committee a Statement of Investment Policy and any change in the policy, which the BOARD shall consider at a public meeting; and

WHEREAS, it is in the best interest of the AUTHORITY to have any surplus or idle AUTHORITY funds invested so as to provide additional income to the AUTHORITY.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE COACHELLA WATER AUTHORITY HEREBY RESOLVES AS FOLLOWS:

SECTION 1 - That the AUTHORITY Treasurer, or their authorized designee(s), is hereby delegated the authority to invest or reinvest surplus funds of the AUTHORITY, or to sell, or exchange securities so purchased.

SECTION 2 - The AUTHORITY Treasurer, or their authorized designee(s), will assume full responsibility for such transactions until such time as the aforementioned delegated authority is revoked, and that the AUTHORITY Treasurer will make a monthly report of such transactions

to the BOARD of the AUTHORITY.

SECTION 3 - The AUTHORITY Treasurer shall render to the BOARD a Statement of Investment Policy in the first quarter of each calendar year. Any changes to said policy shall be considered by the BOARD at such a regular public meeting.

SECTION 4 - The Statement of Investment Policy, attached hereto and incorporated herewith, is adopted as the Statement of Investment Policy of the AUTHORITY for fiscal year 2020-2021.

SECTION 5 - The AUTHORITY Treasurer shall comply with the Statement of Investment Policy of the AUTHORITY adopted by this Resolution.

SECTION 6 - The AUTHORITY Treasurer shall report to the BOARD, the Executive Director and the AUTHORITY'S Auditor as required by the Statement of Investment Policy and all applicable laws.

PASSED, APPROVED and ADOPTED this 13th day of May 2020.

Steven A Hernandez
President

ATTEST:

Angela M. Zepeda
Secretary

APPROVED AS TO FORM:

Carlos Campos
Authority Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CEERTIFY that the foregoing Resolution No. WA-2020-05 was duly adopted by the Board of the Authority of the Coachella Water Authority at a regular meeting thereof held on the 13th day of May 2020, by the following vote of the Authority:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk

RESOLUTION NO. SD-2020-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COACHELLA SANITARY DISTRICT, COACHELLA, CALIFORNIA TO AMEND AND REESTABLISH THE INVESTMENT POLICY ORIGINALLY ADOPTED JULY 9, 2003 AND AMENDED BY THE AUTHORITY BOARD FOR FISCAL YEAR 2020-2021

WHEREAS, the Board of Directors of the Coachella Sanitary District (hereafter “BOARD” and “DISTRICT” respectively) want to comply with State law; and

WHEREAS, Government Code Section 53601 of the State of California authorizes the legal bodies of local agencies to invest surplus money which is not required for the immediate necessities of the local agencies in accordance with the rules set forth in the section; and

WHEREAS, Government Code Section 53607 authorizes the local legislative body to delegate to the Treasurer of the local agency, the authority to invest or reinvest funds of the local agency, or to sell or exchange securities so purchased; and

WHEREAS, said Section 53607 requires that once the Treasurer of the local agency is delegated that authority, he thereafter assumes full responsibility for such transactions until such time as the delegated authority is revoked; and

WHEREAS, said Section 53607 requires the Treasurer of the local Agency to make a monthly report of such transactions to the legislative body; and

WHEREAS, said Section 53607 requires an annual ratification of the delegation of authority of the legislative body to the Treasurer; and

WHEREAS, Government Code Section 53646 (2) requires that the Treasurer shall annually render to the BOARD and any oversight committee a Statement of Investment Policy and any change in the policy, which the BOARD shall consider at a public meeting; and

WHEREAS, it is in the best interest of the DISTRICT to have any surplus or idle DISTRICT funds invested so as to provide additional income to the DISTRICT.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE COACHELLA SANITARY DISTRICT HEREBY RESOLVES AS FOLLOWS:

SECTION 1 - That the DISTRICT Treasurer, or their authorized designee(s), is hereby delegated the authority to invest or reinvest surplus funds of the DISTRICT, or to sell, or exchange securities so purchased.

SECTION 2 - The DISTRICT Treasurer, or their authorized designee(s), will assume full

Resolution No. SD-2020-02

Page 1

responsibility for such transactions until such time as the aforementioned delegated authority is revoked, and that the DISTRICT Treasurer will make a monthly report of such transactions to the BOARD of the DISTRICT.

SECTION 3 - The DISTRICT Treasurer shall render to the BOARD a Statement of Investment Policy in the first quarter of each calendar year. Any changes to said policy shall be considered by the BOARD at such a regular public meeting.

SECTION 4 - The Statement of Investment Policy, attached hereto and incorporated herewith, is adopted as the Statement of Investment Policy of the DISTRICT for fiscal year 2020-2021.

SECTION 5 - The DISTRICT Treasurer shall comply with the Statement of Investment Policy of the DISTRICT adopted by this Resolution.

SECTION 6 - The DISTRICT Treasurer shall report to the BOARD, the DISTRICT Manager and the DISTRICT'S Auditor as required by the Statement of Investment Policy and all applicable laws.

PASSED, APPROVED and ADOPTED this 13th day of May 2020.

Steven A. Hernandez
President

ATTEST:

Angela M. Zepeda
Secretary

APPROVED AS TO FORM

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. SD-2020-02 was duly adopted by the Board of Directors of the Coachella Sanitary District at a regular meeting thereof, held on the 10th day of May 2020 by the following vote of the Board:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk

RESOLUTION NO. FD-2020-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COACHELLA FIRE PROTECTION DISTRICT, COACHELLA, CALIFORNIA TO AMEND AND REESTABLISH THE INVESTMENT POLICY ORIGINALLY ADOPTED JULY 9, 2003 AND AMENDED BY THE DISTRICT BOARD OF DIRECTORS FOR FISCAL YEAR 2020-2021

WHEREAS, the Board of Directors of the Coachella Fire Protection District (hereafter “BOARD” and “DISTRICT” respectively) wants to be in compliance with State law; and

WHEREAS, Government Code Section 53601 of the State of California authorizes the legal bodies of local agencies to invest surplus money which is not required for the immediate necessities of the local agencies in accordance with the rules set forth in the section; and

WHEREAS, Government Code Section 53607 authorizes the local legislative body to delegate to the Treasurer of the local agency, the authority to invest or reinvest funds of the local agency, or to sell or exchange securities so purchased; and

WHEREAS, said Section 53607 requires that once the Treasurer of the local agency is delegated that authority, he thereafter assumes full responsibility for such transactions until such time as the delegated authority is revoked; and

WHEREAS, said Section 53607 requires the Treasurer of the local Agency to make a monthly report of such transactions to the legislative body; and

WHEREAS, said Section 53607 requires an annual ratification of the delegation of authority of the legislative body to the Treasurer; and

WHEREAS, Government Code Section 53646 (2) requires that the Treasurer shall annually render to the BOARD and any oversight committee a Statement of Investment Policy and any change in the policy, which the BOARD shall consider at a public meeting; and

WHEREAS, it is in the best interest of the DISTRICT to have any surplus or idle DISTRICT funds invested so as to provide additional income to the DISTRICT.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE COACHELLA FIRE PROTECTION DISTRICT HEREBY RESOLVES AS FOLLOWS:

SECTION 1 - That the DISTRICT Treasurer, or their authorized designee(s), is hereby delegated the authority to invest or reinvest surplus funds of the DISTRICT, or to sell, or exchange securities so purchased.

SECTION 2 - The DISTRICT Treasurer, or their authorized designee(s), will assume full responsibility for such transactions until such time as the aforementioned delegated authority is revoked, and that the DISTRICT Treasurer will make a monthly report of such transactions to the

BOARD of the DISTRICT.

SECTION 3 - The DISTRICT Treasurer shall render to the BOARD a Statement of Investment Policy in the first quarter of each calendar year. Any changes to said policy shall be considered by the BOARD at such a regular public meeting.

SECTION 4 - The Statement of Investment Policy, attached hereto and incorporated herewith, is adopted as the Statement of Investment Policy of the DISTRICT for fiscal year 2020-2021.

SECTION 5 - The DISTRICT Treasurer shall comply with the Statement of Investment Policy of the DISTRICT adopted by this Resolution.

SECTION 6 - The DISTRICT Treasurer shall report to the BOARD, the DISTRICT Manager and the DISTRICT'S Auditor as required by the Statement of Investment Policy and all applicable laws.

PASSED, APPROVED and ADOPTED this 13th day of May 2020.

Steven A Hernandez
Chair

ATTEST:

Angela M. Zepeda
Secretary

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. FD-2020-01 was duly adopted by the Board of Directors of the Coachella Fire Protection District at a regular meeting thereof, held on the 13th day of May 2020 by the following vote of the Board:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J Carranza, MMC
Deputy City Clerk

RESOLUTION NO. CBL-2020-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COACHELLA EDUCATIONAL AND GOVERNMENTAL ACCESS CABLE CHANNEL CORPORATION, COACHELLA, CALIFORNIA TO AMEND AND REESTABLISH THE INVESTMENT POLICY ORIGINALLY ADOPTED JULY 9, 2003 AND AMENDED BY THE CORPORATION BOARD FOR FISCAL YEAR 2020-2021.

WHEREAS, The Coachella Educational and Governmental Access Cable Channel Corporation (hereafter "CORPORATION") wants to be in compliance with State law; and

WHEREAS, Government Code Section 53601 of the State of California authorizes the legal bodies of local agencies to invest surplus money which is not required for the immediate necessities of the local agencies in accordance with the rules set forth in the section; and

WHEREAS, Government Code Section 53607 authorizes the local legislative body to delegate to the Treasurer of the local agency, the authority to invest or reinvest funds of the local agency, or to sell or exchange securities so purchased; and

WHEREAS, said Section 53607 requires that once the Treasurer of the local agency is delegated that authority, he thereafter assumes full responsibility for such transactions until such time as the delegated authority is revoked; and

WHEREAS, said Section 53607 requires the Treasurer of the local Agency to make a monthly report of such transactions to the legislative body; and

WHEREAS, said Section 53607 requires an annual ratification of the delegation of authority of the legislative body to the Treasurer; and

WHEREAS, Government Code Section 53646 (2) requires that the Treasurer shall annually render to the CORPORATION and any oversight committee, a Statement of Investment Policy and any change in the policy, which the CORPORATION shall consider at a public meeting; and

WHEREAS, it is in the best interest of the Coachella Educational and Governmental Access Cable Channel Corporation to have any surplus or idle CORPORATION funds invested so as to provide additional income to the CORPORATION.

NOW THEREFORE, THE COACHELLA EDUCATIONAL AND GOVERNMENTAL ACCESS CABLE CHANNEL CORPORATION HEREBY RESOLVES AS FOLLOWS:

SECTION 1 - That the CORPORATION Treasurer, or their authorized designee(s), is hereby delegated the authority to invest or reinvest surplus funds of the CORPORATION, or to sell, or exchange securities so purchased.

SECTION 2 - The CORPORATION Treasurer, or their authorized designee(s), will assume full responsibility for such transactions until such time as the aforementioned delegated authority is revoked, and that the CORPORATION Treasurer will make a monthly report of such transactions to the Coachella Educational and Governmental Access Cable Channel Corporation

SECTION 3 - The CORPORATION Treasurer shall render to the CORPORATION a Statement of Investment Policy in the first quarter of each calendar year. Any changes to said policy shall be considered by the CORPORATION at such a public meeting.

SECTION 4 - The Statement of Investment Policy, attached hereto and incorporated herewith, is adopted as the Statement of Investment Policy of the Coachella Educational and Governmental Access Cable Channel Corporation for fiscal year 2020-2021.

SECTION 5 - The CORPORATION Treasurer shall comply with the Statement of Investment Policy of the CORPORATION adopted by this Resolution.

SECTION 6 - The CORPORATION Treasurer shall report to the CORPORATION, the CORPORATION Manager and the CORPORATION'S Auditor as required by the Statement of Investment Policy and all applicable laws.

PASSED, APPROVED and ADOPTED this 13th day of May 2020.

Steven A. Hernandez
Chair

ATTEST:

Angela M. Zepeda
Secretary

APPROVED AS TO FORM:

Carlos Campos
Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. CBL-2020-01, was duly adopted by the Board of Directors of the Coachella Educational and Governmental Access Cable Channel Corporation at a regular meeting thereof, held on the 13th day of May 2020 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk



STAFF REPORT
5/13/2020

TO: Honorable Mayor and City Council Members

FROM: Maritza Martinez, Public Works Director

SUBJECT: Adopt Resolution 2020-26 to set a July 8, 2020 public hearing for Municipal Solid Waste Rates for fiscal year 2020/2021.

STAFF RECOMMENDATION:

Adopt Resolution 2020-26 to set a July 8, 2020 public hearing for Municipal Solid Waste Rates for fiscal year 2020/2021.

BACKGROUND:

The City of Coachella entered into a franchise agreement with Burrtec Waste and Recycling Services (Burrtec) in May 2006. Since 2006, Burrtec has been the provider for all solid waste collection disposal services for Coachella residents and businesses. A first amendment to this agreement was approved by Council on May 27, 2009, which established the solid waste charges for residential customers would be collected through the county tax roll; commercial customers continue to be billed directly by Burrtec. A second amendment was approved by Council on June 19, 2013 extending the term of the agreement through May 30, 2023 and third amendment was approved by Council on January 17, 2018.

DISCUSSION/ANALYSIS:

The agreement allows for rate increases based on two components of the rate 1) service component and 2) disposal component. The proposed residential rate increase overall is a 6.5% increase based on the following increases to the above noted components:

- 1) a 2.96% increase to the service component (based on increased published Consumer Price Index)
- 2) a 9.1% increase to the disposal component for refuse; a 11.2% increase to the green waste disposal (increased disposal costs are set by the County of Riverside Waste Management Department).

The current residential rate is \$23.09. The proposed increase to the 2020/2021 monthly residential rate totals \$1.50; the new proposed residential rate is \$24.59. As approved by voters on June 8, 2010 this rate is subject to a 5% Utilities Users Tax, which will bring the monthly charged rate to \$25.82.

The most common commercial service is a three-yard cubic bin, with one pick up per week. Currently, the commercial rate for this service is \$137.16. Based on the same factors noted above, the increase for fiscal year 2020/2021 totals \$4.22; the new proposed rate for fiscal year 2020/2021 is \$141.38. As noted above a 5% Utility Users Tax will be applied to this service, which will bring the rate for a standard three cubic yard bin, with one pickup per week, to \$148.45.

Staff is recommending approval of the attached resolution setting a public hearing date for Municipal Solid Waste Rates proposed for fiscal year 2020/2021 on Wednesday, July 8, 2020 at 6pm.

FISCAL IMPACT:

Setting the public hearing for this item will not have a significant financial impact. The only financial impact will be the costs related to advertising and noticing of the public hearing.

Attachment:
Resolution No. 2020-26
Exhibit A

RESOLUTION NO. 2020-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA DECLARING ITS INTENTION TO SET A PUBLIC HEARING FOR MUNICIPAL SOLID WASTE AND DISPOSAL SERVICE RATES FOR FISCAL YEAR 2020/2021.

WHEREAS, California Health and Safety Code Sections 5473 et seq., authorizes the City of Coachella to adopt an ordinance by two-thirds of the City Council to collect solid waste rates on the tax roll, in the same manner and at the same time as the general taxes; and

WHEREAS, on May 30, 2006, the City Council has entered into a service agreement with Burrtec Waste and Recycling Services, LLC for the collection and disposal of residential and commercial waste within the City of Coachella; and

WHEREAS, the City Council approved an amendment to the franchise agreement with Burrtec Waste and Recycling Services, LLC on May 27, 2009 authorizing to bill the residential customers for solid waste services through the County Tax Roll instead of monthly billing; and

WHEREAS, July 8, 2009, the City Council of the City of Coachella, pursuant to California Health and Safety Code Sections 5473 *et seq.*, adopted an ordinance by two-thirds vote of the City Council revising its Municipal Code to allow for the collection of such solid waste charges on the tax roll, in the same manner and at the same time as general taxes; and

WHEREAS, annual rates are adjusted to include any increases in the local CPI and disposal rates as set by the Riverside County Waste Management Department; and

WHEREAS, the service rates for fiscal year 2020/2021 have been included as Exhibit A to this Resolution.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the City Council of the City of Coachella, as follows:

Section 1. The above recitals are true and correct.

Section 2. Intention: The City Council hereby declares its intention to provide solid waste collection services to all property owners within the City, described in Section 3 of this resolution, for Fiscal Year 2020/2021 at the rates attached to this Resolution.

Section 3. Description of Services: The improvements include but are not limited to: trash collection, trash disposal, yard waste collection and processing, recycle collection and processing, street sweeping and disposal, bulky item collection.

Section 4. Public Hearing: The City Council hereby declares its intention to conduct a Public Hearing concerning the fiscal year 2020/2021 solid waste collection rates.

Section 5. Public Notice: The City shall also give newspaper notice by publishing this resolution in the local newspapers not less than ten (10) days before the public hearing, and by posting a copy of this resolution on the official bulletin board customarily used by the Council for posting of notices.

Section 6. Public Hearing Date: Notice is hereby given that a Public Hearing on these matters will be held by the City Council on July 8, 2020 at 6:00 p.m., or as soon thereafter as feasible in the Council Chambers at City Hall, 1515 Sixth Street, Coachella, CA.

Section 7. City Clerk: The City Clerk is hereby authorized and directed to give notice of such hearing as provided by law.

Section 8. Passage: That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolution of said City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of said City, in the minutes of the meeting at which Resolution is passed and adopted.

PASSED, APPROVED, and ADOPTED this 13th day of May 2020.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2020-26 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on this 13th day of May 2020 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk

City of Coachella
Residential Rates
Effective 7/1/2020

Rates Effective 7/1/2020

	<u>Service</u>	<u>Disposal</u>	<u>Green Waste</u>	<u>Franchise Fee</u>	<u>Monthly Rate</u>	<u>Monthly Rate Incl UUT</u>
Side- Standard Rate	\$ 9.85	\$ 8.62	\$ 3.17	\$ 2.95	\$ 24.59	\$ 25.82
Service	\$ 7.90			\$ 1.08	\$ 8.98	\$ 9.43
Additional cart	\$ 6.69			\$ 0.91	\$ 7.60	\$ 7.98
Horse and Poultry Manure	\$ 41.90			\$ 5.71	\$ 47.61	\$ 49.99
Bulky Item	\$ 66.01			\$ 9.00	\$ 75.01	\$ 78.76

Note: Residential rate include 1-96 gallon refuse cart, 1-96 gallon recycling cart and 1-96 gallon green waste cart

City of Coachella

Commercial Trash Rates

Effective 7/1/2020

	1 x per week	2 x per week	3 x per week	4 x per week	5 x per week	6 x per week
Service						
2 yd Bin	\$ 56.24	\$ 101.34	\$ 146.44	\$ 191.06	\$ 234.38	\$ 282.46
3 yd Bin	\$ 80.26	\$ 152.49	\$ 219.92	\$ 286.31	\$ 351.80	\$ 423.80
4 yd Bin	\$ 112.44	\$ 202.65	\$ 292.85	\$ 382.14	\$ 468.73	\$ 564.91
6 yd Bin	\$ 168.80	\$ 303.09	\$ 439.87	\$ 570.48	\$ 703.56	\$ 855.01
Disposal						
2 yd Bin	\$ 33.45	\$ 66.90	\$ 100.35	\$ 133.80	\$ 167.25	\$ 200.70
3 yd Bin	\$ 50.18	\$ 100.36	\$ 150.54	\$ 200.72	\$ 250.90	\$ 301.08
4 yd Bin	\$ 66.91	\$ 133.82	\$ 200.73	\$ 267.64	\$ 334.55	\$ 401.46
6 yd Bin	\$ 100.36	\$ 200.72	\$ 301.08	\$ 401.44	\$ 501.80	\$ 602.16
Franchise Fee						
2 yd Bin	\$ 7.67	\$ 13.82	\$ 19.97	\$ 26.05	\$ 31.96	\$ 38.52
3 yd Bin	\$ 10.94	\$ 20.79	\$ 29.99	\$ 39.04	\$ 47.97	\$ 57.79
4 yd Bin	\$ 15.33	\$ 27.63	\$ 39.93	\$ 52.11	\$ 63.92	\$ 77.03
6 yd Bin	\$ 23.02	\$ 41.33	\$ 59.98	\$ 77.79	\$ 95.94	\$ 116.59
Sub-Total Rate before UUT						
2 yd Bin	\$ 97.36	\$ 182.06	\$ 266.76	\$ 350.91	\$ 433.59	\$ 521.68
3 yd Bin	\$ 141.38	\$ 273.64	\$ 400.45	\$ 526.07	\$ 650.67	\$ 782.67
4 yd Bin	\$ 194.68	\$ 364.10	\$ 533.51	\$ 701.89	\$ 867.20	\$ 1,043.40
6 yd Bin	\$ 292.18	\$ 545.14	\$ 800.93	\$ 1,049.71	\$ 1,301.30	\$ 1,573.76
UUT						
2 yd Bin	\$ 4.87	\$ 9.10	\$ 13.34	\$ 17.55	\$ 21.68	\$ 26.08
3 yd Bin	\$ 7.07	\$ 13.68	\$ 20.02	\$ 26.30	\$ 32.53	\$ 39.13
4 yd Bin	\$ 9.73	\$ 18.21	\$ 26.68	\$ 35.09	\$ 43.36	\$ 52.17
6 yd Bin	\$ 14.61	\$ 27.26	\$ 40.05	\$ 52.49	\$ 65.07	\$ 78.69
Total Rate Incl UUT						
2 yd Bin	\$ 102.23	\$ 191.16	\$ 280.10	\$ 368.46	\$ 455.27	\$ 547.76
3 yd Bin	\$ 148.45	\$ 287.32	\$ 420.47	\$ 552.37	\$ 683.20	\$ 821.80
4 yd Bin	\$ 204.41	\$ 382.31	\$ 560.19	\$ 736.98	\$ 910.56	\$ 1,095.57
6 yd Bin	\$ 306.79	\$ 572.40	\$ 840.98	\$ 1,102.20	\$ 1,366.37	\$ 1,652.45

Note: Compactors will be charged 3x the trash and recycle rates

City of Coachella
Additional Commercial Services

Effective July 1, 2020

Description	Service	Disposal	Fran. Fee	UUT	Total Rate
2yd Extra Empty - Trash	\$ 41.99	\$ 7.68	\$ 5.73	\$ 2.77	\$ 58.17
3yd Extra Empty - Trash	\$ 56.23	\$ 11.51	\$ 7.67	\$ 3.77	\$ 79.18
4yd Extra Empty - Trash	\$ 83.97	\$ 15.35	\$ 11.45	\$ 5.54	\$ 116.31
6yd Extra Empty - Trash	\$ 101.16	\$ 23.02	\$ 13.79	\$ 6.90	\$ 144.87
3yd Construction Bin/lift	\$ 137.62	\$ 11.51	\$ 18.77	\$ 8.40	\$ 176.30
4yd Construction Bin/lift	\$ 166.76	\$ 15.35	\$ 22.74	\$ 10.24	\$ 215.09
Bin replacement	\$ 39.58	\$ -	\$ 5.40	\$ 2.25	\$ 47.23
Horse/Poultry Manure (Per Pickup)	\$ 129.48	\$ 23.02	\$ 17.66	\$ 8.51	\$ 178.67
Bin Cleaning	\$ 50.88	\$ -	\$ 6.94	\$ 2.89	\$ 60.71
Delivery charge	\$ 22.17	\$ -	\$ 3.02	\$ 1.26	\$ 26.45
New Start	\$ 13.14	\$ -	\$ 1.79	\$ 0.75	\$ 15.68
Re Start	\$ 13.14	\$ -	\$ 1.79	\$ 0.75	\$ 15.68
Bin Out 20ft	\$ 36.24	\$ -	\$ 4.94	\$ 2.06	\$ 43.24
King Container	\$ 59.81	\$ -	\$ 8.16	\$ 3.40	\$ 71.37
place locking bar	\$ 39.89	\$ -	\$ 5.44	\$ 2.27	\$ 47.60
Monday Service/Month	\$ 36.59	\$ -	\$ 4.99	\$ 2.08	\$ 43.66

City of Coachella
Commercial Recycle Rates
Exhibit A
Effective 7/1/2020

	<u>1 x per week</u>	<u>2 x per week</u>	<u>3 x per week</u>	<u>4 x per week</u>	<u>5 x per week</u>	<u>6 x per week</u>
Total Rate Excl						
2 yd Bin	\$ 60.30	\$ 112.16	\$ 164.04	\$ 215.55	\$ 266.06	\$ 320.21
3 yd Bin	\$ 87.35	\$ 168.65	\$ 246.27	\$ 323.13	\$ 399.28	\$ 480.39
4 yd Bin	\$ 120.57	\$ 224.33	\$ 328.05	\$ 431.10	\$ 532.12	\$ 640.39
6 yd Bin	\$ 180.95	\$ 335.81	\$ 492.55	\$ 644.61	\$ 798.52	\$ 966.36
UUT						
2 yd Bin	\$ 3.02	\$ 5.61	\$ 8.20	\$ 10.78	\$ 13.30	\$ 16.01
3 yd Bin	\$ 4.37	\$ 8.43	\$ 12.31	\$ 16.16	\$ 19.96	\$ 24.02
4 yd Bin	\$ 6.03	\$ 11.22	\$ 16.40	\$ 21.56	\$ 26.61	\$ 32.02
6 yd Bin	\$ 9.05	\$ 16.79	\$ 24.63	\$ 32.23	\$ 39.93	\$ 48.32
al Rate Incl						
2 yd Bin	\$ 63.32	\$ 117.77	\$ 172.24	\$ 226.33	\$ 279.36	\$ 336.22
3 yd Bin	\$ 91.72	\$ 177.08	\$ 258.58	\$ 339.29	\$ 419.24	\$ 504.41
4 yd Bin	\$ 126.60	\$ 235.55	\$ 344.45	\$ 452.66	\$ 558.73	\$ 672.41
6 yd Bin	\$ 190.00	\$ 352.60	\$ 517.18	\$ 676.84	\$ 838.45	\$ 1,014.68

City of Coachella
Additional Commercial Recycle Services
Exhibit A

<u>Description</u>	<u>Service</u>	<u>Disposal</u>	<u>Fran. Fee</u>	<u>UUT</u>	<u>Total Rate</u>
2yd Extra Empty - Recycle	31.58	-	4.31	1.79	\$ 37.68
3yd Extra Empty - Recycle	42.90	-	5.85	2.44	\$ 51.19
4yd Extra Empty - Recycle	63.19	-	8.62	3.59	\$ 75.40
6yd Extra Empty - Recycle	78.25	-	10.67	4.45	\$ 93.37
Bin replacement	39.58	-	5.40	2.25	\$ 47.23
Bin Cleaning	50.88	-	6.94	2.89	\$ 60.71
Delivery charge	22.17	-	3.02	1.26	\$ 26.45
New Start	13.14	-	1.79	0.75	\$ 15.68
Re Start	13.14	-	1.79	0.75	\$ 15.68
Pull Out 20ft	36.24	-	4.94	2.06	\$ 43.24
Locking Container	59.81	-	8.16	3.40	\$ 71.37
Replace locking bar	39.89	-	5.44	2.27	\$ 47.60
Saturday Service/Month	36.59	-	4.99	2.08	\$ 43.66

**City of Coachella
Roll-off Rates
Effective 7/1/2020**

Permanent Roll-Off Rates

Container Size (yds)	Total Service Rate Per Pull
20	\$269.97
30	\$269.97
40	\$269.97

Plus actual Disposal fee
Compactor rates are three times (3X) the pull rate

Other Permanent Roll-off Fees:

	Total Service Rate
Delivery Charge	N/A
Relocate Charge	\$61.77
Extra Trip	\$61.77
New Start	\$15.36
Re-Start	\$15.36

Temporary Roll-Off Rates

Container Size (yds)	Total Service Rate Per Pull
20	\$269.97
30	\$269.97
40	\$269.97

Plus actual Disposal fee
Compactor rates are three times (3X) the pull rate

Other Temporary Roll-off Rates

	Total Service Rate
Delivery Charge	N/A
Per Diem Over 7 Days	\$35.61
Relocate Charge	\$61.77
Extra Trip	\$61.77
Concrete Washout - Load (+dump)	\$172.45
Concrete Washout - Pump	\$122.49

Rates are subject to additional 5% City Utility Tax

CITY OF Coachella
Commercial Foodwaste Rates
 Effective 7/1/2020

1-64 Gallon Cart

**# Pick-Ups
Per week**

	Service	Processing	Franchise Fee	Sub-Total B/F UUT	Utility Users Tax	Total Monthly Rate
1	\$ 36.48	\$ 30.33	\$ 4.97	\$ 71.78	\$ 3.59	\$ 75.37
2	\$ 72.95	\$ 60.62	\$ 9.95	\$ 143.52	\$ 7.18	\$ 150.70
3	\$ 109.41	\$ 90.94	\$ 14.92	\$ 215.27	\$ 10.76	\$ 226.03
4	\$ 145.88	\$ 121.24	\$ 19.89	\$ 287.01	\$ 14.35	\$ 301.36
5	\$ 182.37	\$ 151.56	\$ 24.87	\$ 358.80	\$ 17.94	\$ 376.74

2-64 Gallon Cart

1	\$ 59.00	\$ 60.62	\$ 8.05	\$ 127.67	\$ 6.38	\$ 134.05
2	\$ 117.98	\$ 121.24	\$ 16.09	\$ 255.31	\$ 12.77	\$ 268.08
3	\$ 177.00	\$ 181.86	\$ 24.14	\$ 383.00	\$ 19.15	\$ 402.15
4	\$ 235.97	\$ 242.47	\$ 32.18	\$ 510.62	\$ 25.53	\$ 536.15
5	\$ 294.97	\$ 303.09	\$ 40.22	\$ 638.28	\$ 31.91	\$ 670.19

64 Gallon Cart

1	\$ 78.02	\$ 90.94	\$ 10.64	\$ 179.60	\$ 8.98	\$ 188.58
2	\$ 166.53	\$ 181.86	\$ 22.71	\$ 371.10	\$ 18.56	\$ 389.66
3	\$ 234.08	\$ 272.80	\$ 31.92	\$ 538.80	\$ 26.94	\$ 565.74
4	\$ 312.11	\$ 363.71	\$ 42.56	\$ 718.38	\$ 35.92	\$ 754.30
5	\$ 390.14	\$ 454.66	\$ 53.20	\$ 898.00	\$ 44.90	\$ 942.90

4-64 Gallon Cart

1	\$ 90.08	\$ 121.24	\$ 12.28	\$ 223.60	\$ 11.18	\$ 234.78
2	\$ 180.17	\$ 242.47	\$ 24.57	\$ 447.21	\$ 22.38	\$ 469.57
3	\$ 270.26	\$ 363.71	\$ 36.85	\$ 670.82	\$ 33.54	\$ 704.36
4	\$ 360.34	\$ 484.95	\$ 49.14	\$ 894.43	\$ 44.72	\$ 939.15
5	\$ 450.43	\$ 606.19	\$ 61.42	\$ 1,118.04	\$ 55.90	\$ 1,173.94

Additional Cart after 4 Carts Per Week

1	\$ 20.93	\$ 30.33	\$ 2.85	\$ 54.11	\$ 2.71	\$ 56.82
2	\$ 41.81	\$ 60.62	\$ 5.70	\$ 108.13	\$ 5.41	\$ 113.54
3	\$ 62.84	\$ 90.94	\$ 8.57	\$ 162.35	\$ 8.12	\$ 170.47
4	\$ 83.78	\$ 121.24	\$ 11.42	\$ 216.44	\$ 10.82	\$ 227.26
5	\$ 104.70	\$ 151.56	\$ 14.28	\$ 270.54	\$ 13.53	\$ 284.07

Extra Pickup

1	\$ 12.40	\$ 7.00	\$ 1.69	\$ 21.09	\$ 1.05	\$ 22.14
2	\$ 22.36	\$ 14.00	\$ 3.05	\$ 39.41	\$ 1.97	\$ 41.38
3	\$ 28.15	\$ 21.00	\$ 3.84	\$ 52.99	\$ 2.65	\$ 55.64
4	\$ 37.53	\$ 28.00	\$ 5.12	\$ 70.65	\$ 3.53	\$ 74.18
5	\$ 46.93	\$ 35.00	\$ 6.40	\$ 88.33	\$ 4.42	\$ 92.75

Series Id: CUURS49ASAO

Not Seasonally Adjusted

Series Title: All items in Los Angeles-Long Beach-Anaheim, CA, all urban consumers, not seasonally adjusted

Area: Los Angeles-Long Beach-Anaheim, CA

Item: All Items

Base Period: 1982-84=100

Download:

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2009	220.719	221.439	221.376	221.693	222.522	223.906	224.01	224.507	225.226	225.264	224.317	223.643	223.219	221.943	224.495
2010	224.61	224.62	225.483	225.916	226.438	225.877	225.991	226.373	226.048	226.794	225.941	226.639	225.894	225.491	228.208
2011	228.652	229.729	232.241	233.319	233.367	232.328	231.303	231.833	233.022	233.049	232.731	231.567	231.928	231.606	232.251
2012	233.441	234.537	236.941	236.866	237.032	236.025	235.776	237.222	238.104	240.111	237.675	236.042	236.648	235.807	237.488
2013	238.015	239.753	239.995	239.043	239.346	239.223	238.92	239.219	239.611	239.94	238.677	238.742	239.207	239.229	239.185
2014	239.857	241.059	242.491	242.437	243.362	243.528	243.727	243.556	243.623	243.341	241.753	240.475	242.434	242.122	242.746
2015	239.724	241.297	243.738	243.569	246.093	245.459	247.066	246.328	245.431	245.812	245.711	245.357	244.632	243.313	245.951
2016	247.156	247.113	247.873	248.368	249.654	249.788	249.764	249.7	250.145	251.098	250.185	250.189	249.246	248.309	250.184
2017	252.373	253.815	254.525	254.971	255.874	255.275	256.023	256.739	257.89	258.883	259.135	259.22	256.21	254.439	257.982
2018	261.235	263.012	264.158	265.095	266.148	265.522	266.007	266.865	268.032	269.482	268.56	267.631	265.962	264.195	267.73
2019	269.469	269.608	271.311	273.945	274.479	274.38	274.882	274.579	276.054	278.075	277.239	275.553	274.114	272.199	276.03

7.922
2.96%



STAFF REPORT
5/13/2020

TO: Honorable Mayor and City Council Members

FROM: William Pattison, City Manager

SUBJECT: Resolution No. 2020-28 Approving the Creation and Funding for a Part-Time Cannabis Compliance Liaison Position

STAFF RECOMMENDATION:

Staff recommends that the City Council approve Resolution No. 2020-28 approving the creation and funding for a part-time Cannabis Compliance Liaison position

BACKGROUND:

On March 11, 2020, Council conducted a study session and directed staff to procure the services of a cannabis consultant to assist with developing the Round #2 Retail Cannabis review and appeals guidelines. This consultant has been selected and is in the process of being hired. City Council also gave staff direction to hire a part-time employee to assist the cannabis consultant with licensing, social equity programs, and to staff a future Coachella Cannabis Commission. On April 22, 2020, Council reviewed the current Retail Cannabis Prioritization Criteria and confirmed that staff would hire a part-time cannabis compliance officer, using general fund reserves, to assist with implementing the City's cannabis social equity program, staff the future Cannabis Commission, and assist the Director with all work related to cannabis licensee compliance and regulatory monitoring of the same.

Accordingly, the part-time Cannabis Compliance Liaison position would report to the Development Services Director. The Salary Grade and Range for the position is Grade 9, Range \$27.00/hr. - \$34.44/hr. Part-time positions are unrepresented and do not receive benefits

ALTERNATIVES:

1. Approve staff's recommendation to approve Resolution 2020-28 approving the creation and funding for a part-time Cannabis Compliance Liaison position.
2. Do not approve staff's recommendation.

FISCAL IMPACT:

Approval of the part-time position would add \$4,228.00 to the salary expenses of the Development Services department's current operating budget, and \$29,246.00 to the salary expenses for FY 20/21.

Attachments:

Resolution No. 2020-28

Job Description

Salary Schedule

RESOLUTION NO. 2020-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, APPROVING THE CREATION AND FUNDING FOR A PART-TIME CANNABIS COMPLIANCE LIAISON POSITION

WHEREAS, on March 11, 2020, Council conducted a study session and directed staff to procure the services of a cannabis consultant to assist with developing the Round #2 Retail Cannabis review and appeals guidelines. This consultant has been selected and is in the process of being hired. City Council also gave staff direction to hire a part-time employee to assist the cannabis consultant with licensing, social equity programs, and to staff a future Coachella Cannabis Commission.

WHEREAS, on April 22, 2020, Council reviewed the current Retail Cannabis Prioritization Criteria and confirmed that staff would hire a part time cannabis compliance officer, using general fund reserves, to assist with implementing the City's cannabis social equity program, staff the future Cannabis Commission, and assist the Director with all work related to cannabis licensee compliance and regulatory monitoring of the same.

WHEREAS, the part-time Cannabis Compliance Liaison position would report to the Development Services Director. The Salary Grade and Range for the position is Grade 9, Range \$27.00/hr.-\$34.44/hr. Part-time positions are unrepresented and do not receive benefits.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the City Council of the City of Coachella, as follows:

Section 1. **Incorporation of Recitals.** The City Council hereby finds and determines that the foregoing Recitals of this Resolution are true and correct and hereby incorporated into this Resolution as though fully set forth herein.

Section 2. **Title.** Adopt Resolution No. 2020-28, a Resolution of the City Council of Coachella, California, Approving the Creation and Funding for a Part-Time Cannabis Compliance Liaison Position.

PASSED, APPROVED and ADOPTED this 13th day of May 2020.

Steven A. Hernandez, Mayor

ATTEST:

Angela M. Zepeda, City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2020-28 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 13th day of May 2020, by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk



City Hall
53990 Enterprise Way
Coachella, CA 92236
Telephone: (760) 398-3502

MAY 2020

FLSA: NON-EXEMPT

PART-TIME CANNABIS COMPLIANCE LIAISON

DEFINITION

Under administrative direction of the Development Services Director, ensure cannabis businesses remain compliant at all times with City cannabis regulations and excise tax payments. The Liaison will provide direction to the Development Services Director in the area of the Cannabis industry, including but not limited to; Distribution, Cultivation, Dispensaries, Manufacturing, and Deliveries. Provides expert professional assistance to city management staff in areas of expertise; fosters cooperative working relationships with intergovernmental and regulatory agencies and various public and private groups; and performs related work as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Development Services Director. Exercises no supervision of staff.

EXAMPLES OF ESSENTIAL FUNCTIONS (Illustrative Only)

Management reserves the right to add, modify, change or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

- Manage the day-to-day operation of processing all cannabis related business applications.
- Guides and regulates all cannabis businesses in coordination with Federal, Bureau of Cannabis Control (State) and County/Regional agencies.
- Ability to attract new and expand/retain existing cannabis commercial businesses.
- Ability to provide small business development and workforce development services by providing resources and information for start-up cannabis businesses, job creation and training programs.
- Develop and revise Annual Cannabis Economic Impact Study and Cannabis Equity Assessment Report, and any other reports or documentation related to the City's Cannabis Industry.
- Implement and manage the City's Local Cannabis Equity Program.
- Attend seminars and training workshops related to the City's Cannabis industry.
- Develop marketing materials and attend conferences that promote the City's Cannabis industry.
- Assist with the procurement and management of cannabis related grant opportunities.
- Develop and maintain policies and procedures to prevent illegal, unethical or improper conduct.
- Conduct regular audits, inspections and site visits of current cannabis facilities.
- Develop or host Cannabis related workshops for the City's cannabis businesses.
- Monitors State and Federal legislation that impacts the City's cannabis industry.
- Researches and analyzes data that may cross departments and/or service agencies.
- Establishes positive working relationships with representatives of community organizations, state/local agencies and associations, City management and staff, and the public.
- Investigate and resolve compliance concerns, issues or violations.
- Keep up with regularly changing rules and regulations and ensure understanding and implementation throughout the City.
- Collaborate with management to compile compliance concerns, issues or violations.

- Confers with and represents the department and the City in meetings with members of the City Council, members of other boards and commissions, various governmental agencies, developers, contractors, business and industrial groups and the public.
- Assist in the formation and in the future staffing of the City's Cannabis Commission.
- Monitors changes in laws, regulations and technology that may affect the City's operations.
- Implements policy and procedural changes as required.
- Performs duties of a disaster services worker in event of an emergency.
- Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Principles, practices and procedures related to the development and implementation of a comprehensive cannabis compliance program.
- Principles, practices and procedures related to Municipalities and Public Agencies.
- Administrative principles and practices, including goal setting, program development, implementation and evaluation, and supervision of staff, either directly or through subordinate levels of supervision.
- Computer applications and software programs related to planning and development.
- Applicable California laws, codes and regulations in all areas of cannabis development.
- Techniques for effectively representing the City in contacts with governmental agencies, community groups and various business, professional, educational, regulatory and legislative organizations.
- Preparing and making presentations to various organizations and City representatives.
- Techniques for dealing with a variety of individuals from all cultural and ethnic backgrounds.
- Developing and implementing goals, objectives, policies, procedures, work standards and internal controls for the department.
- Interpreting, applying and explaining complex laws, codes, regulations and ordinances to all levels of management, staff, public, Council and Commissions.
- Preparing clear and concise reports, correspondence, policies, procedures and other written materials.
- Using tact, initiative, prudence and independent judgment within general policy and legal guidelines.
- Establishing and maintaining effective working relationships with those contacted in the course of the work.
- Ability to work with a multicultural workforce and apply social equity program practices and City services to diverse workforce.
- Applicable in California and Federal laws, codes and regulations in all areas of cannabis business and development.
- Follow written and oral directions.
- Observe safety principles and work in a safe manner.
- Communicate clearly and concisely, both orally and in writing.

Education and Experience:

Any combination of training and experience that would provide the required knowledge, skills and abilities is qualifying. A typical way to obtain the required qualifications would be:

- Bachelor's degree from an accredited college or university in Business Administration, Public Administration, Accounting, Economics, Public Policy, Urban/Regional Planning or closely related field. A Master's degree is not required but is highly desirable.

- Desired – technical training in zoning regulations, code compliance, with two (2) years of increasingly responsible municipal code compliance experience.

Licenses and Certifications:

- Valid California class C driver's license with satisfactory driving record and automobile insurance.
- Desired – Cannabis Professional Certificate from an accredited college or university.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; inspect various sites, including traversing uneven terrain, climbing ladders, stairs, and other temporary or construction access points; and to operate a motor vehicle and to visit various City and meeting sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups, and over the telephone. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. The job involves fieldwork requiring frequent walking and standing. Positions in this classification bend, stoop, kneel, climb, reach, push, and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects weighing up to 25 pounds.

ENVIRONMENTAL ELEMENTS

Employees work partially in an office environment with moderate noise levels and controlled temperature conditions, and partially in the field and are occasionally exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, and hazardous physical substances and fumes. Employees may interact with upset staff and/or public and private representatives and contractors in interpreting and enforcing departmental policies and procedures.

City of Coachella - Salary Schedule

Part-Time Cannabis Compliance Liaison

Approved by Council per Resolution No. 2020-28, May 13, 2020

Performance Step (5%) "O"

Position Title	Step	A	B	C	D	E	
Part-Time Cannabis Compliance Liaison	h	27.00	28.35	29.77	31.26	32.82	34.44
	m	4680.00	4914.00	5160.13	5418.40	5688.80	5969.60
Grade 9	a	56160.00	58968.00	61921.60	65020.80	68265.60	71635.20



STAFF REPORT
5/13/2020

TO: Honorable Mayor and City Council Members

FROM: Luis Lopez, Development Services Director

SUBJECT: Partial Assignment of Phasing Plan Agreement between Pathfinder Coachella Lots, LLC and Pulte Home Company, LLC (Valencia Community).

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the attached Partial Assignment of Phasing Plan Agreement, allowing Pulte Home Company, LLC to assume the duties and responsibilities of the current landowner, pursuant to the executed Phasing Plan Agreement between City of Coachella and Pathfinder Coachella dated July 5, 2012.

EXECUTIVE SUMMARY:

The existing 50 vacant lots inside the Valencia Community, located at the southeast corner of Van Buren Street and Avenue 50, are in escrow to be sold to Pulte Homes, one of the largest National home builders. The City processed an Administrative Architectural Review for three new “production home” models and the buyer is in the final plan check stages and hoping to start construction as soon as possible on the model complex and 1st phase of homes. The proposed partial assignment agreement will allow Pulte Homes to phase in certain common-area improvements as originally outlined in the 2012 Agreement between the City and the current landowner.

BACKGROUND:

In early 2012 the City Council authorized staff to execute a Phasing Plan Agreement with the owners of the then 22 vacant unfinished homes (inventory homes) and the 50 vacant lots (topic of this assignment). The Phasing Agreement (attached herein) was intended to allow the phasing of unfinished off-site improvements (common-area landscaping, sidewalks, retention basins, etc.) and the pro-rata payment of fair-share contributions towards the traffic signal and landscaped center median along Avenue 50.

In the months following the 2012 agreement, the owner successfully reactivated building permits for the 22 inventory homes, completed final inspection of the inventory homes, and sold the homes to new buyers. Additionally, the landowner installed landscaping in the main-entry retention basin with a desert-friendly plant palette. The pertinent deal points in the attached Phasing Plan

Agreement which relate to the 50 vacant lots intended for future single-family residential construction are the topic of this staff report.

DISCUSSION/ANALYSIS:

Attached for City Council's review and authorization is a Partial Assignment of Phasing Plan Agreement between Pathfinder Coachella Lots, LLC (owner of 50 vacant lots) and Pulte Home Company, LLC (buyer of 50 vacant lots). This assignment will replace the original obligee (Pathfinder Lots) with the new buyer (Pulte Homes) who will assume all duties and obligations to the City (obligor) under the 2012 Agreement. Additionally, Pulte Homes will gain the rights and benefits conveyed by the City in the 2012 Agreement, as they build out the community.

Staff and the City Attorney have reviewed the attached Partial Assignment document and find no issues with the intended replacement of the party of interest in this case. The new buyer is a reputable home builder and they are ready and willing to assume the responsibilities of completing necessary common-area improvements and paying all normal building permit fees. In fact, the properties have been in escrow and are awaiting final plan check approval of the construction drawings for production homes in order to close escrow.

The Valencia community became a distressed subdivision during the great recession of 2008 and the owner has struggled to find a willing builder to buy the vacant lots and finish construction on the vacant lots. Pulte Homes has developed thousands of homes in the Coachella Valley (Sun City Palm Desert by Del Webb, Sun City Shadow Hills) and they are motivated to build and sell homes in Coachella. Staff is in support of this Assignment to allow the buyer to consummate the land sale and finish the community in a timely manner.

ALTERNATIVES:

1. Approve execution of the attached Partial Assignment of Phasing Plan Agreement.
2. Take no action.
3. Continue this item and provide staff with direction.

FISCAL IMPACT:

None resulting from the Assignment

RECOMMENDED ALTERNATIVE(S):

Staff recommends Alternative #1 above.

Attachments: Partial Assignment of Phasing Plan Agreement
2012 Phasing Plan Agreement

EXHIBIT “E”

PARTIAL ASSIGNMENT OF PHASING PLAN AGREEMENT

THIS PARTIAL ASSIGNMENT OF PHASING PLAN AGREEMENT (this “**Assignment**”) is made as of _____, 20__ (the “**Effective Date**”), by and between **PATHFINDER COACHELLA LOTS, LLC**, a Delaware limited liability company (“**Assignor**”), and **PULTE HOME COMPANY, LLC**, a Michigan limited liability company (“**Assignee**”).

RECITALS

A. Contemporaneously with the execution of this Assignment, Assignor has conveyed unto Assignee that certain real property situated in the City of Coachella (“**City**”), County of Riverside, California, as more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference, including, without limitation, any and all improvements thereon (collectively, the “**Property**”).

B. Assignor is a party to that certain Phasing Plan Agreement dated as of July 5, 2012 by and among Assignor, Pathfinder Coachella Homes, LLC, a Delaware limited liability company (“**Pathfinder Homes**”), and the City of Coachella, a California Municipal corporation relating to the development of the Property and certain adjacent real property (“**Adjacent Property**”) previously owned and developed by Pathfinder Homes (collectively, as so amended, the “**Phasing Plan Agreement**”).

C. The development of the Adjacent Property has been completed and neither the Adjacent Property nor the development thereof are the subject of this Agreement.

D. Assignor has agreed to assign to Assignee all of its right, title, and interest in the Phasing Plan Agreement to the extent applicable to the Property and Assignee has agreed to assume all of Assignor’s obligations, liabilities and duties under the Phasing Plan Agreement first arising from and after the Effective Date to the extent they relate to the Property.

AGREEMENT

NOW, THEREFORE, in consideration of the premises, the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor and Assignee, intending to be legally bound, agree as follows:

1. **Assignment.** Assignor does hereby grant, bargain, sell, convey, assign, transfer, set over and deliver unto Assignee, its successors and assigns, all of Assignor’s right, title, interest in and to the Phasing Plan Agreement to the extent applicable to the Property. Upon the effectiveness of this Assignment, Assignor is relieved of all responsibility and released from any liability under the Phasing Plan Agreement except with respect to the obligations thereunder, if any, that were required to be performed prior to the Effective Date.

2. **Assumption.** Assignee hereby accepts the assignment and assumes and agree to be bound by and perform each and every term, obligation, undertaking, and agreement of Assignor under

the Phasing Plan Agreement to the extent relating to the Property and first arising after the Effective Date.

3. **Representations and Warranties.** Assignor represents and warrants to Assignee that (a) to the best of Assignor's knowledge, no event of default of Assignor exists under the Phasing Plan Agreement nor has any event occurred that with the passage of time or the giving of notice would constitute an event of default of Assignor under the Phasing Plan Agreement and (b) Assignor has received no written notice alleging any such default.

4. **Successors and Assigns.** This Assignment shall be binding upon and inure to the benefit of the successors, assigns, personal representatives, heirs and legatees of the respective parties hereto.

5. **Attorneys' Fees.** In the event of any litigation, judicial reference or other adverse proceeding by a party hereto against the other for reason of any breach of any of the provisions out of this Assignment, the prevailing party in such action or suit shall be entitled to have and recover from the other party all costs and expenses incurred therein, including reasonable attorneys' fees, court costs and experts' fees.

6. **Counterparts.** This Assignment may be executed in several counterparts, and when all are so executed and delivered, they shall constitute one agreement, binding on all of the parties hereto, notwithstanding that all are not signatories to the original or same counterpart.

7. **Governing Law.** This Assignment shall be governed by and construed in accordance with the internal laws of the State of California, without regard to its conflict of law rules.

[SIGNATURES ON FOLLOWING PAGE(S)]

IN WITNESS WHEREOF, the parties have executed this Assignment as of the date first above written.

ASSIGNOR:

PATHFINDER COACHELLA LOTS, LLC

a Delaware limited liability company

By: Pathfinder Partners Realty Ventures, LLC, Manager

By: Pathfinder Partners, L.P., Manager

By: Pathfinder Management and Operations Company, LLC, General Partner

By: _____

Name: Mitch Siegler

Its: Manager

ASSIGNEE:

PULTE HOME COMPANY, LLC,

a Michigan limited liability company

By: _____

Name: _____

Title: _____

PHASING PLAN AGREEMENT

This Phasing Plan Agreement ("Agreement") is entered into this July day of 2012, 2012 by and between City of Coachella, State of California ("City") and Pathfinder Coachella Homes, LLC, a Delaware Limited Liability Company, and Pathfinder Coachella Lots, LLC, a Delaware Limited Liability Company (collectively, "Pathfinder") with respect to the following:

RECITALS

- A. WHEREAS, on or about February 22, 2006, the City adopted Resolution Number 2006-23, approving final Tract Map Number 31698 ("Map"), which created 108 residential lots at the southeast corner of Avenue 50 and Van Buren Street; and
- B. WHEREAS, at the time of the Map's approval, the developer of the property, Van Buren Partners II, LLC ("Original Developer") entered into a Subdivision Improvement Agreement with the City wherein said original Developer agreed to make certain subdivision improvements as a condition of receipt of the final map (hereinafter referred to as "Public Improvements"); and
- C. WHEREAS, in accordance with Government Code Section 66462(c), the City required that the Original Developer to post certain security to assure performance of the obligation to install and build the Public Improvements; and
- D. WHEREAS, the Original Developer failed to complete all the Public Improvements; and
- E. WHEREAS, Pathfinder is the successor in interest in the ownership of that portion of Tract No. 31698 as described on Exhibit "A" attached hereto and incorporated herein by this reference which consists of 22 existing single family homes ("inventory homes") and 50 residential lots (collectively Pathfinder Property), however in acquiring the property, Pathfinder did not assume the Original Developer's Subdivision Improvement Agreement with the City that secured the completion of the Public Improvements; and
- F. WHEREAS, as the legal owner of the Pathfinder Property, Pathfinder is still required to install and complete the remaining Public Improvements in order to obtain building permits and certificates of occupancy for the residential lots Pathfinder owns which are located in the Pathfinder Property.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **REACTIVATION OF BUILDING PERMITS AND COMPLETION OF COVERED IMPROVEMENTS.** In reliance on and in consideration of the City's promise to reactivate building permits as described in subsection B below, and issue certificates of occupancy for the residential lots located in the Pathfinder Property as described in subsection A below, Pathfinder shall complete the following subdivision improvements ("Covered Improvements") at its sole cost and expense at the time specified below:

A. Completion of Covered <u>Improvements</u> :	<u>Time for Completion:</u>
Phase 1: Complete Landscaping of Retention Basin "A" at the main entry on Via Valencia.	Prior to issuance of the Certificate of Occupancy for the 6 th inventory home
Phase 2: Open Via Merida to Public Access and install a wind fence around the vacant lots 76-80 and 98-103 on Paseo Barcelona	Prior to issuance of the Certificate of Occupancy for the 10 th inventory home
Phase 3: Remove and replace the curb and gutter at the locations described in Exhibit "C"	Prior to issuance of the Certificate of Occupancy for the 15 th inventory home
Phase 4: Install landscaping in retention basin #2 along south perimeter of Tract 31698	Prior to issuance of 25 th Certificate of Occupancy for new homes on residential lots
Phase 5: Completion of sidewalk, electrical utility transformers, street striping, and speed bumps on streets south of Calle Segovia	As needed for final inspections of new homes, but all phase 5 improvements to be completed prior to issuance of 50 th Certificate of Occupancy for new homes on residential lots

The Covered Improvements are described in greater detail on Exhibits “B” and “C” attached hereto and incorporated herein by this reference. The Covered Improvements shall be completed in accordance with accepted City standards and in accordance with the conditions of approval applicable to Tract No. 31698 no later than one (1) year after full execution of this Agreement. The City agrees that provided the Covered Improvements are completed within the times specified above to City standards and specifications as determined by the City Engineer, in his or her sole discretion, which shall not be unreasonably withheld, and all other applicable permits and approvals have been obtained, the completed residences have passed their final inspection and all related fees have been paid, the City will not withhold certificates of occupancy for any completed residence within the Pathfinder Property based upon a lack of Public Improvements.

B. Reactivation of Building Permit Schedule:

- Reactivate six (6) building permits immediately;
- Reactivate an additional ten (10) building permits upon completion of Retention Basin “A” at the main entry on Via Valencia;
- Reactivate an additional seven (7) building permits when Pathfinder opens Via Merida to public access and a wind fence is installed around the vacant lots 76-80 and 98-103 located on Paseo Barcelona and the replacement of the curb and gutter described in Exhibit “C” is complete.

2. **REIMBURSEMENT FOR PUBLIC IMPROVEMENTS.** Pursuant to the Reimbursement Agreement entered into between City and CDP II Van Buren, LLC, for Tract 34434 which is adjacent to the Map, City paid 50% of required landscaped median improvements on Avenue 50 and 75% of required traffic signal improvements at the intersection of Avenue 50 and Van Buren Street that the legal owner of the Map was required to build and complete pursuant to the conditions of approval for the Map, in the amount of \$99,451 and \$59,107, respectively. Pathfinder agrees to reimburse the City for landscaped median improvements and for traffic signal improvements as follows:

- Landscape Median Improvements - \$60,581.85 (The lineal footage along public street fronting the subject property (667 feet) divided by the lineal footage along the public street for all the public improvements required hereunder (1,460 feet) multiplied by \$198,902 multiplied by 66.67%, Pathfinder’s percentage ownership of Tract 31698;

- Traffic Signal Improvements - \$39,406 (\$59,107 multiplied by 66.67% or Pathfinder's percentage ownership of Tract 31698).

Pathfinder shall reimburse the City for these public improvements on a prorated basis (Landscape Median Improvement \$1,211.64/unit and Traffic Signal Improvements \$788.12/unit) at the time building permits are issued for each of the 50 (fifty) new dwelling units on the Map.

3. **TERM.** This Agreement shall remain in effect for a period of ten (10) years from the date of this Agreement.
4. **ASSIGNMENT.** Pathfinder shall have the right to assign its rights and benefits under the terms of this Agreement with the express written consent of the City, which consent shall not be unreasonably withheld, to any successors, and assigns, and all other persons or entities acquiring all or any portion of the Project, or any interest therein, provided however that such assignment must be effected via a written assignment and assumption whereby Pathfinder specifically assigns and the assignee specifically assumes all of the Pathfinder's rights and responsibilities hereunder. City hereby reserves the right to request financial and operational information from all successors and assignees which will enable the City to evaluate the financial and operational capacity of said successors and assignees to complete the residential project on the Pathfinder Property.
5. **RELATIONSHIP OF PARTIES.** It is specifically understood and agreed by and between the parties hereto that the development of the Pathfinder Property is a private development and that neither party is acting as the agent of the other in any respect hereunder. The City and Pathfinder also hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making the City and Pathfinder joint venturers or partners.
6. **NO THIRD PARTY BENEFICIARIES.** The only parties to this Agreement are Pathfinder and the City. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever.
7. **SEVERABILITY.** If any term, provision, covenant or condition of this Agreement is repealed by referendum or is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions, if any, of this Agreement shall continue in full force and effect, unless enforcement of this Agreement as so invalidated would be unreasonable or grossly inequitable under all the circumstances or would frustrate the purposes of this Agreement.
8. **SINGULAR AND PLURAL; GENDER; AND PERSON.** Except where the context requires otherwise, the singular of any word shall include the plural and vice versa, and pronouns inferring the masculine gender shall include the

feminine gender and neuter, and vice versa, and a reference to “person” shall include, in addition to a natural person, any governmental entity and any partnership, corporation, joint venture or any other form of business entity.

9. **TIME IS OF THE ESSENCE.** Time is of the essence of this Agreement and of each and every term and condition hereof.
10. **EVENTS OF DEFAULT.** Subject to any extensions of time by mutual consent in writing, the failure or unreasonable delay by either party to perform any material term or provision of this Agreement for a period of ten (10) days after the dispatch of a written notice of default from the other party shall constitute a default under this Agreement. If the nature of the alleged default is such that is cannot reasonably be cured within such 10- day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period. Any Notice of Default given hereunder shall specify in detail the nature of the alleged Event of Default and the manner in which such Event of Default may be satisfactorily cured in accordance with the terms and conditions of this Agreement.
11. **GENERAL DEFAULT REMEDIES.** After notice and expiration of the 10- day period without cure, the non-defaulting party shall have such rights and remedies against the defaulting party as it may have at law or in equity, including, but not limited to, the right to terminate this Agreement or seek mandamus, specific performance, injunctive or declaratory relief. Any rights or remedies available to non-defaulting party under this Agreement and any other rights or remedies that such party may have at law or in equity upon a default by the other party under this Agreement shall be distinct and separate, providing the non-defaulting party with cumulative rights and remedies. None of such rights or remedies, whether or not exercised by the non-defaulting party, shall be deemed to exclude any other rights or remedies available to the non-defaulting party. The non-defaulting party may, in its discretion, exercise any and all of its rights and remedies, at once or in succession, at such time or times as the non-defaulting party considers appropriate.
12. **LEGAL ACTION; ATTORNEYS’ FEES.** Either party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the parties hereto. The prevailing party in any such action shall be entitled to its reasonable attorneys’ fees and costs to be paid by the losing party.
13. **WAIVER.** All waivers must be in writing to be effective or binding upon the waiving party, and no waiver shall be implied from any omission by a party to take any action with respect to an Event of Default. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party shall not constitute waiver of such party’s right to demand strict

compliance by the other party in the future. In addition, no express written waiver of any Event of Default shall affect any other Event of Default, or cover any other period of time specified in such express waiver.

14. **AMENDMENTS.** This Agreement may be amended from time to time by mutual written consent of the original parties or their successors in interest.
15. **AMBIGUITIES OR UNCERTAINTIES.** The parties hereto have mutually negotiated the terms and conditions of this Agreement and each party received independent legal advice from its attorneys with respect to the advisability of executing this Agreement and the meaning of the provisions contained herein. As such, this Agreement is a product of the joint drafting efforts of both parties and neither party shall be deemed to have solely or independently prepared or framed this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either party.
16. **APPLICABLE LAW.** This Agreement shall be construed and enforced in accordance with the laws of the State of California.
17. **VENUE.** In the event that suit is brought by either party to this Agreement, venue shall be exclusively vested in the State courts of the County of Riverside, California or where appropriate, in the United States District Court, Southern District of California, Riverside, California.
18. **NOTICES.** Any notice or communication required hereunder between City or Pathfinder shall be in writing, and may be given either personally or by registered mail, return-receipt requested. Notice, whether given by registered mail or personal delivery, shall be deemed to have been given and received on the actual receipt by any of the addresses designated below as the party to whom notices are to be sent. Any party hereto may at any time, upon written notice to the other party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the parties at their addresses set forth below:

To City:

City of Coachella
1515 Sixth Street
Coachella, CA 92236
Attention: City Manager

With a copy to:

Carlos Campos
Best Best & Krieger
74760 Highway 111, Suite 200
Indian Wells, CA 92210

To Pathfinder:

Pathfinder Coachella Homes/
Pathfinder Coachella Lots
4350 La Jolla Village Drive, Suite 410
San Diego, CA 92122

19. **ENTIRE AGREEMENT.** This Agreement and the Exhibits attached hereto, contain all the representations and the entire agreement between the parties with respect to the subject matter hereof; any prior correspondence, memoranda, agreements, warranties or representations are superseded in total by those documents except as otherwise specified.
20. **COUNTERPARTS.** This Agreement May be executed in duplicate counterpart originals, each of which is deemed to be an original, and all of which when taken together shall constitute one and the same instrument.
21. **DISCLOSURES TO BUYERS.** In the event that Pathfinder contracts to sell all or any portion of the Pathfinder Property before completion of the Covered Improvements, Pathfinder agrees that it shall provide the buyer or buyers with a written disclosure advising them that certificates of occupancy are subject to Pathfinder meeting certain contractually agreed upon performance standards for construction of public improvements, as described herein, and as such, Pathfinder and not the City is responsible for any delays in the closing of sales due to failure of Pathfinder to complete the contracted work for Covered Improvements.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first hereinabove written.

CITY OF COACHELLA

By: 

David R. Garcia, City Manager

Dated: JUL 25 2012

ATTEST:


City Clerk

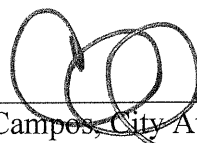
PATHFINDER COACHELLA HOMES

By: Pathfinder Partners Realty Ventures, LLC

Its: Manager

By: Pathfinder Partners LLC
its manager

APPROVED AS TO FORM


Carlos Campos, City Attorney
City of Coachella


By: Mitchell Siegler, manager

PATHFINDER COACHELLA LOTS

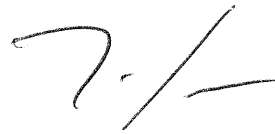
A Delaware Limited Liability Company

By: Pathfinder Partners Realty Ventures, LLC

Its: Manager

Dated: July 05 2012

By: Pathfinder Partners, LLC
Its manager

A handwritten signature in black ink, appearing to be "M. Siegler", written over a horizontal line.

By: Mitchell Siegler, manager

EXHIBIT "A"

LEGAL DESCRIPTION

PATHFINDER COACHELLA HOMES, LLC

The land referred to herein is situated in the State of California County of Riverside, City of Coachella and described as follows:

Lots 2 through 5, 49 through 55, 67 through 75, 104 and 105 of Tract No. 31698, as shown by map on file in Book 398 Page(s) 47 through 52, inclusive, of Maps, Records of Riverside County, California.

PATHFINDER COACHELLA LOTS, LLC

The land referred to herein is situated in the State of California County of Riverside, City of Coachella and described as follows:

Lots 1, 6, 7, 19 through 25, 56 through 66, 76 through 103 and 108 of Tract No. 31698, as shown by map on file in Book 398 Page(s) 47 through 52, inclusive, of Maps, Records of Riverside County, California.

EXHIBIT B

Valencia Site Improvement Plan October 28, 2010

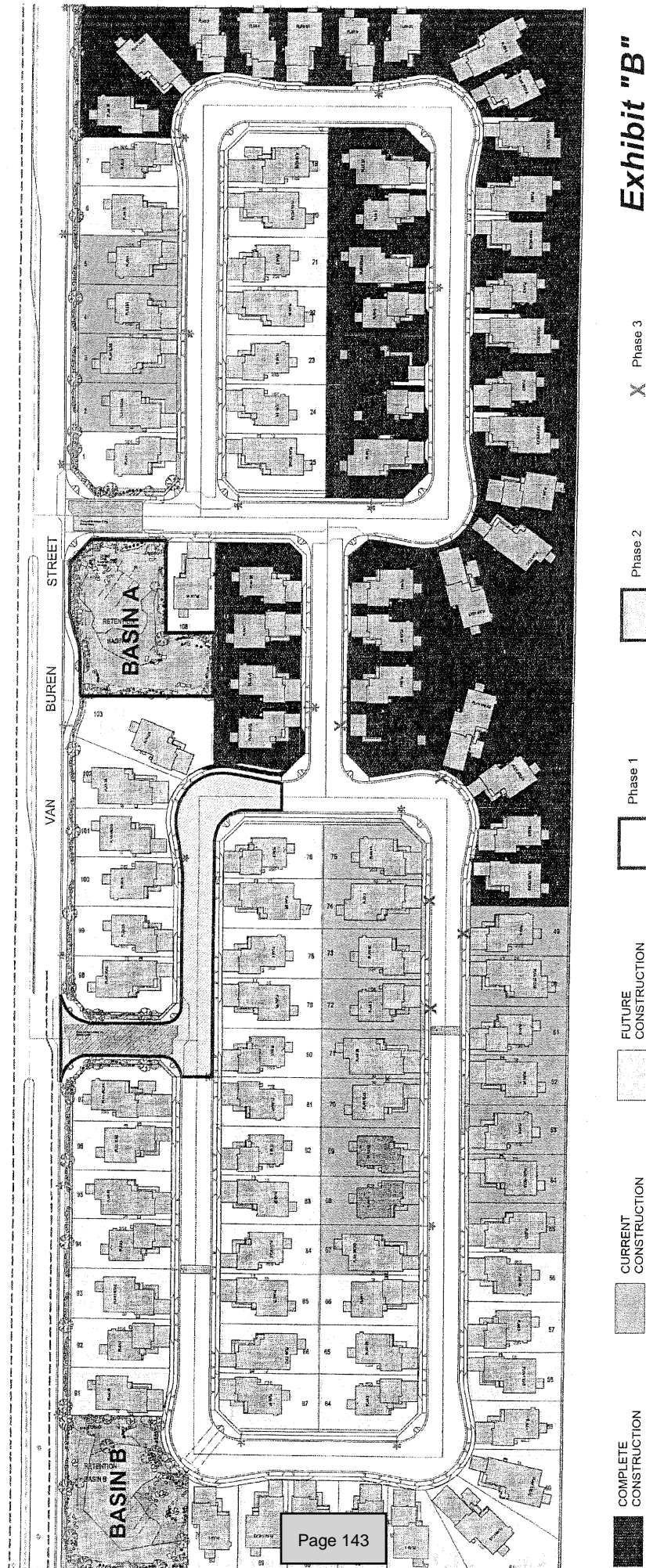


EXHIBIT C

Description of Work to be Completed for the 22 Inventory Homes

Phase 1 – Landscaping at Retention Basin “A”

- Complete landscaping of retention basin “A” at the main entry on Via Valencia.
 - Install irrigation, plant material and ground cover, per revised landscape plan prepared by Ray Martin Design dated October 29, 2010.
 - Install pilasters and tubular steel fencing per approved landscape plan dated September 29, 2006.
- This item shall be completed prior to the issuance of Certificate of Occupancy for the 6th inventory home.
 - Prior to completion of this item the City shall reactivate 6 building permits for the inventory homes.
 - Upon completion of this item the City shall reactivate an additional 10 building permits for the inventory homes.

Phase 2 – Open Via Merida to Public Access

- Open Via Merida to public access
 - Remove entry barricade at Via Merida.
 - Install wind fence around lots 76-80 and 98-103 on Paseo Barcelona.
 - Barricaded entry to Paseo Barcelona between lots 81 and 97.
- This item shall be completed prior to the issuance of a Certificate of Occupancy for the 10th inventory home.

Phase 3 – Remove Replace Concrete

- Remove and replace curb and gutter at the following locations.
 - Lot 44, Calle Marabella (4 lineal feet)
 - Lot 45, Calle Segovia (4 lineal feet)
 - Lot 49, Paseo Cadiz (4 lineal feet)
 - Lot 72, Paseo Cadiz (5 lineal feet)
 - Lot 44, Paseo Cadiz (4 lineal feet)
- This item shall be completed prior to issuance of a Certificate of Occupancy for the 15th inventory home.
 - Upon completion of this item the City shall reactivate the final 6 building permits for the inventory homes.



STAFF REPORT
5/13/2020

TO: Honorable Mayor and City Council Members
FROM: Nathan Statham, Finance Director
SUBJECT: Investment Report – February 2020

STAFF RECOMMENDATION:

Staff recommends that the City Council receive and file the investment report for February of 2020

EXECUTIVE SUMMARY:

On April 10, 2019, the City of Coachella along with its component units (Sanitary District, Educational & Governmental Access Cable Corporation, Fire Protection District and Water Authority) approved and adopted the current “Statement of Investment Policy”.

Pursuant to Section 16 of that policy, the City Treasurer shall provide to the City Council a monthly investment report which provides a clear picture of the status of the current investment portfolio. This report shall include, at a minimum, the following information for each type of investment held in the City’s investment portfolio: the issuer; amount of investment; current market value; yield on investment; income generated from investments; dollar amount invested on all securities, investments and moneys held by the local agency; and shall additionally include a description of any of the local agency’s funds, investments, or programs; and a description of unusual investment activity or developments during the month for which the report is prepared. This information shall be provided for all City and component unit pooled investments, as well as for bond accounts, which are managed by outside Fiscal Agents.

The interest rates presented are the most current rates available as of the date of these reports. The market values presented for pooled City investments are based on closing prices for the related investments as of the date of these reports. This information was obtained from the Wall Street Journal or other reliable sources of market prices.

The Market values presented for investments managed by contracted parties are based on amounts reported by the Fiscal Agent on the most recent bank statement to be market value as of the date of said bank statement. The purchase date and type of investment is not included for funds held by the fiscal agent.

Attached is the Treasurer's Report of Investments which includes an overview on investments which provides information on investment activity, withdrawals and deposits, interest earned, payment of interest and payment of principal as of the periods ending February 29, 2020. In addition, this report includes detailed information and current activity on individual investments.

All City investments are in compliance with the guidelines established for Authorized Investments as specified in the Investment Policy, Section 8.

There was no unusual investment activity to report.

The City and Districts have sufficient moneys to meet their expenditure requirements for the next six months.

FISCAL IMPACT:

None, this report is receive and file only.

CITY OF COACHELLA
TREASURER'S REPORT - INVESTMENT REPORT
As of February 29, 2020
Fiscal Year 2019-2020

Item 10.

DESCRIPTION	CURRENT YIELD	BALANCE AS OF 1/31/2020	NET: DEPOSITS/ (WITHDRAWALS)	INTEREST EARNED / CHANGE IN VALUE	PAYMENT OF INTEREST	PAYMENT OF PRINCIPAL	BALANCE AS OF 2/29/2020
CASH ON HAND							
Wells Fargo-General Checking	0.0%	11,808,461.72	(925,805.14)	-	-	-	10,882,656.58 ①
Wells Fargo-Road Maintenance SB1	0.0%	992,200.96	72,505.71	-	-	-	1,064,706.67 ②
Mechankcs Bank - Payroll Acct	0.0%	8,699.17	23.25	1.64	-	-	8,724.06 ③
Mechankcs Bank - AG Summit Acct	0.0%	13,562.96	-	-	-	-	13,562.96 ④
Mechankcs Bank - Special Gas Tax Acct	0.0%	730,377.64	-	-	-	-	730,377.64 ⑤
Petty Cash	N/A	3,500.00	-	-	-	-	3,500.00 ⑥
Total Cash on Hand		13,556,802.45	(853,276.18)	1.64	-	-	12,703,527.91
INVESTMENTS							
State of California - LAIF	1.9%	4,727,007.69	-	-	-	-	4,727,007.69 ⑦
Investment Management Acct	2.3%	19,899,458.84	(73,492.07)	162,378.44	-	-	19,988,345.21 ⑧
Saving Account	0.0%	5,080.09	-	-	-	-	5,080.09 ⑨
Total Investments		24,631,546.62	(73,492.07)	162,378.44	-	-	24,720,432.99
CASH WITH FISCAL AGENT							
Union Bank of California	varies	309,887.73	479,753.58	184.81	-	-	789,826.12 ⑩
Wells Fargo Bank, N.A.	varies	13,630.38	-	13.18	-	-	13,643.56 ⑪
County of Riverside	1.8%	163,635.75	-	-	-	-	163,635.75 ⑫
Total Cash with Fiscal Agent		487,153.86	479,753.58	197.99	-	-	967,105.43
Grand Total		38,675,502.93	(447,014.67)	162,578.07	-	-	38,391,066.33

Prepared by:

Nathan Statham-Finance Director

CITY OF COACHELLA
TREASURER'S REPORT - INVESTMENT REPORT
As of February 29, 2020
Fiscal Year 2019-2020

Item 10.

DESCRIPTION	CURRENT YIELD	BALANCE AS OF 1/31/2020	NET: DEPOSITS/ (WITHDRAWALS)	INTEREST EARNED / CHANGE IN VALUE	PAYMENT OF INTEREST	PAYMENT OF PRINCIPAL	BALANCE AS OF 2/29/2020
INVESTMENTS							
<u>STATE OF CALIFORNIA LOCAL AGENCY INVESTMENT FUND (LAIF)</u>							
Redevelopment Agency (#004)	1.9%	2,462.95	-	-	-	-	2,462.95
City General Account (#171)	1.9%	2,853,516.16	-	-	-	-	2,853,516.16
Coachella Sanitary District	1.9%	1,870,905.47	-	-	-	-	1,870,905.47
Redevelopment Bonds	1.9%	123.11	-	-	-	-	123.11
TOTAL LAIF ACCOUNTS		4,727,007.69	-	-	-	-	4,727,007.69 ⑦
<u>INVESTMENT MANAGEMENT ACC</u>							
PFM Funds	2.3%	19,899,458.84	(73,492.07)	162,378.44	-	-	19,988,345.21
TOTAL INVESTMENT MANAGEMENT ACCT		19,899,458.84	(73,492.07)	162,378.44	-	-	19,988,345.21 ⑧
<u>SAVINGS ACCOUNT</u>							
Police Evidence Acct - Wells Fargo	0.0%	5,080.09	-	-	-	-	5,080.09
TOTAL SAVINGS ACCOUNT		5,080.09	-	-	-	-	5,080.09 ⑨
TOTAL INVESTMENTS		24,631,546.62	(73,492.07)	162,378.44	-	-	24,720,432.99

CITY OF COACHELLA
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Item 10.

DESCRIPTION	CURRENT YIELD	BALANCE AS OF 1/31/2020	NET: DEPOSITS/ (WITHDRAWALS)	INTEREST EARNED / CHANGE IN VALUE	PAYMENT OF INTEREST	PAYMENT OF PRINCIPAL	BALANCE AS OF 2/29/2020
CASH WITH FISCAL AGENT							
UNION BANK OF CALIFORNIA							
COACHELLA WATER AUTHORITY							
<u>CITY OF COACHELLA WATER: WATER REFUNDING BONDS 2012 SERIES</u>							
A/C #: 6712016201 Bond Fund	1.5%	1.00	25.16	6.17	-	-	32.33
A/C #: 6712016202 Interest Account	1.5%	152,837.50	(152,843.67)	6.17	-	-	-
A/C #: 6712016203 Principal Account	1.5%	-	-	-	-	-	-
A/C #: 6712016204 Reserve Fund	1.5%	1.00	-	-	-	-	1.00
COACHELLA FINANCING AUTHORITY							
<u>Successor Agency to the Coachella Redevelopments Agency 2014 Series</u>							
A/C #: 6712104701 Debt Service Fund	1.5%	263.63	(262.63)	0.31	-	-	1.31
A/C #: 6712104702 Interest Account	1.5%	-	160,031.25	-	-	-	160,031.25
A/C #: 6712104703 Principal Account	1.5%	-	-	-	-	-	-
A/C #: 6712104704 Reserve Account	1.5%	1.00	-	-	-	-	1.00
COACHELLA SANITARY DISTRICT							
<u>WASTEWATER SERIES 2015A</u>							
A/C #: 6712148601 Bond Fund	1.5%	26.69	-	-	-	-	26.69
A/C #: 6712148602 Interest Account	1.5%	-	-	-	-	-	-
A/C #: 6712148603 Principal Account	1.5%	-	-	-	-	-	-
A/C #: 6712148604 Reserve Account	1.5%	1.00	-	-	-	-	1.00
A/C #: 6712148605 Redemption Fund	1.5%	-	-	-	-	-	-
<u>COACHELLA SANITARY DISTRICT: PROJECT FUND 2011</u>							
A/C #: 6711963500 Project Fund 2011	1.5%	25,176.34	-	31.85	-	-	25,208.19
COACHELLA REDEVELOPMENT AGENCY							
<u>MERGED PROJECT AREAS BONDS 98 & 99: BONDS 2013</u>							
A/C #: 6712071401 Interest Account	1.5%	298.75	(297.75)	0.31	-	-	1.31
A/C #: 6712071402 Interest Account	1.5%	-	57,243.75	-	-	-	57,243.75
A/C #: 6712071403 Principal Account	1.5%	-	-	-	-	-	-
A/C #: 6712071404 Reserve Account	1.5%	1.00	-	-	-	-	1.00

CITY OF COACHELLA
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Item 10.

DESCRIPTION	CURRENT YIELD	BALANCE AS OF 1/31/2020	NET: DEPOSITS/ (WITHDRAWALS)	INTEREST EARNED / CHANGE IN VALUE	PAYMENT OF INTEREST	PAYMENT OF PRINCIPAL	BALANCE AS OF 2/29/2020
SA TO COACHELLA RDA REFUNDING BONDS SERIES 2016A & 2016B							
A/C #: 6712160601 Debt Service	2.7%	365.41	(364.41)	0.37	-	-	1.37
A/C #: 6712160602 Interest Account	2.7%	-	416,221.88	-	-	-	416,221.88
A/C #: 6712160604 Principal Account	2.7%	-	-	-	-	-	-
A/C #: 6712160604 Reserve Account	2.7%	1.00	-	-	-	-	1.00
COACHELLA LEASE BONDS 2016							
A/C #: 6712179801 Interest Account	1.2%	105.76	-	-	-	-	105.76
A/C #: 6712179802 Interest Account	1.2%	-	-	-	-	-	-
A/C #: 6712179803 Principal Account	1.2%	-	-	-	-	-	-
A/C #: 6712179804 Reserve Account	1.2%	1.00	-	-	-	-	1.00
A/C #: 6712179805 Project Fund	1.2%	130,806.65	-	139.63	-	-	130,946.28
TOTAL UNION BANK OF CALIFORNIA		309,887.73	479,753.58	184.81	-	-	789,826.12
WELLS FARGO BANK, N.A.							
GAS TAX BONDS SERIES 2008-A							
A/C #: 22863900 Revenue Fund	0.0%	-	-	-	-	-	-
A/C #: 22863902 Interest Account	0.0%	22.11	-	0.02	-	-	22.13
A/C #: 22863903 Principal Account	0.0%	286.49	-	0.27	-	-	286.76
A/C #: 22863904 Reserve Fund	0.0%	-	-	-	-	-	-
A/C #: 22863906 Administration Fund	0.0%	-	-	-	-	-	-
A/C #: 22863909 Acquisition Fund	0.0%	-	-	-	-	-	-
GAS TAX BONDS SERIES 2019							
A/C #: 83925300 Debt Service Fund	0.0%	13,321.78	-	11.16	-	-	13,332.94
A/C #: 83925301 Interest Account	0.0%	-	-	-	-	-	-
A/C #: 83925302 Principal Account	0.0%	-	-	-	-	-	-
A/C #: 83925304 Reserve Fund	0.0%	-	-	-	-	-	-
A/C #: 83925305 Cost of Issuance Fund	0.0%	-	-	1.73	-	-	1.73
A/C #: 83972700 Escrow Account	0.0%	-	-	-	-	-	-
A/C #: 83972700 Other Escrow Fund	0.0%	-	-	-	-	-	-
TOTAL WELLS FARGO BANK, N.A.		13,630.38	-	13.18	-	-	13,643.56

CITY OF COACHELLA
TREASURER'S REPORT - INVESTMENT REPORT
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Item 10.

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COUNTY OF RIVERSIDE							
County Of Riverside - Fire	1.8%	163,628.34	-	-	-	-	163,628.34
County Of Riverside - Sanitary	1.8%	7.41	-	-	-	-	7.41
TOTAL COUNTY OF RIVERSIDE		163,635.75	-	-	-	-	163,635.75 ⑫
TOTAL CASH WITH FISCAL AGENT		487,153.86	479,753.58	197.99	-	-	967,105.43

Managed Account Detail of Securities Held

For the Month Ending February 29, 2020

CITY OF COACHELLA - OPERATING PORTFOLIO - 995343 - (14201484)

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
U.S. Treasury Bond / Note											
US TREASURY NOTES DTD 03/31/2017 1.875% 03/31/2022	912828W89	535,000.00	AA+	Aaa	01/03/18	01/04/18	528,458.79	2.18	4,193.39	531,714.19	545,616.43
US TREASURY NOTES DTD 03/31/2017 1.875% 03/31/2022	912828W89	550,000.00	AA+	Aaa	08/01/18	08/03/18	531,953.13	2.82	4,310.96	539,510.26	560,914.09
US TREASURY NOTES DTD 03/31/2017 1.875% 03/31/2022	912828W89	600,000.00	AA+	Aaa	09/04/18	09/06/18	582,304.69	2.75	4,702.87	589,463.83	611,906.28
US TREASURY NOTES DTD 07/31/2015 2.000% 07/31/2022	912828XQ8	250,000.00	AA+	Aaa	08/30/17	08/31/17	253,095.70	1.74	412.09	251,555.92	256,601.55
US TREASURY NOTES DTD 07/31/2017 1.875% 07/31/2022	9128282P4	430,000.00	AA+	Aaa	04/02/18	04/05/18	418,846.88	2.51	664.49	423,619.48	440,078.13
US TREASURY NOTES DTD 09/30/2015 1.750% 09/30/2022	912828L57	335,000.00	AA+	Aaa	06/04/18	06/06/18	321,325.19	2.76	2,450.72	326,631.78	342,380.45
US TREASURY N/B NOTES DTD 10/31/2017 2.000% 10/31/2022	9128283C2	275,000.00	AA+	Aaa	05/02/18	05/04/18	265,826.17	2.80	1,843.41	269,418.69	282,992.19
US TREASURY NOTES DTD 02/01/2016 1.750% 01/31/2023	912828P38	25,000.00	AA+	Aaa	10/02/18	10/04/18	23,806.64	2.93	36.06	24,178.70	25,621.10
US TREASURY NOTES DTD 02/29/2016 1.500% 02/28/2023	912828P79	520,000.00	AA+	Aaa	07/02/18	07/05/18	491,968.75	2.74	21.20	501,549.86	529,425.00
US TREASURY NOTES DTD 03/31/2016 1.500% 03/31/2023	912828O29	185,000.00	AA+	Aaa	02/08/19	02/12/19	178,185.35	2.44	1,160.04	179,851.32	188,468.75
US TREASURY NOTES DTD 08/01/2016 1.250% 07/31/2023	912828S92	140,000.00	AA+	Aaa	04/02/19	04/04/19	134,071.88	2.28	144.23	135,270.28	141,662.50
US TREASURY NOTES DTD 11/15/2013 2.750% 11/15/2023	912828WE6	355,000.00	AA+	Aaa	03/06/19	03/08/19	358,591.60	2.52	2,869.75	357,879.06	378,851.56
US TREASURY NOTES DTD 11/30/2016 2.125% 11/30/2023	912828U57	460,000.00	AA+	Aaa	01/07/19	01/09/19	451,770.31	2.52	2,457.10	453,607.65	480,628.15
US TREASURY N/B DTD 12/31/2018 2.625% 12/31/2023	9128285U0	70,000.00	AA+	Aaa	01/30/19	01/31/19	70,207.81	2.56	307.93	70,164.89	74,506.25

Managed Account Detail of Securities Held

For the Month Ending February 29, 2020

CITY OF COACHELLA - OPERATING PORTFOLIO - 995343 - (14201484)

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
U.S. Treasury Bond / Note											
US TREASURY N/B NOTES DTD 05/01/2017 2.000% 04/30/2024	912828X70	655,000.00	AA+	Aaa	06/03/19	06/05/19	657,967.97	1.90	4,390.66	657,542.83	683,860.94
US TREASURY N/B DTD 07/31/2017 2.125% 07/31/2024	9128282N9	125,000.00	AA+	Aaa	08/01/19	08/05/19	126,933.59	1.80	218.92	126,721.67	131,503.90
US TREASURY N/B NOTES DTD 08/31/2017 1.875% 08/31/2024	9128282U3	450,000.00	AA+	Aaa	09/03/19	09/05/19	461,724.61	1.33	22.93	460,609.20	468,843.75
US TREASURY NOTES DTD 10/02/2017 2.125% 09/30/2024	9128282Y5	295,000.00	AA+	Aaa	10/01/19	10/03/19	303,815.43	1.50	2,620.54	303,115.92	310,856.25
US TREASURY N/B DTD 11/30/2017 2.125% 11/30/2024	9128283J7	425,000.00	AA+	Aaa	01/03/20	01/07/20	434,844.73	1.63	2,270.15	434,559.82	448,574.24
US TREASURY N/B DTD 11/30/2017 2.125% 11/30/2024	9128283J7	580,000.00	AA+	Aaa	12/02/19	12/04/19	591,917.19	1.69	3,098.09	591,364.66	612,171.90
UNITED STATES TREASURY NOTES DTD 01/31/2018 2.500% 01/31/2025	9128283V0	385,000.00	AA+	Aaa	02/03/20	02/05/20	406,280.27	1.35	793.27	405,996.01	414,055.49
Security Type Sub-Total		7,645,000.00					7,593,896.68	2.19	38,988.80	7,634,326.02	7,929,518.90
Supra-National Agency Bond / Note											
INTER-AMERICAN DEVELOPMENT BANK NOTE DTD 04/19/2018 2.625% 04/19/2021	4581X0DB1	225,000.00	AAA	Aaa	04/12/18	04/19/18	224,505.00	2.70	2,165.63	224,808.41	228,700.13
INTL BANK OF RECONSTRUCTION AND DEV NOTE DTD 07/25/2018 2.750% 07/23/2021	459058GH0	270,000.00	AAA	Aaa	07/18/18	07/25/18	269,368.20	2.83	783.75	269,699.15	276,056.64
Security Type Sub-Total		495,000.00					493,873.20	2.77	2,949.38	494,507.56	504,756.77
Municipal Bond / Note											
CA ST TXBL GO BONDS DTD 10/24/2019 2.400% 10/01/2023	13063DRJ9	190,000.00	AA-	Aa2	10/16/19	10/24/19	193,801.90	1.87	1,608.67	193,471.30	199,112.40

Managed Account Detail of Securities Held

For the Month Ending February 29, 2020

CITY OF COACHELLA - OPERATING PORTFOLIO - 995343 - (14201484)

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Security Type Sub-Total		190,000.00					193,801.90	1.87	1,608.67	193,471.30	199,112.40
Federal Agency Collateralized Mortgage Obligation											
FNA 2018-M5 A2 DTD 04/01/2018 3.560% 09/25/2021	3136B1XP4	75,548.39	AA+	Aaa	04/11/18	04/30/18	77,051.12	2.27	224.13	76,202.59	76,214.39
FHLMC MULTIFAMILY STRUCTURED P DTD 05/01/2015 2.791% 01/25/2022	3137BHYX8	170,000.00	AA+	Aaa	05/16/19	05/21/19	171,062.50	2.20	395.39	170,705.22	173,269.33
FHLMC MULTIFAMILY STRUCTURED P DTD 11/01/2015 2.716% 06/25/2022	3137BLUR7	100,000.00	AA+	Aaa	04/02/19	04/05/19	100,250.00	2.46	226.33	100,136.46	102,691.76
FHLMC SERIES K721 A2 DTD 12/01/2015 3.090% 08/25/2022	3137BM6P6	100,000.00	AA+	Aaa	04/04/18	04/09/18	100,851.56	2.61	257.50	100,416.49	103,373.68
FHLMC MULTIFAMILY STRUCTURED P DTD 12/01/2012 2.307% 08/25/2022	3137AWOH1	100,000.00	AA+	Aaa	09/04/19	09/09/19	101,476.56	1.25	192.25	101,236.12	102,320.94
FANNIEMAE-ACES DTD 04/01/2014 3.346% 03/25/2024	3136AJB54	135,000.00	AA+	Aaa	12/13/19	12/18/19	141,560.16	1.04	376.41	141,308.78	145,025.45
Security Type Sub-Total		680,548.39					692,251.90	1.93	1,672.01	690,005.66	702,895.55
Federal Agency Bond / Note											
FEDERAL HOME LOAN BANKS NOTES DTD 10/12/2018 3.000% 10/12/2021	3130AF5B9	205,000.00	AA+	Aaa	02/27/19	02/27/19	207,503.05	2.52	2,374.58	206,560.04	211,597.72
FANNIE MAE NOTES DTD 01/09/2017 2.000% 01/05/2022	3135G0S38	995,000.00	AA+	Aaa	06/27/17	06/29/17	1,001,358.05	1.85	3,095.56	997,660.39	1,013,634.36
FANNIE MAE NOTES DTD 01/11/2019 2.625% 01/11/2022	3135G0U92	200,000.00	AA+	Aaa	01/09/19	01/11/19	199,856.00	2.65	729.17	199,909.36	206,075.40
FANNIE MAE NOTES DTD 04/10/2017 1.875% 04/05/2022	3135G0T45	465,000.00	AA+	Aaa	06/27/17	06/29/17	464,930.25	1.88	3,535.94	464,970.60	473,776.41
FREDDIE MAC NOTES DTD 06/11/2018 2.750% 06/19/2023	3137EAEN5	500,000.00	AA+	Aaa	01/07/19	01/09/19	503,510.00	2.58	2,750.00	502,646.75	529,034.50
FANNIE MAE NOTES DTD 09/14/2018 2.875% 09/12/2023	3135G0U43	330,000.00	AA+	Aaa	12/03/18	12/06/18	329,333.40	2.92	4,453.85	329,503.69	351,791.22

Managed Account Detail of Securities Held

For the Month Ending February 29, 2020

CITY OF COACHELLA - OPERATING PORTFOLIO - 995343 - (14201484)

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Federal Agency Bond / Note											
FEDERAL HOME LOAN BANKS NOTES DTD 12/09/2013 3.375% 12/08/2023	3130A0F70	190,000.00	AA+	Aaa	01/30/19	01/31/19	195,600.04	2.72	1,478.44	194,415.41	206,884.92
FANNIE MAE NOTES DTD 10/18/2019 1.625% 10/15/2024	3135G0W66	250,000.00	AA+	Aaa	10/22/19	10/23/19	249,122.50	1.70	1,500.87	249,182.88	257,190.25
Security Type Sub-Total		3,135,000.00					3,151,213.29	2.23	19,918.41	3,144,849.12	3,249,984.78
Corporate Note											
BANK OF NEW YORK MELLON CORP (CALLABLE) DTD 02/19/2016 2.500% 04/15/2021	06406FAA1	200,000.00	A	A1	09/05/17	09/07/17	203,460.00	2.00	1,888.89	201,047.10	202,243.20
BANK OF AMERICA CORP NOTE DTD 04/19/2016 2.625% 04/19/2021	06051GFW4	180,000.00	A-	A2	11/01/17	11/03/17	181,348.20	2.40	1,732.50	180,453.88	182,250.54
GOLDMAN SACHS GROUP CORP NOTES DTD 07/27/2011 5.250% 07/27/2021	38141GGO1	160,000.00	BBB+	A3	11/03/17	11/07/17	175,342.40	2.53	793.33	165,963.53	167,978.40
CITIGROUP INC CORP (CALLABLE) NOTE DTD 12/08/2016 2.900% 12/08/2021	172967LC3	180,000.00	BBB+	A3	11/20/17	11/22/17	181,229.40	2.72	1,203.50	180,541.16	183,783.78
IBM CORP BONDS DTD 01/27/2017 2.500% 01/27/2022	459200JO5	400,000.00	A	A2	02/01/17	02/03/17	400,840.00	2.45	944.44	400,333.63	409,019.20
APPLE INC CORP NOTES DTD 02/09/2017 2.500% 02/09/2022	037833CM0	440,000.00	AA+	Aa1	01/07/19	01/09/19	433,470.40	3.01	672.22	435,828.65	450,684.96
BB&T CORP (CALLABLE) NOTES DTD 03/21/2017 2.750% 04/01/2022	05531FAX1	185,000.00	A-	A3	04/03/18	04/05/18	181,564.55	3.25	2,119.79	183,151.39	189,265.18
UNITED PARCEL SERVICE CORP NOTES DTD 09/27/2012 2.450% 10/01/2022	911312AO9	275,000.00	A	A2	03/01/18	03/05/18	268,545.75	3.00	2,807.29	271,248.11	280,803.88
ADOBE INC CORP NOTE DTD 02/03/2020 1.700% 02/01/2023	00724PAA7	100,000.00	A	A2	01/22/20	02/03/20	99,863.00	1.75	132.22	99,866.48	101,398.50
PFIZER INC CORP NOTES DTD 03/11/2019 2.950% 03/15/2024	717081ES8	260,000.00	AA-	A1	04/02/19	04/04/19	263,146.00	2.69	3,536.72	262,600.92	275,131.48

Managed Account Detail of Securities Held

For the Month Ending February 29, 2020

CITY OF COACHELLA - OPERATING PORTFOLIO - 995343 - (14201484)

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Corporate Note											
WALMART INC CORPORATE NOTES DTD 04/23/2019 2.850% 07/08/2024	931142EL3	360,000.00	AA	Aa2	07/10/19	07/12/19	371,235.60	2.19	1,510.50	369,869.18	380,682.72
WALT DISNEY COMPANY/THE DTD 09/06/2019 1.750% 08/30/2024	254687FK7	195,000.00	A	A2	09/03/19	09/06/19	194,204.40	1.84	28.44	194,278.57	197,322.06
Security Type Sub-Total		2,935,000.00					2,954,249.70	2.55	17,369.84	2,945,182.60	3,020,563.90
Certificate of Deposit											
CANADIAN IMP BK COMM NY FLT CERT DEPOS DTD 04/10/2018 2.234% 04/10/2020	13606BVF0	250,000.00	A-1	P-1	04/06/18	04/10/18	250,000.00	2.78	791.21	250,000.00	250,211.50
BANK OF NOVA SCOTIA HOUSTON CD DTD 06/07/2018 3.080% 06/05/2020	06417GU22	320,000.00	A-1	P-1	06/05/18	06/07/18	319,878.40	3.10	2,354.49	319,983.66	321,306.56
BANK OF MONTREAL CHICAGO CERT DEPOS DTD 08/03/2018 3.190% 08/03/2020	06370REU9	325,000.00	A-1	P-1	08/01/18	08/03/18	325,000.00	3.23	6,018.91	325,000.00	327,330.25
WESTPAC BANKING CORP NY CD DTD 08/07/2017 2.050% 08/03/2020	96121T4A3	330,000.00	A-1+	P-1	08/03/17	08/07/17	330,000.00	2.05	451.00	330,000.00	330,690.03
SUMITOMO MITSUI BANK NY CERT DEPOS DTD 10/18/2018 3.390% 10/16/2020	86565BPC9	185,000.00	A-1	P-1	10/16/18	10/18/18	184,748.40	3.46	2,386.65	184,905.58	187,087.36
SWEDBANK (NEW YORK) CERT DEPOS DTD 11/17/2017 2.270% 11/16/2020	87019U6D6	370,000.00	A-1+	P-1	11/16/17	11/17/17	370,000.00	2.30	2,426.38	370,000.00	371,708.66
MUFG BANK LTD/NY CERT DEPOS DTD 02/28/2019 2.970% 02/26/2021	55379WZT6	185,000.00	A-1	P-1	02/27/19	02/28/19	185,000.00	2.99	61.05	185,000.00	187,287.53
CREDIT AGRICOLE CIB NY CERT DEPOS DTD 04/04/2019 2.830% 04/02/2021	22535CDU2	250,000.00	A+	Aa3	04/03/19	04/04/19	250,000.00	2.85	6,524.72	250,000.00	253,321.50
SOCIETE GENERALE NY CERT DEPOS DTD 02/19/2020 1.800% 02/14/2022	83369XDL9	190,000.00	A	A1	02/14/20	02/19/20	190,000.00	1.80	114.00	190,000.00	189,891.70
NORDEA BANK ABP NEW YORK CERT DEPOS DTD 08/29/2019 1.850% 08/26/2022	65558TLL7	280,000.00	AA-	Aa3	08/27/19	08/29/19	280,000.00	1.87	57.56	280,000.00	280,584.92

Managed Account Detail of Securities Held

For the Month Ending February 29, 2020

CITY OF COACHELLA - OPERATING PORTFOLIO - 995343 - (14201484)

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Certificate of Deposit											
SKANDINAV ENSKILDA BANK LT CD DTD 09/03/2019 1.860% 08/26/2022	83050PDR7	295,000.00	A+	Aa2	08/29/19	09/03/19	295,000.00	1.88	60.97	295,000.00	295,687.94
DNB BANK ASA/NY LT CD DTD 12/04/2019 2.040% 12/02/2022	23341VZT1	145,000.00	AA-	Aa2	12/05/19	12/06/19	145,000.00	2.04	714.85	145,000.00	146,010.80
Security Type Sub-Total		3,125,000.00					3,124,626.80	2.53	21,961.79	3,124,889.24	3,141,118.75
Asset-Backed Security											
HAROT 2019-1 A3 DTD 02/27/2019 2.830% 03/20/2023	43814WAC9	100,000.00	AAA	NR	02/19/19	02/27/19	99,997.32	2.83	102.19	99,998.00	102,092.09
HYUNDAI AUTO RECEIVABLES TRUST DTD 04/10/2019 2.660% 06/15/2023	44932NAD2	80,000.00	AAA	NR	04/03/19	04/10/19	79,989.47	2.67	94.58	79,991.69	81,502.35
HAROT 2019-2 A3 DTD 05/29/2019 2.520% 06/21/2023	43815MAC0	100,000.00	NR	Aaa	05/21/19	05/29/19	99,996.27	2.52	70.00	99,996.96	101,958.85
TAOT 2019-A A3 DTD 02/13/2019 2.910% 07/15/2023	89239AAD5	150,000.00	AAA	Aaa	02/05/19	02/13/19	149,972.67	2.92	194.00	149,978.98	153,512.79
ALLYA 2019-1 A3 DTD 02/13/2019 2.910% 09/15/2023	02004WAC5	65,000.00	NR	Aaa	02/05/19	02/13/19	64,992.15	3.13	84.07	64,993.90	66,277.87
NAROT 2019-A A3 DTD 02/13/2019 2.900% 10/15/2023	65479KAD2	120,000.00	NR	Aaa	02/05/19	02/13/19	119,981.82	2.91	154.67	119,985.79	122,678.69
COPAR 2019-1 A3 DTD 05/30/2019 2.510% 11/15/2023	14042WAC4	100,000.00	AAA	Aaa	05/21/19	05/30/19	99,979.74	2.52	111.56	99,982.94	101,879.30
NAROT 2019-B A3 DTD 05/28/2019 2.500% 11/15/2023	65479HAC1	105,000.00	NR	Aaa	05/21/19	05/28/19	104,976.26	2.51	116.67	104,980.05	107,019.45
HAROT 2020-1 A3 DTD 02/26/2020 1.610% 04/21/2024	43813RAC1	105,000.00	NR	Aaa	02/19/20	02/26/20	104,979.42	1.62	23.48	104,979.48	106,073.04
TAOT 2020-A A3 DTD 02/12/2020 1.660% 05/15/2024	89232HAC9	140,000.00	AAA	Aaa	02/04/20	02/12/20	139,989.89	1.66	122.66	139,990.03	141,510.08
CARMX 2020-1 A3 DTD 01/22/2020 1.890% 12/15/2024	14315XAC2	100,000.00	AAA	NR	01/14/20	01/22/20	99,980.38	1.90	84.00	99,980.75	101,412.46

Managed Account Detail of Securities Held

For the Month Ending February 29, 2020

CITY OF COACHELLA - OPERATING PORTFOLIO - 995343 - (14201484)

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Asset-Backed Security											
Security Type Sub-Total		1,165,000.00					1,164,835.39	2.45	1,157.88	1,164,858.57	1,185,916.97
Managed Account Sub-Total		19,370,548.39					19,368,748.86	2.32	105,626.78	19,392,090.07	19,933,868.02
Money Market Mutual Fund											
PFM Funds - Govt Select, Instl Cl		54,477.19	AAAm	NR			54,477.19		0.00	54,477.19	54,477.19
Money Market Sub-Total		54,477.19					54,477.19		0.00	54,477.19	54,477.19
Securities Sub-Total		\$19,425,025.58					\$19,423,226.05	2.32%	\$105,626.78	\$19,446,567.26	\$19,988,345.21
Accrued Interest											\$105,626.78
Total Investments											\$20,093,971.99

Managed Account Security Transactions & Interest

For the Month Ending February 29, 2020

CITY OF COACHELLA - OPERATING PORTFOLIO - 995343 - (14201484)

Transaction Type	Trade	Settle	Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
BUY											
	01/22/20	02/03/20	ADOBE INC CORP NOTE DTD 02/03/2020 1.700% 02/01/2023	00724PAA7	100,000.00	(99,863.00)	0.00	(99,863.00)			
	02/03/20	02/05/20	UNITED STATES TREASURY NOTES DTD 01/31/2018 2.500% 01/31/2025	9128283V0	385,000.00	(406,280.27)	(132.21)	(406,412.48)			
	02/04/20	02/12/20	TAOT 2020-A A3 DTD 02/12/2020 1.660% 05/15/2024	89232HAC9	140,000.00	(139,989.89)	0.00	(139,989.89)			
	02/14/20	02/19/20	SOCIETE GENERALE NY CERT DEPOS DTD 02/19/2020 1.800% 02/14/2022	83369XDL9	190,000.00	(190,000.00)	0.00	(190,000.00)			
	02/19/20	02/26/20	HAROT 2020-1 A3 DTD 02/26/2020 1.610% 04/21/2024	43813RAC1	105,000.00	(104,979.42)	0.00	(104,979.42)			
Transaction Type Sub-Total					920,000.00	(941,112.58)	(132.21)	(941,244.79)			
INTEREST											
	02/01/20	02/25/20	FHLMC MULTIFAMILY STRUCTURED P DTD 11/01/2015 2.716% 06/25/2022	3137BLUR7	100,000.00	0.00	226.33	226.33			
	02/01/20	02/25/20	FNA 2018-M5 A2 DTD 04/01/2018 3.560% 09/25/2021	3136B1XP4	76,190.42	0.00	226.49	226.49			
	02/01/20	02/25/20	FHLMC MULTIFAMILY STRUCTURED P DTD 12/01/2012 2.307% 08/25/2022	3137AWQH1	100,000.00	0.00	192.25	192.25			
	02/01/20	02/25/20	FANNIEMAE-ACES DTD 04/01/2014 3.346% 03/25/2024	3136AJB54	135,000.00	0.00	376.41	376.41			
	02/01/20	02/25/20	FHLMC SERIES K721 A2 DTD 12/01/2015 3.090% 08/25/2022	3137BM6P6	100,000.00	0.00	257.50	257.50			
	02/01/20	02/25/20	FHLMC MULTIFAMILY STRUCTURED P DTD 05/01/2015 2.791% 01/25/2022	3137BHY8	170,000.00	0.00	395.39	395.39			
	02/07/20	02/07/20	WESTPAC BANKING CORP NY CD DTD 08/07/2017 2.050% 08/03/2020	96121T4A3	330,000.00	0.00	3,382.50	3,382.50			
	02/09/20	02/09/20	APPLE INC CORP NOTES DTD 02/09/2017 2.500% 02/09/2022	037833CM0	440,000.00	0.00	5,500.00	5,500.00			
	02/15/20	02/15/20	NAROT 2019-B A3 DTD 05/28/2019 2.500% 11/15/2023	65479HAC1	105,000.00	0.00	218.75	218.75			
	02/15/20	02/15/20	COPAR 2019-1 A3 DTD 05/30/2019 2.510% 11/15/2023	14042WAC4	100,000.00	0.00	209.17	209.17			

Managed Account Security Transactions & Interest

For the Month Ending February 29, 2020

CITY OF COACHELLA - OPERATING PORTFOLIO - 995343 - (14201484)

Transaction Type	Trade	Settle	Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
INTEREST											
	02/15/20	02/15/20	CARMX 2020-1 A3 DTD 01/22/2020 1.890% 12/15/2024	14315XAC2	100,000.00	0.00	120.75	120.75			
	02/15/20	02/15/20	NAROT 2019-A A3 DTD 02/13/2019 2.900% 10/15/2023	65479KAD2	120,000.00	0.00	290.00	290.00			
	02/15/20	02/15/20	ALLYA 2019-1 A3 DTD 02/13/2019 2.910% 09/15/2023	02004WAC5	65,000.00	0.00	157.63	157.63			
	02/15/20	02/15/20	HYUNDAI AUTO RECEIVABLES TRUST DTD 04/10/2019 2.660% 06/15/2023	44932NAD2	80,000.00	0.00	177.33	177.33			
	02/15/20	02/15/20	TAOT 2019-A A3 DTD 02/13/2019 2.910% 07/15/2023	89239AAD5	150,000.00	0.00	363.75	363.75			
	02/18/20	02/18/20	HAROT 2019-1 A3 DTD 02/27/2019 2.830% 03/20/2023	43814WAC9	100,000.00	0.00	235.83	235.83			
	02/21/20	02/21/20	HAROT 2019-2 A3 DTD 05/29/2019 2.520% 06/21/2023	43815MAC0	100,000.00	0.00	210.00	210.00			
	02/26/20	02/26/20	MUFG BANK LTD/NY CERT DEPOS DTD 02/28/2019 2.970% 02/26/2021	55379WZT6	185,000.00	0.00	5,540.29	5,540.29			
	02/26/20	02/26/20	NORDEA BANK ABP NEW YORK CERT DEPOS DTD 08/29/2019 1.850% 08/26/2022	65558TLL7	280,000.00	0.00	2,604.39	2,604.39			
	02/26/20	02/26/20	SKANDINAV ENSKILDA BANK LT CD DTD 09/03/2019 1.860% 08/26/2022	83050PDR7	295,000.00	0.00	2,682.53	2,682.53			
	02/28/20	02/28/20	WALT DISNEY COMPANY/THE DTD 09/06/2019 1.750% 08/30/2024	254687FK7	195,000.00	0.00	1,630.42	1,630.42			
	02/29/20	02/29/20	US TREASURY NOTES DTD 02/29/2016 1.500% 02/28/2023	912828P79	520,000.00	0.00	3,900.00	3,900.00			
	02/29/20	02/29/20	US TREASURY N/B NOTES DTD 08/31/2017 1.875% 08/31/2024	912828U3	450,000.00	0.00	4,218.75	4,218.75			
Transaction Type Sub-Total					4,296,190.42	0.00	33,116.46	33,116.46			
PAYDOWNS											
	02/01/20	02/25/20	FNA 2018-M5 A2 DTD 04/01/2018 3.560% 09/25/2021	3136B1XP4	642.03	642.03	0.00	642.03	(12.77)	0.00	
Transaction Type Sub-Total					642.03	642.03	0.00	642.03	(12.77)	0.00	

Managed Account Security Transactions & Interest

For the Month Ending **February 29, 2020**

CITY OF COACHELLA - OPERATING PORTFOLIO - 995343 - (14201484)

Transaction Type		Security Description	CUSIP	Par	Principal	Accrued	Total	Realized G/L	Realized G/L	Sale
Trade	Settle				Proceeds	Interest		Cost	Amort Cost	
SELL										
02/03/20	02/05/20	US TREASURY NOTES DTD 01/31/2017 1.875% 01/31/2022	912828V72	385,000.00	388,789.84	99.16	388,889.00	4,496.67	4,104.85	FIFO
02/04/20	02/06/20	US TREASURY NOTES DTD 03/31/2017 1.875% 03/31/2022	912828W89	140,000.00	141,356.25	925.20	142,281.45	2,663.28	2,019.98	FIFO
02/14/20	02/19/20	US TREASURY NOTES DTD 03/31/2017 1.875% 03/31/2022	912828W89	190,000.00	191,758.98	1,382.17	193,141.15	3,532.81	2,645.21	FIFO
02/20/20	02/24/20	US TREASURY NOTES DTD 03/31/2017 1.875% 03/31/2022	912828W89	90,000.00	90,854.30	677.77	91,532.07	1,694.53	1,271.45	FIFO
02/20/20	02/24/20	US TREASURY NOTES DTD 03/31/2017 1.875% 03/31/2022	912828W89	15,000.00	15,142.38	112.96	15,255.34	325.78	235.21	FIFO
Transaction Type Sub-Total				820,000.00	827,901.75	3,197.26	831,099.01	12,713.07	10,276.70	
Managed Account Sub-Total					(112,568.80)	36,181.51	(76,387.29)	12,700.30	10,276.70	
Total Security Transactions					(\$112,568.80)	\$36,181.51	(\$76,387.29)	\$12,700.30	\$10,276.70	



STAFF REPORT 5/13/2020

TO: Honorable Mayor and City Council Members

FROM: Luis Lopez, Development Services Director

SUBJECT: Consulting Agreement with CannaBiz Consulting Group, LLC for 2020 Cannabis Consulting Services in the amount of \$25,000.

STAFF RECOMMENDATION:

Staff recommends that the City Council authorize the attached Agreement Letter for the 2020 Cannabis Consulting Services with CannaBiz Consulting Group, LLC in an amount not to exceed \$25,000, to assist with the Round #2 Retail Cannabis Application Reviews.

BACKGROUND:

Based on City Council direction, staff solicited proposals from three cannabis consulting firms and evaluated the three proposals with the help of an internal staff ad-hoc committee. Two of the firms are from the Coachella Valley, and one firm is from Orange County. All applicants were notified of the ranking results at the time that this staff report was written.

DISCUSSION/ANALYSIS:

The attached agreement letter for professional services is a standard form used by the Development Services Department for staff consultant services. The term of this agreement will be from May 14, 2020 through December 31, 2020. The consultant will bill the City on a time and material basis with an hourly rate of \$200 per hour for the senior consultant, and a total contract amount not to exceed \$25,000 unless approved in writing by both parties (any contract amendment to augment compensation is subject to City Council approval).

Evaluation of Proposals:

After soliciting consultant proposals, staff formed an internal staff committee (Grants Manager, Economic Development Manager, and Assistant to the City Manager) to review the proposals based on five categorical criteria, with a possible score of 100 points, as shown below.

1. **Project Understanding:** Degree of consultant's understanding of cannabis industry, local zoning regulations, local cannabis policies, local prioritization / selection criteria, social equity

principles, and all procedural steps needed to complete the work. *(Possible 25 points)*

2. Scope of Work: Consultant's approach to records management, use of technology, promotion of social equity policies, number of expected staff meetings/public hearings, and familiarity with public workshops and public hearing processes. *(Possible 25 points)*
3. Budget: Clarity of consultant's hourly rates, total expected compensation, reimburseables, and minimizing "extra charges" for important steps in the process. *(Possible 20 points)*
4. Project Firm/Manager/Staff Qualifications: Qualifications of staff and management in dealing with California cannabis laws, merit-based reviews, private sector knowledge, and familiarity with basic zoning /building regulations for commercial property. *(Possible 20 points)*
5. Schedule: Consultant's ability to assign resources and keep the project on schedule. *(Possible 10 points)*

The firm names, budget amount, and resulting total scores from Committee evaluators are shown in the matrix below.

Cannabis Consulting 2020 Proposals - Evaluation Scores				
Firm Name	Evaluator #1	Evaluator #2	Evaluator #3	Total Score
Pacific West Regulatory & Compliance (Budget - \$21,600)	60	80	50	190
CannaBiz Consulting Group, LLC (Budget - \$25,000)	90	89	100	<u>279</u>
GobaGlo, LLC (Budget \$48,500)	85	91	86	262

Accordingly, based on the above scores, staff notified the 2nd place and 3rd place consultants about the final results, then extended an offer of consultation services to CannaBiz Consulting Group, LLC (represented by Christopher Martinez).

Consulting Agreement:

The attached Agreement Letter for Cannabis Consulting Services 2020 includes the following scope of services, to be billed on a monthly basis.

1. Assist City of Coachella staff with professional consultant tasks as assigned by the City Manager or designee including, but not limited to, the following:
 - a. Assist with creating and processing a merit-based review program for new Applications.
 - b. Assist in preparing scoring sheets and finalized scoring criteria and related print material
 - c. Establish an internet portal for applicants submitting new Applications.
 - d. Establish regular communication with applicants as a City staff liaison.
 - e. Develop clear forms and transparent procedures for applicants, on an Internet portal.
 - f. Maintain all Application records and make them available to the public.
 - g. Incorporate the City's Cannabis Social Equity policies for applicants.
2. Assist staff with "Completeness Reviews". Contractor shall organize all electronic and hard-copy files for Conditional Use Permits, Cannabis Regulatory Permits, architectural drawings, and related submittal requirements for the Round #2 Retail Cannabis Applications. This task includes coordinating the "completeness review" and sending out "incompleteness letters" as needed based on the City's Prioritization/Selection Criteria. Contractor shall attend one staff meeting and communicate with each individual applicant, as directed by the City Manager and designee.
3. Coordination of Cannabis Review Committee duties. Contractor shall organize all hard copies and electronic copies of material needed for adequate review by the Committee, facilitate the review and ranking process with the Review Committee members as needed, conduct site visits, and otherwise engaging in detailed discussions about each project.
4. Coordination of scoring sheets. Contractor shall provide guidance to the Review Committee members as a staff liaison without influencing their independent judgment, on scores for each application, and presenting the final scoring sheets and backup material to the Director of Development Services.
5. Participation in Appeals Hearings. To the extent needed, Contractor shall attend the Appeal Hearings as expert witness outlining how the Review Committee arrived at the individual scores for appellant applications.
6. The above tasks will be billed on a "time and material" basis based on the following rates:

Senior Consultant\$200 per hour
Project Manager\$125 per hour
Project Assistant..... \$75 per hour

The schedule for performance is for work to commence immediately following City Council approval and to be completed by the end of the calendar year (December 31, 2020). Staff anticipates completion of the Round #2 Retail Cannabis Conditional Use Permit Reviews by late fall, and appeal reviews to be completed by December 2020.

ALTERNATIVES:

- 1) Authorize the City Manager to execute the attached Agreement with CannaBiz Consulting Group, LLC.
- 2) Authorize the City Manager to execute the attached Agreement with CannaBiz Consulting Group, LLC with minor modifications to the Agreement.
- 3) Take no action.
- 4) Continue this item and provide staff with direction.

FISCAL IMPACT:

This contract will be paid out of City General Fund reserves and has been included in the tentative Development Services Department budget for the 2020/2021 fiscal year.

RECOMMENDED ALTERNATIVE(S):

Staff recommends Alternative #1 above.

Attachments: Standard Agreement Letter – CannaBiz Consulting Group
 Proposal from CannaBiz Consulting Group, LLC



May 14, 2020

Christopher Martinez
CannaBiz Consulting Group
P O Box 40
Indio CA 92202

Re: Letter of Agreement for “2020 Cannabis Consulting Services”

Dear Mr. Martinez:

This letter shall be our Agreement regarding consultant services for the City of Coachella’s cannabis retail round #2 applications review and appeals programming as described below (“Services”) to be provided by CannaBiz Consulting Group, a California limited liability company (“Contractor”) as an independent contractor to the City of Coachella for the various applications to be received by the City (“Applications”).

The Services to be provided include the following:

1. Assist City of Coachella staff with professional consultant tasks as assigned by the City Manager or designee including, but not limited to, the following:
 - a. Assist with creating and processing a merit-based review program for new Applications.
 - b. Assist in preparing scoring sheets and finalized scoring criteria and related print material
 - c. Establish an internet portal for applicants submitting new Applications.
 - d. Establish regular communication with applicants as a City staff liaison.
 - e. Develop clear forms and transparent procedures for applicants, on an Internet portal.
 - f. Maintain all Application records and make them available to the public.
 - g. Incorporate the City’s Cannabis Social Equity policies for applicants.
2. Assist staff with “Completeness Reviews”. Contractor shall organize all electronic and hard-copy files for Conditional Use Permits, Cannabis Regulatory Permits, architectural drawings, and related submittal requirements for the Round #2 Retail Cannabis Applications. This task includes coordinating the “completeness review” and sending out “incompleteness letters” as needed based on the City’s Prioritization/Selection Criteria. Contractor shall attend one staff meeting and communicate with each individual applicant, as directed by the City Manager and designee.
3. Coordination of Cannabis Review Committee duties. Contractor shall organize all hard copies and electronic copies of material needed for adequate review by the Committee, facilitate the review and ranking process with the Review Committee members as needed, conduct site visits , and otherwise engaging in detailed discussions about each project.

4. Coordination of scoring sheets. Contractor shall provide guidance to the Review Committee members as a staff liaison without influencing their independent judgment, on scores for each application, and presenting the final scoring sheets and backup material to the Director of Development Services.
5. Participation in Appeals Hearings. To the extent needed, Contractor shall attend the Appeal Hearings as expert witness outlining how the Review Committee arrived at the individual scores for appellant applications.
6. The above tasks will be billed on a “time and material” basis based on the following rates:

Senior Consultant\$200 per hour
 Project Manager\$125 per hour
 Project Assistant..... \$75 per hour

Contractor shall perform all Services under this Letter of Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California, and consistent with all applicable laws. Contractor represents that it, its employees and subcontractors have all licenses, permits, qualifications, and approvals of whatever nature that are legally required to perform the Services, including a City Business License, and that such licenses and approvals shall be maintained throughout the term of this Agreement. Compensation for the above services shall be based on the actual amount of time spent in adequately performing the Services, and shall be billed at the hourly rate of \$200.00 for Contractor and support staff identified above. However, unless expressly agreed in writing in advance by the City, the cost to the City for the Services shall not exceed twenty five thousand dollars (\$25,000.00).

Contractor shall provide proof of commercial general liability and automobile insurance to the City in amounts and with policies, endorsements and conditions required by the City for the Services. If Contractor is an employer or otherwise hires one or more employees during the term of the Projects, Contractor shall also provide proof of workers’ compensation coverage for such employees which meet all requirements of state law. Contractor shall also provide errors and omissions professional liability insurance appropriate to its profession in an amount, with conditions and for a term acceptable to the City.

Contractor shall submit to City a monthly itemized statement which indicates work completed and hours of Services rendered by Contractor. The statement shall describe the amount of Services and supplies provided since the initial commencement date, or since the start of the subsequent billing periods, as appropriate, through the date of the current billing period.

City shall review and pay the approved charges on such invoices in a timely manner. Services on the Projects shall begin as of May 14, 2020 and be completed by December 30, 2020 unless extended by the City in writing. The City may terminate this Letter of Agreement at any time with or without cause. If the City finds it necessary to terminate this Letter of Agreement without cause before Projects completion, Contractor shall be entitled to be paid in full for those Services adequately completed prior to the notification of termination. Contractor may terminate this Letter of Agreement for cause only.

To the fullest extent permitted by law, Contractor shall defend, indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury, in law or equity, to property or

persons, including wrongful death, in any manner arising out of, pertaining to, or relating to any negligence, errors or omissions, recklessness, or willful misconduct of Contractor, its officials, officers, employees, agents, consultants, and contractors arising out of or in connection with the performance of the Contractor's Services, including without limitation the payment of all consequential damages, expert witness fees, and attorneys fees and other related costs and expenses. Contractor shall defend, at Contractor's own cost, expense and risk, any and all such aforesaid suits, actions or other legal proceedings of every kind that may be brought or instituted against City, its directors, officials, officers, employees, agents, or volunteers. Contractor shall pay and satisfy any judgment, award or decree that may be rendered against City or its directors, officials, officers, employees, agents, or volunteers, in any such suit, action or other legal proceeding. Contractor shall reimburse City and its directors, officials, officers, employees, agents, and/or volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Contractor's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the City, its directors, officials, officers, employees, agents, or volunteers.

Unless otherwise approved by the parties in writing, allowable expenses for the Contractor shall be limited to reimbursement of mileage at \$.55 per mile for meetings or site visits as requested by the City. The Contractor's hourly rate may be charged at a maximum of 50% during any travel time associated with tasks regarding applications / projects.

If you agree with the terms of this Letter of Agreement, please indicate by signing and dating where indicated below. An original, executed copy of this Letter of Agreement is enclosed for your records.

CITY OF COACHELLA

CONTRACTOR

Approved by:

Reviewed and Accepted by Contractor:

William B. Pattison Date:
City Manager

Signature Date:

Approved as to form:

Name

Carlos Campos
City Attorney

Title

COACHELLA RETAIL
CANNABIS LICENSING
**PROJECT
PROPOSAL**



Item 11.



**LICENSING
OVERSIGHT**

**PROPOSED
BY CANNABIZ
CONSULTING
GROUP**

STATEMENT OF INTEREST

PREPARED BY
CHRISTOPHER
MARTINEZ

We thank you for the opportunity to submit this proposal for cannabis licensing monitoring and oversight services. CannaBiz has established itself as a reliable local cannabis consultant within the Coachella Valley and has served several clients in Southern California that includes, Cathedral City, Desert Hot Springs, Chula Vista, Los Angeles, and the City of Coachella. We look forward to working with Coachella to implement the second round of retail cannabis licensing. Having gone through numerous licensing programs in different jurisdictions, we are prepared to assist your city with establishing a strong merit based application program that is comprehensive and cohesive. We hope to build a strong relationship with the City of Coachella through this process.

Why Us?

Experience and honest guidance is key to being successful in this field. That is why we pride ourselves on the team we have assembled, which sets us apart from the competition. Our members of the CannaBiz Board of Professionals come from various sides of traditional business to help guide you to your goal. As your consultant, our goal will be to help you establish a transparent program that will give your applicants

and city staff the confidence that their application is not subject to prejudice or a faulty process. The CannaBiz Board of Professionals has over 50 years of accumulated professionalism and success in businesses that closely resemble the cannabis industry. Additionally, the three individuals we have ready to take on this project have an accumulation of over 15 years experience within the cannabis industry. We want to give you the time and guidance that you, your constituents, and applicants deserve. Together we'll create and refine your plan for a successful second round launch of the City's cannabis retail application program. We look forward to working with the City of Coachella.



QUALIFICATIONS

Through our work in the cannabis industry, CannaBiz has taken a vital role in construction oversight, establishing compliant and effective procedures, and license procurement for multiple corporate cannabis facilities in Southern California. Our experience in the industry has exposed us to a myriad of demands and responsibilities associated with managing the construction of a facility from the ground up and acquiring all the necessary licenses to begin operations. We are familiar with a multitude of cannabis application programs and are able to recognize, anticipate, and resolve potential issues with minimal impact to ensure deadlines are met. The range of our experience and work in California includes but is not limited to:

- Writing multiple city, county and state, certifications, licenses, conditional use permits, and approvals required by planning departments;
- Writing standard operating procedures in compliance with local and state regulations;
- Writing security procedures for premise, inventory, and public safety;
- Writing track and trace and waste management procedures;
- Establishing compliant packaging, labeling, and marketing procedures;
- Establishing procedures to meet strict and extensive audit and record keeping requirements;
- Establishing procedures to meet state license regulations as they pertain to each commercial activity;
- Compliance oversight of a cultivation, manufacturing, and distribution facility;
- Applying and obtaining city cannabis permits;
- Applying and obtaining state cannabis licenses;
- Represent clients at planning and city council meetings;
- Successfully lobby for reduced fees and taxes on cannabis operations; and
- Human Resource practices.



OUR TEAM

Christopher Martinez is a Coachella Valley local and obtained his bachelor's in political science with a focus in law from the University of California Riverside. His cannabis experience has come entirely from a regulatory and compliance standpoint. Chris has been engaged with the state's various drafts of regulations from 2017 to the currently adopted regulations. He has helped companies obtain licenses from their local government and positioned them to receive their state licenses. His work has also involved establishing compliant procedures to avoid violating the local and state regulations. Compliant procedures are key to maintaining a healthy and successful cannabis operation. Chris has developed standard operating procedures, employee manuals, and security manuals for cannabis cultivators, manufacturers, distributors, and retailers. His work glues cannabis operations with compliance to guide a cannabis company towards success.

Oscar Ortiz is also a Coachella Valley local and obtained a bachelor's in chemistry from Stanford University. He has worked and operated in the California Cannabis Industry within the manufacturing sector since 2013. Throughout his experience in the industry, he has learned firsthand which can make a company thrive in the industry, and which practices can pose a risk to employees and company profits. Utilizing his chemistry degree, Oscar has worked on blending custom formulations of cannabinoids and terpenes to produce topicals, edibles, and other THC concentrated products. Oscar's early work involved the testing of various medical marijuana products for potency, bacteria, pesticides, and residual solvents. Cannabis manufacturing is one of the most stringently regulated operations with various record keeping requirements and data analysis. Oscar has also taken a vital role in implementing new tracking procedures to optimize production while maintaining operation compliance.

Simon Watson Simon has owned and worked for cannabis-specific companies since 2012. He has managed and designed over 258,000 square feet of cannabis indoor and outdoor production all within the previous five years. Simon has also specialized in the design and operations of a wide range of facilities, from multi-million-dollar constructions to cost-effective wholesale field production. He has first hand knowledge and experience on what a cannabis operation in their building to maintain a safe and compliant working environment. When given the opportunity to work on a client's project, Simon makes it his mission to save them from costly financial mistakes that are commonly made in the cannabis industry. Some of his previous clients include Double Delicious Farms, American Farms, Vets Leaf, Inc., and is currently the Manager of Operations at Coachella Labs. Simon experience from of running highly regulated cannabis companies in Washington and California brings the knowledge of what it takes to start and operate a successful cannabis business.

HOW WE GET IT DONE

RETAIL CANNABIS APPLICATION PROGRAM

This project can be broken down into two phases. Phase 1 will be the actual framework surrounding the application process. This involves creating scoring criteria that meets the direction of City Council and provides a comprehensive scoring rubric. Additionally, we will prepare for potential appeals by establishing the procedures of conduct ahead of time so applicants have the opportunity to address concerns about their final score. By no means do we expect to reach an appeals hearing, but our team will be ready in the event one is required. Phase two consists of the actual roll out of the application program. This phase includes public engagement, coordination with city staff, and ongoing assistance. This entire process gives Coachella the opportunity to attract the most qualified operators in accordance to the scoring criteria.

THE OBJECTIVE

Our overall objective will be to give all parties involved the confidence that the application program is transparent and fair. Additionally, we want to tailor this program to meet the vision of City Council and their constituents. Together, we can implement a licensing program that will bring the best fitting operators to the city of Coachella.



Item 11.



PLAN, EXECUTE & SUCCEED

Consulting

We are prepared to work with city staff from the beginning to the end of the entire round two licensing program. Once this process is complete, the City of Coachella will have a strong program to implement additional licensing rounds, as needed. And, CannaBiz will be ready should the City need further assistance.

SCOPE OF WORK

RETAIL ROUND TWO

Application and Appeals Program

- 1) City of Coachella merit based application program and appeals.
 - Assist city in preparing the scoring criteria and sheet
 - Organizing a public workshop for all interested parties
 - Establish internet portal for applicant:
 - Communication on behalf of the City;
 - Materials submitted, and maintaining regular;
 - Important notifications and deadlines
- 2) Coordination with City Staff
 - Attend one staff meeting and
 - Provide staff with the draft “Completeness Review”
 - Draft and send out “incomplete letters if necessary
- 3) Coordination with Cannabis Review Committee
 - Organize copies of materials for review by the committee,
 - Conduct ranking process with the committee members
 - Conduct site visits,
 - Engage in detailed discussions about each project, and
 - Incorporate cannabis committee members' notes with ranking scores for transparency.
- 4) Final Scoring Sheet
 - Prepare the final scoring sheets for each applicant
 - Prepare and provide ranking sheet for all interested parties in accordance to committee scores
- 5) Ongoing Assistance

Assist staff with other assignments or meetings as needed, to finalize the retail cannabis reviews on a time/material basis.
- 6) Appeals
 - A) Provide assistance with establishing appeals procedures
 - B) Draft notification of appeals statute of limitation
 - Attend the Appeals Committee hearings as expert witness and provide assistance

*Completeness review: Reviewing submittal to check if all Planning Application and Cannabis Regulatory Permit submittal requirements have been met and draft “incomplete letters” as needed. This includes deficiency items based on the prioritization criteria approved by the City Council.

PROPOSED FEES AND REFERRALS

PLEASE CONSIDER THE BELOW PROPOSED FEES:

Option 1:

Services included in the scope of work numbered 1-6A
\$22,00.00

Services included in scope of work numbered 6B for the appeals process
\$3,000.00

**City may also opt for an hourly rate through appeals
process oppose to the above fee*

Option 2:

Hourly Rate Options

Senior Consultant
\$200.00

Project Manager
\$125.00

Project Assistant
\$75.00

Not to exceed a total of \$25,000.00

Referrals

Charles Pfeifer
CEO of We Care Cat City, Inc
charles@guidegroups.com

Vince Palmieri
COO at Vets Leaf, Inc.
vince@vetsleaf.com

Kelly Burtzloff
CEO at Coachella Labs, LLC
kelly@coachellalabs.com

CITY OF COACHELLA CANNABIS LICENSING ROUND TWO

**OUR PROPOSED SERVICES ARE
INTENDED TO GIVE THE CITY GUIDANCE
ON IMPLEMENTING A TAILORED AND
FAIR LICENSING PROGRAM**

We greatly appreciate the opportunity to provide this proposal to the City of Coachella and look forward to your consideration."

Kindest Regards,





STAFF REPORT
5/13/2020

TO: Honorable Mayor and City Council Members

FROM: Gabor Pakozdi, P.E. - City Engineer

SUBJECT: Notice of Completion – ProWest Constructors for the Senior Center Expansion, City Project F-31

STAFF RECOMMENDATION:

Accept the Senior Center Expansion, City Project F-31 as complete and direct the City Clerk to record the Notice of Completions attached hereto.

BACKGROUND:

On September 14, 2016, the City Council approved the selection of ProWest/gkkworks as the City's Design Build Team. On June 13, 2018, the City Council authorized Pre-Construction and Design Services. On February 27, 2019, the City Council authorized the Construction phase of the Senior Center expansion project.

The improvements to the Senior Center located at 1540 7th Street included: 7th Street parking improvements, new water feature at the end of the Library Paseo Promenade, ADA and drop-off parking upgrades, updated restrooms, added lockers, updated building finishes, the addition of a 'family' restroom and a 2,000 sq. ft. expansion of programming space.

DISCUSSION/ANALYSIS:

The Senior Center Expansion project has been completed. City Staff has inspected the project and found the improvements to be in accordance with the plans, specifications, and all applicable codes and standards. ProWest Constructors has completed its responsibilities on the project and staff recommends that their work be accepted, and that the City Council authorize the filing of a Notice of Completion. Upon acceptance by City Council, the project will enter the manufactures' warranty and contractor's warranty period as prescribed by the bond documents of the project.

FISCAL IMPACT:

The project was completed within budget, paid by funds from future General Facilities DIF Intra Fund Transfer of \$2,547,973.00 and Street and Transportation DIF of \$233,778.00.

To be recorded with County Recorder within 10 days after completion and Acceptance. No recording fee.

When Recorded, return to:

Andrea Carranza, Deputy City Clerk
City of Coachella
53990 Enterprise Way
Coachella, CA 92236

(For Recorders Use)

Notice of Completion

(California Civil Code Section 3093 - Public Works)

Notice is hereby given by the undersigned owner, a political subdivision of the State of California that a public work improvement described as Senior Center Expansion, City Project F-31 has been completed and was accepted by the undersigned awarding authority on the date hereof. The City APN Number is APN: 778-104-004. Senior Center physical Address is 1540 7th Street Coachella, CA 92236.

The contractor on such work was ProWest Constructors and the surety on his bond is Hartford Fire, Casualty, Accident and Indemnity Insurance Company.

The real property upon which said work was performed is in the City of Coachella, County of Riverside, and State of California.

The nature of the interest of the owner is in fee.

Date: April 20, 2020
(Date of Acceptance)

City of Coachella
(Name of Political Subdivision)

Owner Address:
53990 Enterprise Way
Coachella, CA 92236

By: _____
Steven A. Hernandez

Title: Mayor

State of California)

) ss

County of Riverside)

I hereby certify that I am the Deputy City Clerk of the governing board of the City of Coachella, the political subdivision which executed the foregoing notice and on whose behalf I make this verification; that I have read said notice, know its contents, and that the same is true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Coachella, California on _____ (Date)
(City Where Signed)

Andrea Carranza, Deputy City Clerk, City of Coachella

County Counsel Form 1 (Rev. 5-64)



STAFF REPORT
5/13/2020

TO: Honorable Mayor and City Council Members

FROM: Maritza Martinez, Public Works Director

SUBJECT: Approve Lease Agreement with LGBT Community Center of the Desert, for property located at 1515 Sixth Street, Coachella.

STAFF RECOMMENDATION:

Approve Lease Agreement with LGBT Community Center of the Desert, for property located at 1515 Sixth Street, Coachella.

EXECUTIVE SUMMARY:

Additional office space is available at City Hall due to the acquisition of the Coachella Civic Center and the relocation of city permitting services to this city facility. The City Council has approved City Hall leases to both the Greater Coachella Valley Chamber of Commerce and Consejo De Federaciones Mexicanas En Norteamerica (COFEM). Both approved leases provided the office space to the lessees at a per square footage rate of \$0.35. LGBT Community Center of the Desert is requesting to lease a total of 953 square feet of office space at the City Hall property, at the same rate of \$0.35 per square foot. The available office space will accommodate the needs of LGBT Community Center and allow their organization to expand their services to the eastern Coachella Valley.

- Term = three years; July 1, 2020 – June 23, 2023.
- Utilities = to be paid by Lessee for said property; with the exception of the following: alarm, water, sewer, trash and electric.
- Maintenance/Janitorial = to be completed by Lessee for said property.
- Insurance = to be provided by Lessee for said property.

FISCAL IMPACT:

The recommended action would have a positive fiscal impact to the FY 2020/2021 budget, in the amount of \$4,002.60.

Attachments: Proposed Lease

LEASE AGREEMENT

BETWEEN CITY OF COACHELLA AND

LGBT COMMUNITY CENTER OF THE DESERT

THIS LEASE AGREEMENT (the "Lease") is made as of May 13, 2020 by and between CITY OF COACHELLA, a California municipal corporation (the "Lessor"), and LGBT COMMUNITY CENTER OF THE DESERT, a non-profit organization (the "Lessee"), with reference to the following facts:

RECITALS

- A. The Lessor owns a civic building located at City Hall 1515 Sixth Street, Coachella, CA 92236, which is described in Exhibit A and totals 9,589 square feet (the "Building").
- B. Lessee desires to lease 1,941 square feet of the Building (the "Premises") from the Lessor, described in more detail in Exhibit "A" for purposes of providing programs and services to the LGBTQ community of the Eastern Coachella Valley. Of the 1,941 square feet 953 square feet is office space exclusively for use by the Lessee; and
- C. Lessor will retain usage and access to one lobby space and six offices located at the northeast wing of the Administration Division – approximately 953 square feet – as described on Exhibit C.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

AGREEMENT

- 1. Recitals. Lessor and Lessee acknowledge the Recitals set forth above which are incorporated herein by this reference together with the Exhibits attached hereto.
- 2. Leasehold. Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, the Premises, for the term, at the rental and upon the conditions set forth herein. Lessee accepts the Premises, including the appurtenant improvements, structures, and facilities, if any, in "AS IS" condition.
- 3. Premises. The Premises described in Exhibit A amount to an area of approximately 1,941 square feet. Upon execution of this Lease, Lessor grants to Lessee the right to survey the Premises (the "Survey") and such Survey, if performed, shall replace Exhibit B as the description of the Premises.
- 4. Term of Lease. The original term of the Lease shall be for a three (3) year period commencing on July 1, 2020 and terminating on June 30, 2023 (the "Term"). Following expiration of the Term, unless and until Lessee or Lessor delivers a Notice

of Termination in accordance with Section 11, the term of this Lease shall automatically be extended by successive one (1) year periods beginning on July 1st of the subject year and expiring on June 30 of the following year (individually and collectively, the “Extended Term”).

5. Rent.

Term Minimum Annual Rent. During the Term of this Lease, Lessee shall pay to Lessor monthly rent in the sum of Three Hundred Thirty Three Dollars and Fifty Five Cents (\$333.55). Lessee shall pay Lessor all sums due for monthly rent without deduction, set off, prior notice, or demand, in advance of the 27th day of each month and continuing through the term of this Lease.

5.1 Extended Term Minimum Annual Rent. In the event that the Extended Term should become effective, on July 1, 2023 and on July 1 of each successive year during the Extended Term the monthly rent shall Three Hundred Thirty Three Dollars and Fifty Five Cents (\$333.55) unless renegotiated between the Lessor and Lessee.

5.2 Where to Pay Rent. All rent shall be paid to Lessor at the address specified below in Section 19.

6. Utilities, Maintenance and Insurance.

- a) Utilities. Lessee shall make all arrangements for and shall pay for all utilities with the exception of: electricity, trash, water, sewer and alarm system for the Premises.
- b) Maintenance. Lessee shall provide all maintenance and repairs, at Lessee's sole cost and expense, to keep the Premises in good order and condition, including any improvements approved by the Lessor to be constructed and/or installed by the Lessee during the term of this Lease. Lessee agrees to maintain the leased premises in the same condition as when received, wear and tear in the usual and ordinary operation by Lessee; provided Lessor agrees to repair and maintain all exterior walls, the roof and other structural portions of the building, except for damages caused by Lessee, its officers, agents and patrons of Lessee. Lessor further agrees to: maintain and keep in good working condition the heating and cooling system including normal servicing and preventative maintenance.
- c) Insurance. All insurance carried by Lessee shall be primary to and not contributory with any similar insurance carried by Lessor, whose insurance shall be

considered excess insurance only. Lessee shall carry and maintain, during the entire term thereof, at Lessee's sole cost and expense, the following types of insurance in the amounts specified and in the form provided for in this section:

- i. General Liability Insurance. Broad-form comprehensive general liability insurance with limits of not less than One Million Dollars (\$1,000,000) per person and One Million Dollars (\$1,000,000) each occurrence, insuring against any and all liability of Lessee with respect to the Premises or arising out of the maintenance, use or occupancy thereof, and property damage liability insurance with a limit of not less than One Million Dollars (\$1,000,000) each accident, or One Million Dollars (\$1,000,000) combined single limit.
- ii. Property Insurance. Lessee shall obtain and maintain in force a policy or policies of insurance in the name of Lessee, with any loss payable to Lessee, and any lender of Lessor insuring against loss or damage to the improvements on the Premises, including, without limitation, any improvements installed or constructed by Lessee. The amount of such insurance shall be equal to the full insurable replacement cost of such improvements, as the same shall exist from time to time, or the amount required by any lender of Lessor, but in no event more than the commercially reasonable and available insurance value thereof. If the coverage is available and commercially appropriate, such policy or policies shall insure against all risks of direct loss or physical damage (except the perils of flood and earthquake unless required by a lender of Lessor). If such insurance coverage has a deductible clause, the deductible amount shall not exceed the amount permitted by a lender of Lessor. In the event any casualty results in damage to the improvements on the Premises which are the property of Lessor (and not constructed or installed by Lessee in accordance with the provisions hereof), Lessee shall either (i) use the proceeds of insurance to cause the restoration of such property of Lessor or (ii) pay or cause payment to Lessor or any lender of Lessor in an amount of the proportionate share of insurance proceeds attributable to damage to such property of Lessor.
- iii. Delivery of Certificate of Insurance. Lessee shall deliver to Lessor certificates of insurance evidencing the insurance procured by Lessee, which certificates shall name Lessor as an additional insured together with any lender of Lessor. The Certificates of Insurance shall be delivered by Lessee to Lessor at the time of the execution of the Lease and shall be monitored regularly.

- iv. Notice of Cancellation. All insurance policies shall contain a provision that such policies shall not be canceled or terminated without thirty (30) days' prior notice from the insurance company to Lessor. Lessee agrees that on or before thirty (30) days prior to expiration of any insurance policy, Lessee will deliver to Lessor written notification in the form of a receipt or other similar document from the applicable insurance company that said policy or policies have been renewed, or deliver certificates of coverage from another good and solvent insurance company for such coverage.
- 7. Use. Lessee shall use and occupy the Premises for purposes of providing services and programs for the LGBTQ communities of the Eastern Coachella Valley and for all activities incidental or necessary to accomplish said purpose, and for no other purpose. Lessee shall not use the Premises for the purposes of storing, manufacturing or selling any inherently dangerous substance, chemical, thing, or device.
- 8. Janitorial Services. The Lessee agrees to provide at its sole cost and expense janitorial services for the leased Premises.
- 9. Hazardous Substances and Hazardous Materials.
 - a) Defined. For purposes of this Lease, the term "Hazardous Substances" shall be as defined in the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 et seq., and any regulations promulgated pursuant thereto, and as used to define "Hazardous Wastes" in the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq., and any regulations promulgated thereto, or as may be identified or defined by any federal, state or local law or regulation.
 - b) Prohibition and Indemnity. Lessee shall not (either with or without negligence) cause or permit the use, storage, generation, escape, disposal or release of any Hazardous Substances or Hazardous Wastes in any manner not sanctioned by law. In all events, Lessee shall indemnify and hold Lessor harmless from any and all claims, damages, fines, judgments, penalties, costs, liabilities or losses (including, without limitation, any and all sums paid for settlement of claims, attorneys' fees, and consultants' and experts' fees) (collectively "Claims") from the presence or release of any Hazardous Substances or Hazardous Wastes on the Premises if caused by Lessee or persons acting under Lessee. The foregoing indemnity shall apply regardless of whether or not any such Claims are contributed to by the negligence or fault of the indemnified party, by the violation of any law, statute or regulation by the indemnified party, and even

if the indemnified party is strictly liable therefore. However, in the event of such contributory negligence or other fault of the indemnified party, then the indemnified party shall not be indemnified hereunder in the proportion that the indemnified party's negligence or other fault caused any such Claims. Lessee shall execute such affidavits, representations or other documents from time to time as Lessor may reasonably request concerning Lessee's best knowledge and belief as to the presence of Hazardous Substances or Hazardous Wastes on the Premises. This paragraph shall survive the termination of this Lease.

10. Improvements.

- a) Consent of Lessor. Lessee shall not construct or make any installations, additions, improvements or alterations in or to the Premises, without the prior written consent of Lessor, which would not be unreasonably withheld.
 - b) Lessee to Pay Improvement Cost. All installations, additions, improvements, or alterations constructed or made to the Premises, with the consent of Lessor, shall be made at the sole cost and expense of Lessee.
 - c) Removal of Improvements. All installations, additions, improvements, or alterations constructed or made to the Premises by Lessee shall remain Lessee's personal property and, notwithstanding principles of law applicable to real property improvements, Lessee's installations, additions, improvements or alternations shall not be deemed improvements to Lessor's Premises and may be removed from the Premises by Lessee upon termination of this Lease in the sole discretion of Lessee. Further, upon termination of this Lease and following removal of Lessee's property, the Premises shall be restored to a condition reasonably satisfactory to Lessor, at Lessee's expense. Any of Lessee's property, as aforesaid, not removed from the Premises upon termination of this Lease shall become the property of Lessor.
 - d) Mechanic's Liens. Lessee agrees to pay promptly for all labor or materials furnished for any work of construction, improvements, alterations, additions, repairs or maintenance performed by Lessee in connection with the Premises, and to keep and to hold the Premises free, clear, and harmless of and from all liens that could arise by reason of any such work.
11. Termination. Within ninety (90) days prior to expiration of the Term, either Lessor or Lessee may terminate this Lease, without cause, by serving the other party with thirty (30) days' prior written notice of such termination (a "Notice of Termination"). Upon

termination of this Lease, Lessee shall return the Premises in good condition and repair to the reasonable satisfaction of Lessor.

12. Signs. Lessee shall not install any signs on the Premises without the prior written consent of Lessor, which would not be unreasonably withheld.
13. Assignment and Subleasing. Lessee shall not assign, or mortgage, this Lease in whole or in part, nor sublet all or any part of the Premises, without the prior written consent of Lessor in each instance, which consent may be granted or denied in Lessor's sole discretion. This prohibition against assigning or subletting shall be construed to include a prohibition against any assignment or subletting by operation of law. In the event that Lessor's written consent is granted, Lessee shall pay all expenses in connection with such assignment and Lessee shall remain primarily obligated to Lessor for performance of all provisions of this Lease.
14. Use of Premises by Lessor. The Premises will be used as administrative office space and programming for the Lessee; however, the Lessor still has access and use of two offices, approximately 420 square feet identified in Exhibit C.
15. Entry and Inspection. Lessee shall permit Lessor or Lessor's agents to enter upon the Premises at reasonable times and upon reasonable notice, for the purpose of inspecting the same.
16. Indemnification. To the extent permitted by law, Lessor shall not be liable for any damage or injury to Lessee, or any other person, or to any property, occurring on the Premises or any part thereof in connection with this Lease, unless caused by the gross negligence or willful misconduct of Lessor. Lessee agrees to indemnify and hold Lessor harmless from any claims for damages which arise in connection with any such occurrence. Lessor agrees to indemnify and hold Lessee harmless from any claims for damages which arise from the gross negligence or willful misconduct of Lessor in connection with the Premises or this Lease. Said indemnifications shall include indemnity from any reasonable costs or fees which the indemnified party may incur in defending any such claim. The provisions of this Section shall survive termination of this Lease.
17. Lessor's Remedies on Default. If Lessee defaults in the payment of rent or defaults in the performance of any of the other covenants or conditions hereof, Lessor may give Lessee notice of such default and if Lessee does not cure any such default within thirty (30) days after the giving of such notice (or if the default is of a nature that it cannot be completely cured within such period, if Lessee does not commence such cure within

such thirty (30) days and thereafter proceed with reasonable diligence and in good faith to cure such default), then Lessor may terminate this Lease on not less than thirty (30) days' notice to Lessee. On the date specified in such notice, the term of this Lease shall terminate and Lessee shall then quit and surrender the Premises to Lessor, without extinguishing Lessee's liability. If this Lease shall have been so terminated by Lessor, Lessor may at any time thereafter resume possession of the Premises by any lawful means and remove Lessee or other occupants and their effects.

18. Waiver. No Failure to Lessor to enforce any term hereof shall be deemed to be a waiver.

19. Notices. Any notice, request, demand, or other communication which either party may or is required to give, shall be in writing and shall be delivered in person or sent to the address set forth herein below by registered or certified mail, return receipt requested with postage prepaid, by commercial overnight courier, with written verification of receipt, or by telecopy. A notice shall be deemed given: (a) when delivered by personal delivery (as evidenced by the receipt); (b) three (3) days after deposit in the mail if sent by registered or certified mail; (c) one (1) business day after having been sent by commercial overnight courier as evidenced by the written verification of receipt or (d) on the date of confirmation if telecopies. Either party may change its address for receiving notice by written notice given to the other in accordance with the provisions of this Notices section.

To Lessor
City of Coachella
53462 Enterprise Way
Coachella, CA 92236
Attn: Maritza Martinez
Phone: (760) 501-8111
E-mail: mmartinez@coachella.org

To Lessee
The Center
1301 North Palm Canyon Dr. 3rd Floor
Palm Springs, CA 92262
Attn: Mike Thompson
Chief Executive Officer
Phone: (760) 416-7790
E-mail: mike@thecenterps.org

20. No Agency/Employment. In performing the terms of this Lease, the Lessor and Lessee each remain an autonomous and separate entity, solely responsible for its own actions and those of its officers, employees, agents and volunteers. No relationship of

employment, agency, partnership or joint venture is to be created by or implied from this Lease.

21. Time of Essence. Time is of the essence of this Lease.
22. Entire Agreement. This instrument constitutes the entire agreement between the parties and may be modified only by a writing signed by both parties.
23. Governing Law. This Lease shall be governed by and construed in accordance with the laws of the State of California.

IN WITNESS WHEREOF, the parties have executed this Lease as of the date first written above:

LESSEE:

LGBT Community Center of the Desert

California Non-Profit Organization

By: _____

Mike Thompson, Chief Executive Officer

LESSOR:

THE CITY OF COACHELLA

California Municipal Corporation

By: _____

William B. Pattison Jr., City Manager

Attest:

By: _____

Angela M. Zepeda

City Clerk - City of Coachella

Approved as to Form:

By: _____

Best, Best & Krieger LLP

City Attorney

EXHIBIT "B"

SURVEY OF PREMISES

Pending

EXHIBIT “C”

Leesee Use of 953 office space =



Lessor and Lessee Joint Use 988 square feet =



Lessor Use 420 square feet =



Chamber Lessee Use 1600 square feet =



Lessee Kitchen and Restrooms =



*Lessee will provide janitorial maintenance to identified Kitchen and Restroom areas and hallways.





STAFF REPORT
5/13/2020

TO: Honorable Mayor and City Council Members

FROM: Maritza Martinez, Public Works Director

SUBJECT: Authorize rejection of all bids for Bagdouma Pool Rehabilitation Project No. 030520.

STAFF RECOMMENDATION:

Authorize rejection of all bids for Bagdouma Pool Rehabilitation Project No. 030520.

EXECUTIVE SUMMARY:

On March 5, 2020, a formal bid was published for the various needed repairs to the Bagdouma Pool. These repairs included: plaster, tile work and replacement of both the filtration and chlorinator systems. The current pool plaster is 25 years old and the pool's filtration system is close to 40 years old. Due to the fiscal impacts on the city's revenue projections resulting from the COVID-19 pandemic it is recommended that this work be deferred and be revisited later next fiscal year. The bid process closed on April 9, 2020 and five (5) bid responses were received ranging from \$241k-\$401k.

- a. Ojeda Pool & Spa
 - \$241,728.14
- b. California Waters
 - \$323,364.00
- c. Shipley Construction
 - \$358,000.00
- d. Condor Inc.
 - \$397,000.00
- e. California Commercial Pools
 - \$401,000.00

FISCAL IMPACT:

The recommended action would not have a negative impact on the current FY 2019/2020 budget.

Attachments: Bid Results

Bid Results for Project No. 030520 Bagdouma Pool Rehabilitation Project
4/13/2020

			Ojeda Pool & Spa	California Waters	Shipley Constructio	Condor Inc	California Commercial Pools
1	Plaster	LS	\$ 73,775.00	\$ 150,706.00	\$ 120,000.00	\$ 166,000.00	\$ 130,125.00
2	Tile Replacement	LS	\$ 33,536.00	\$ 50,294.00	\$ 70,000.00	\$ 42,000.00	\$ 51,000.00
3	Pool Lights	LS	\$ 7,448.00	\$ 6,395.00	\$ 8,000.00	\$ 7,000.00	\$ 9,783.92
4	ADA Additions	LS	\$ 11,135.00	\$ -	\$ -	\$ 13,000.00	\$ 15,131.25
5	Drain Covers	LS	\$ 3,992.88	\$ 1,117.00	\$ 2,500.00	\$ 3,000.00	\$ 3,529.22
6	Depth Markers	LS	\$ 1,830.07	\$ 3,604.00	\$ 4,000.00	\$ 4,000.00	\$ 5,000.00
7	Handrails	LS	\$ 831.85	\$ 254.00	\$ 4,000.00	\$ 2,000.00	\$ 3,000.00
8	Step Entries	LS	\$ 2,423.50	\$ 1,218.00	\$ 7,000.00	\$ 2,000.00	\$ 6,000.00
9	Sealant	LS	\$ 6,943.00	\$ 13,754.00	\$ 8,000.00	\$ 8,000.00	\$ 9,648.00
10	Pressure Testing	LS	\$ 4,978.00	\$ 2,132.00	\$ 3,500.00	\$ 8,000.00	\$ 8,400.00
11	Fix O Ring Leak	LS	\$ 4,978.00	\$ 508.00	\$ 3,000.00	\$ 2,500.00	\$ 5,550.00
12	Reture Cover	LS	\$ 2,728.47	\$ 2,081.00	\$ 3,000.00	\$ 2,500.00	\$ 3,000.00
13	Filtration System	LS	\$ 67,445.62	\$ 51,968.00	\$ 80,000.00	\$ 79,000.00	\$ 73,499.67
14	Chlorinator System	LS	\$ 18,602.00	\$ 16,697.00	\$ 40,000.00	\$ 31,000.00	\$ 23,886.88
15	Mobilization	LS	\$ 1,080.75	\$ 22,636.00	\$ 5,000.00	\$ 27,000.00	\$ 53,446.06

Subtotal All Items \$ 241,728.14 \$ 323,364.00 \$ 358,000.00 \$ 397,000.00 \$ 401,000.00

Subtotal w/o Item 4 \$ 230,593.14 \$ 323,364.00 \$ 358,000.00 \$ 384,000.00 \$ 385,868.75



STAFF REPORT
5/13/2020

TO: Honorable Mayor and City Council Members

FROM: Luis Lopez, Development Services Director

SUBJECT: Professional Services Agreement with Arivitas Partners, LLC for 2020 HCD Planning Services in the amount of \$30,000.

STAFF RECOMMENDATION:

Staff recommends that the City Council authorize the attached Professional Services Agreement Letter with Arivitas Partners, LLC in an amount not to exceed \$30,000, to assist with the City's mandatory re-zoning efforts pursuant to the City's Vacant Land Inventory Program in the Coachella Certified 2013-2020 Housing Element.

BACKGROUND:

On February 27, 2019 the City Council authorized a Professional Services Agreement with Arivitas Partners, LLC to provide planning consultant services for the State Housing and Community Development (HCD) mandatory re-zoning program to accommodate capacity for very high-density residential developments pursuant to the City's 2013-2021 Housing Element. The City recently completed the Zona Central Re-zoning efforts which facilitated all of the 4th Cycle "carry over" density required under the Housing Element. Staff heard from HCD that there is additional work needed with respect to the Zona Central Ordinance, and that additional re-zoning is required prior to the end of the year so that the City's 5th Cycle RHNA numbers and related program is compliant.

DISCUSSION/ANALYSIS:

The attached agreement letter for professional services is a standard form used by the Development Services Department for staff consultant services. The term of this agreement will be from May 14, 2020 through December 31, 2020. The consultant will bill the City on a time and material basis with an hourly rate of \$125 per hour, and a total contract amount not to exceed \$30,000 unless approved in writing by both parties (any contract amendment to augment compensation is subject to City Council approval).

Mr. Kevin Maevers is an independent consultant that was involved in several private-sector projects in the City. In early 2018 he began a private practice and began assisting the City with Housing Element compliance work. In September 2018 the City used his services to commence

work with Peter Rabbit Farms on a major project (“Zona Central City-Initiated Zone Change”) for a conceptual mixed-use community plan and related CEQA documents, that re-zoned approximately 150 acres of vacant agricultural land to RM-PD (Multifamily Residential – Planned Unit Overlay) and CN-PD (Neighborhood Commercial-Planned Development Overlay) to create a mixed-use urban community with business park and neighborhood commercial uses on land located on the west side of Tyler Street south of Avenue 50.

During this calendar year, the City is required by HCD to continue with its re-zoning efforts to comply with the 5th Cycle Housing Element RHNA allocation as part of the City’s vacant land inventory program, showing vacant parcels that are candidates for very high density residential zoning. City staff and the consultant have identified four projects that qualify for re-zoning and are included in the scope of work for Arivitas Partners on this new consultant agreement. The scope of work would include all the technical and graphic work needed to process these change of zone ordinances, and the related CEQA documents for the projects. The zoning districts that are to be designated with very high density residential zoning, and the district must be ready for “plan check and development” without any further discretionary reviews by the City. As such, this requires that the proper zoning be in place, and that all CEQA environmental clearances are included for a builder to process administrative reviews and plan check/permitting for future development.

Grant Funding:

The entire scope of work included in the proposed Agreement with Arivitas Partners, LLC qualifies for grant funding under California HCD’s Local Early Action Planning (LEAP) Grants program, which is a non-competitive funding program. Staff would like to sole source this contract because the City is already using this consultant for the same services, and time is of the essence. Additionally, the grant allows the City to start incurring expenses immediately and the contract amount will have adequate grant funding so long as the contract extends past the date of the City’s standard agreement with HCD (estimated to be in late September 2020). Accordingly, the proposed consultant agreement is contingent upon grant funding being in place to pay for at least 75% of the award, even though the City has been assured that 100% of this work qualifies under the grant.

ALTERNATIVES:

- 1) Approve the attached Professional Services Agreement for \$30,000.00 for the 7-month term.
- 2) Approve the attached Professional Services Agreement with modified terms.
- 3) Take no action and provide staff with direction.

FISCAL IMPACT:

This contract would only have temporary nominal fiscal effects, because the expenses would be paid up front by the City and then reimbursed with grant funds on a periodic basis.

RECOMMENDED ALTERNATIVE(S):

Staff recommends Alternative #1 or #2 above.

Attachment: Standard Agreement Letter for Professional - Arivitas Partners, LLC



May 14, 2020

Kevin L. Maevers, AICP
Arivitas Strategies, LLC
79-405 Highway 111, Suite 9-462
La Quinta, CA 92253

Re: Letter of Agreement for "2020 HCD Planning Services"

Dear Mr. Maevers:

This letter shall be our Agreement regarding planning, management, and environmental services for processing State-mandated re-zoning of properties below ("Services") to be provided by Arivitas Strategies, LLC (Kevin L. Maevers, President), a California Limited Liability Company ("Contractor") as an independent contractor to the City of Coachella for the various current and future projects ("Projects").

The Services to be provided may include, but are not limited to the following:

1. Assist City of Coachella staff in a project planner capacity by reviewing, analyzing, processing, and formulating recommendations for up to four (4) City-initiated change of zone applications as assigned by the City Manager, Development Services Director, or designee including, but not limited to, the following:
 - a. Based upon the successful completion of the Zona Central Change of Zone, and pursuant to RHNA 5th Planning Cycle allocations, and State of California Department of Housing and Community Development (HCD) requirements, the selected project sites shall accommodate a minimum of 2,542 additional dwelling units by right on properties previously identified in the City 2013-2021 Certified Housing Element and related tasks including:
 - i. Participation in meetings with landowners to discuss project scope and schedule, negotiate entitlement requests and get written owners' consent to proceed.
 - ii. Assist City staff in preparation of file documents with exhibits for routing to City and outside agencies, preparation of preliminary CEQA documents including preparation of up to two (2) draft Negative Declarations and two (2) Notice of Determination of Categorical Exemption.
 - iii. Assist City staff in preparing draft notices of public hearing for publication and mailings for each Planning Commission and City Council meeting, as directed by City staff.
 - iv. Prepare draft staff reports, resolutions, ordinances, exhibits, and responses to comments, as needed for finalization by City staff for Planning Commission and City Council agendas.

2. Attendance at staff meetings and/or project proponent meetings, as directed by the City Manager, Development Services Director, and designee. Attendance at Planning Commission and City Council meetings, public hearings, and other meetings as directed by the City Manager, Development Services Director, or designee.
3. Completion of draft written and graphic documents, and other correspondence as needed to carry out the tasks of "project planner" for Projects as described in Item No. 1 and 2 above.
4. Coordination of schedules, follow up items, budgetary concerns and related items to ensure the City's Project schedule is maintained for Item No. 1 above.

The above tasks will be billed to the City of Coachella on a "*time and materials*" basis based on the following rates:

Contract Planner \$125.00/hr.

Reimbursable Expenses:

- Mileage to be billed at IRS Business Rate plus 20%
- Printing, Reproduction, Scanning, etc. billed at direct cost plus 20%
- Sub-Consultant Fees billed at direct cost plus 20%

Per Diem Rates:

- Per Diem for overnight trips (lodging, meals, and incidentals) shall be billed at current Government Services Administration (GSA) rates for the County for which the travel occurs (Riverside County, San Bernardino County, etc.) plus 20%. Current rate schedule is for FY 2020 and shall be adjusted annually pursuant to GSA guidelines.

Annual Review and Adjustment:

- Arivitas' Schedule of Hourly Rates is subject to change based on an annual review of the cost of living and employee wage increases. In the event Arivitas' Schedule of Hourly Rates is adjusted, a corresponding percentage increase shall be applied to all remaining Agreement budgets and such Agreement budgets and such Schedule of Hourly Rates shall apply to subsequent Extra Work.

Contractor shall perform all Services under this Letter of Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California, and consistent with all applicable laws. Contractor represents that it, its employees and subcontractors have all licenses, permits, qualifications, and approvals of whatever nature that are legally required to perform the Services, including a City Business License, and that such licenses and approvals shall be maintained throughout the term of this Agreement. Compensation for the above services shall be based on the actual amount of time spent in adequately performing the Services, and shall be billed at the hourly rate of \$125.00 for Contract Planner. However, unless expressly agreed in writing in advance by the City, the cost to the City for the Services shall not exceed thirty thousand dollars (\$30,000.00).

Prior to and as a condition precedent to the effectiveness of this Agreement, City staff shall procure grant funding to cover at least 75% of the Contractor's work and compensation, as qualifying under housing productivity planning work. Consultant shall submit to City a monthly itemized statement which indicates work completed and hours of Services rendered by Consultant for all the tasks identified in the Services,

and shall otherwise conform to any grant funding guidelines, as deemed necessary by the City's Grants Manager.

Contractor shall provide proof of professional liability (Errors and Omissions) in the amount of \$1,000,000 and automobile liability insurance of \$100,000/\$300,000 (per person/accident) to the City of Coachella with any specific endorsements and conditions required by the City for the Services to be provided. If Contractor is an employer or otherwise hires one or more employees during the term of the Projects, Contractor shall also provide proof of workers' compensation coverage for such employees which meet all requirements of state law.

Contractor shall submit to City a monthly itemized statement which indicates work completed and hours of Services rendered by Contractor. The statement shall describe the amount of Services and supplies provided since the initial commencement date, or since the start of the subsequent billing periods, as appropriate, through the date of the current billing period.

City shall review and pay the approved charges on such invoices in a timely manner (within 30 days). Services on the Projects shall begin as of May 14, 2020 and be completed by December 31, 2020 unless extended by the City in writing. The City may terminate this Letter of Agreement at any time with or without cause. If the City finds it necessary to terminate this Letter of Agreement without cause before Projects completion, Contractor shall be entitled to be paid in full for those Services adequately completed prior to the notification of termination. Contractor may terminate this Letter of Agreement for cause only.

To the fullest extent permitted by law, Contractor shall defend, indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or relating to any negligence, errors or omissions, recklessness, or willful misconduct of Contractor, its officials, officers, employees, agents, consultants, and contractors arising out of or in connection with the performance of the Contractor's Services, including without limitation the payment of all consequential damages, expert witness fees, and attorneys' fees and other related costs and expenses up to the limits of Contractor's Professional Liability Insurance. Contractor shall defend, at Contractor's own cost, expense, and risk, any and all such aforesaid suits, actions or other legal proceedings of every kind that may be brought or instituted against City, its directors, officials, officers, employees, agents, or volunteers.

If you agree with the terms of this Letter of Agreement, please indicate by signing and dating where indicated below. An original, executed copy of this Letter of Agreement is enclosed for your records.

CITY OF COACHELLA

Approved by:

William B. Pattison
City Manager

Approved as to form:

Carlos Campos
City Attorney

CONTRACTOR

Reviewed and Accepted by Contractor:

Signature Date 5/06/2020
President, Arivitas Strategies, LLC

Kevin L. Maevers, AICP

Name

President

Title



STAFF REPORT
5/13/2020

TO: Honorable Mayor and City Council Members

FROM: Luis Lopez, Development Services Director

SUBJECT: Resolution No. 2020-29 Stating the Intention to Annex Property into City of Coachella Community Facilities District No. 2005-1 (Law Enforcement, Fire and Paramedic Services) and Authorize the Levy of a Special Tax Within Annexation Area No. 31 (Pueblo Viejo Villas - Parcel 2 of Lot Line Adjustment No. 2018-02).

STAFF RECOMMENDATION:

Staff recommends that the City Council adopt the attached Resolution No. 2020-29 stating the intention to annex property into Community Facilities District No. 2005-01 (CFD 2005-01, Police, Fire and Paramedic Services) and setting a public hearing date for the same.

BACKGROUND:

On September 14, 2005, the City Council adopted Resolution No. 2005-93 establishing the City of Coachella Facilities District No. 2005-01 (Law Enforcement, Fire and Paramedic Services) pursuant to the Mellow-Roos Community Facilities Act of 1982, as amended. The District and numerous annexations of subdivisions and new multifamily residential developments over the past 14 years have been established.

DISCUSSION/ANALYSIS:

Pursuant to the conditions of approval imposed on the Pueblo Viejo Villas mixed-use development project, generally located at the northeast corner of Cesar Chavez Street and 6th Street, the subject site will be annexed into the Community Facilities District No. 2005-01 and the City will be able to levy the special tax on an annual basis for each of the proposed 105 apartment dwellings.

Notwithstanding this Annexation, the developer has requested a CFD Deferral/Loan Agreement from the City that will function as City participation in subsidizing the affordable housing project. Staff is working on two other similar CFD Agreements that are in keeping with the City's administrative practice with respect to affordable housing projects in the City. If the City Council authorizes a CFD Deferral Agreement, the subject property will avoid the tax levy in the upcoming annual CFD 2005-01 assessments. However, if the owners ever default on the Agreement, or if the project is ever converted into a market-rate apartments project, then the annual assessments can be activated because of this Annexation action.

Attached to this staff report is the Resolution of Intention setting a future public hearing for the District Annexation No. 31 final actions which will include a special election, canvassing of the results, and an ordinance authorizing the levy of the special tax within Annexation No. 31.

The other attachment to this report is a copy of the CFD Annexation Map for the subject property (2.7 acres located at the northeast corner of Cesar Chavez Street and 6th Street) and the “Rate and Method” for the District.

ALTERNATIVES:

1. Adopt Resolution No. 2020-29 stating the intention to annex property into Community Facilities District No. 2005-01 (CFD 2005-01, Police, Fire and Paramedic Services) and setting a public hearing date for the same
2. Take no action.
3. Continue this item and provide staff with direction.

FISCAL IMPACT:

The City expects to collect an annual assessment of \$1123 per dwelling unit within the District starting in the 2020/2021 fiscal year. This Annexation will result in a new annual assessment of \$118,000 for the project that will remain unrealized if the City Council authorizes a future CFD Deferral/Loan Agreement.

RECOMMENDED ALTERNATIVE(S):

Staff recommends Alternative #1 as stated above.

Attachments: CFD Annexation No. 31 Map
 Rate and Method (CFD 2005-01)

RESOLUTION NO. 2020-29

RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA TO ANNEX PROPERTY INTO CITY OF COACHELLA COMMUNITY FACILITIES DISTRICT NO. 2005-1 (LAW ENFORCEMENT, FIRE AND PARAMEDIC SERVICES) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN ANNEXATION AREA NO. 31 (PARCEL 2 OF LOT LINE ADJUSTMENT 2018-02).

WHEREAS, the City Council (the “Council”) of the City of Coachella (the “City”) has established City of Coachella Community Facilities District No. 2005-1 (Law Enforcement, Fire and Paramedic Services) (the “CFD”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the “Act”); and,

WHEREAS, the CFD will finance law enforcement, fire and paramedic services that are in addition to those provided in the territory within the CFD prior to the formation of the CFD and do not supplant services already available within the territory included in the CFD subject to the levy of a special tax to pay for such services, approved at an election held within the boundaries of the CFD; and,

WHEREAS, the Council has provided for the annexation in the future of territory (the “Future Annexation Area”) to the CFD pursuant to the terms and provisions of the Act; and,

WHEREAS, the Pueblo Viejo Villas project was conditioned to annex into the City’s Community Facilities District No. 2005-01 as part of Conditional Use Permit No. 294 (Modification); and,

WHEREAS, the Council has determined pursuant to Section 53339.2 of the Act that public convenience and necessity require that territory be added to the CFD upon its formation;

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF COACHELLA AS FOLLOWS:

Section 1. The Council hereby determines to institute proceedings for the annexation of certain territory into the proposed CFD under the terms of the Act. The exterior boundaries of the area to be annexed (“Annexation Area No. 31”) are hereby specified and described to be as shown on that certain map now on file in the office of the City Clerk entitled “Annexation Map No. 31 – Parcel 2 of Lot Line Adjustment No. 2018-02 Community Facilities District No. 2005-1 (Law Enforcement, Fire and Paramedic Services)” which map indicates by a boundary line the extent of the territory included in Annexation Area No. 31 and shall govern for all details as to the extent of Annexation Area No. 31. On the original and one copy of the map of such Annexation Area No. 31 on file in the City Clerk’s office, the City Clerk shall endorse the certificate evidencing the date and adoption of this Resolution. The City Clerk shall file the original of such map in her office and, within fifteen (15) days after the adoption of this Resolution, the City Clerk shall file a copy of such map.

Section 2. Except where funds are otherwise available, it is the intention of the City Council to levy annually in accordance with procedures contained in the Act a special tax (the “Special Tax”) sufficient to finance law enforcement, fire and paramedic services that are in addition to those provided in the territory within Annexation Area No. 31 prior to the annexation of Annexation Area No. 31 into the CFD and do not supplant services already available within the territory proposed to be annexed into the CFD, the costs of administering the levy and collection of the Special Tax and all other costs of the levy of the Special Tax, including any foreclosure proceedings, legal, fiscal, and financial consultant fees, election costs, and all other administrative costs of the tax levy. The Special Tax will be secured by recordation of a continuing lien against all real property in the proposed Annexation Area No. 31. The schedule of the rate and method of apportionment and manner of collection of the Special Tax is described in detail in Exhibit “A” attached hereto and by this reference incorporated herein. The annexation of Annexation Area No. 31 will not result in any change to the special tax rates levied in the CFD prior to such annexation.

The Special Tax is apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act.

The maximum Special Tax applicable to a parcel to be used for private residential purposes, as set forth in Exhibit A, is specified as a dollar amount which shall be calculated and established not later than the date on which the parcel is first subject to tax because of its use for private residential purposes, and such amount shall not be increased over time by an amount in excess of 2 percent per year. Under no circumstances will the Special Tax to be levied against any parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the proposed Annexation Area No. 31. As specified by the Act, for purposes of this paragraph, a parcel shall be considered “used for private residential purposes” not later than the date on which an occupancy permit for private residential use is issued.

Section 3. A public hearing (the “Hearing”) on the annexation of Annexation Area No. 31 and the proposed rate and method of apportionment of the Special Tax shall be held on January 9, 2013, at 6:00 o’clock p.m., or as soon thereafter as practicable, at the chambers of the City Council of the City of Coachella, 1515 Sixth Street, Coachella, California 92236.

Section 4. At the time and place set forth above for the hearing, any interested person for or against the annexation of Annexation Area No. 31 to the CFD or the levying of special taxes within the proposed Annexation Area No. 31 will be heard.

Section 5. Each City officer who is or will be responsible Annexation Area No. 31, if they are annexed, is hereby directed to study the proposed Annexation Area No. 31 and, at or before the time of the above-mentioned Hearing, file a report with the City Council, and which is to be made a part of the record of the Hearing, containing a brief description of Annexation Area No. 31, and his or her estimate of the cost of providing additional law enforcement, fire and paramedic services within the boundary of Annexation Area No. 31. The City Manager is directed to estimate the fair and reasonable cost of all incidental expenses, including all costs associated with the annexation of Annexation Area No. 31, determination of the amount of any special taxes, collection of any special taxes, or costs otherwise incurred in order to carry out the authorized purposes of the City with respect to Annexation Area No. 31.

Section 6. The City may accept advances of funds from any sources, including private persons or private entities, and is authorized and directed to use such funds for any authorized purpose, including any cost incurred by the City in annexing the proposed Annexation Area No. 31. The City may enter into an agreement to repay all of such funds as are not expended or committed for any authorized purpose at the time of the election on the levy of the Special Tax, if the proposal to levy such tax should fail, and to repay all of such funds advanced if the levy of the Special Tax shall be approved by the qualified electors of Annexation Area No. 31.

Section 7. The City Clerk is hereby directed to publish a notice (“Notice”) of the Hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of the proposed Annexation Area No. 31. Such Notice shall contain the text of this Resolution, state the time and place of the Hearing, a statement that the testimony of all interested persons or taxpayers will be heard, a description of the protest rights of the registered voters and landowners in the proposed Annexation Area No. 31 as provided in Section 53339.5 of the Act and a description of the proposed voting procedure for the election required by the Act. Such publication shall be completed at least 7 days prior to the date of the Hearing.

Section 8. The voting procedure with respect to the annexation of the Annexation Area No. 28 and the imposition of the special tax shall be by hand delivered or mailed ballot election.

PASSED, APPROVED, and ADOPTED this 13th day of May 2020.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2020-29 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on this 13th day of May 2020 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk

EXHIBIT A

RATE AND METHOD OF APPORTIONMENT

**RATE AND METHOD OF APPORTIONMENT FOR
CITY OF COACHELLA COMMUNITY FACILITIES DISTRICT NO. 2005-1
(LAW ENFORCEMENT, FIRE AND PARAMEDIC SERVICES)**

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels in Community Facilities District No. 2005-1 of the City of Coachella (the "CFD") and collected each Fiscal Year commencing in Fiscal Year 2006-07, in an amount determined by the City Council of the City of Coachella, through the application of the Rate Method of Apportionment as described below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor of the County designating parcels by Assessor's parcel number.

"CFD Administration" means an official of the City, or designee thereof, responsible for providing for the levy and collection of the Special Taxes.

"CDF" means City of Coachella Community Facilities District No. 2005-1 (Law Enforcement, Fire and Paramedic Services).

"City" means the City of Coachella.

"City Council" means the City Council of the City.

"Commercial or Industrial Property" means for each Fiscal Year, property for which a building permit for new construction of a commercial or industrial use building has been issued.

"County" means the County of Riverside.

"Developed Multi-Family Residential Property" means for each Fiscal Year, all Taxable Property for which a building permit for new construction of a multi-family dwelling with four or more units was issued prior to June 30 of the prior Fiscal Year, exclusive of property for which the property owner pays Transient Occupancy Taxes or the property owner has entered into an agreement with the City pursuant to which such property owner pays Transient Occupancy Taxes.

“Developed Property” means for each Fiscal Year, all Developed Multi-Family Residential Property and Developed Single-Family Residential Property.

“Developed Single-Family Residential Property” means for each Fiscal Year, all Taxable Property for which a building permit new construction of a single-family dwelling unit was issued prior to June 30 of the prior Fiscal Year.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Resolution of Formation” means the resolution adopted by the City as authorized by Section 53325.1 of the California Government Code.

“Special Tax” means the special tax to be levied in each Fiscal Year on each Assessor’s Parcel Taxable Property.

“State” means the State of California.

“Taxable Property” means all the Assessor’s Parcels within the boundaries of the CFD which are not exempt from the Special Tax pursuant to law or Section E below.

“Transient Occupancy Taxes” means those transient occupancy taxes payable to the City pursuant to Ordinance.

“Undeveloped Property” means, for each Fiscal Year, all Assessor’s Parcels not classified as Developed Property or Commercial or Industrial Property.

B. ASSIGNMENT TO LAND USE CLASSES

Each Fiscal Year, all Taxable Property within the CFD classified as Developed Single-Family Residential Property or Developed Multi-Family Residential Property shall be subject to Special Taxes in accordance with the rate and method of apportionment determined pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX

1. Developed Single-Family Residential Property

a. Maximum Special Tax

The 2005-06 thru 2014-15 Maximum Special Tax for each Assessor’s Parcel classified as Developed Single-Family Residential Property shall be \$663.00 for Police Services and \$405.00 for Fire/Paramedic Services.

b. Increase in the Maximum Special Tax

On each July 1, commencing on July 1, 2015, the Maximum Special Tax shall be increased by an amount equal to the percentage increase in the U.S. Department of Labor Statistics, Consumer Price Index, for Los Angeles-Riverside-Orange County, California, for the 12

month period ending the preceding December 31, of the amount in effect for the previous Fiscal Year.

2. Developed Multi-Family Residential Property

a. Maximum Special Tax

The 2005-06 thru 2014-15 Maximum Special Tax for each Assessor's Parcel classified as Developed Multi-Family Residential Property shall be \$663.00 for Police Services and \$405.00 for Fire/Paramedic Services multiplied by the number of separate dwelling units applicable to such Assessor's Parcel.

b. Increase in the Maximum Special Tax

On each July 1, commencing on July 1, 2015, the Maximum Special Tax shall be increased by an amount equal to the percentage increase in the U.S. Department of Labor Statistics, Consumer Price Index, for Los Angeles-Riverside-Orange County, California, for the 12 month period ending the preceding December 31, of the amount in effect for the previous Fiscal Year.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2005-06 and for each following Fiscal Year, the City Council shall levy the Special Tax at the Maximum Special Tax on all Developed Single-Family Residential Property and Developed Multi-Family Residential Property.

E. EXEMPTIONS: EXCLUSIONS

No Special Tax shall be levied on Undeveloped Property, Commercial or Industrial Property or for Developed Property developed as part of a development with less than 4 units. In the event that a Developed Multi-Family Residential Property that has been excluded from a levy of the Special Tax by reason of the payment by the property owner of Transient Occupancy Tax, and should that payment be terminated, such Assessor Parcel shall not longer be excluded from Developed Multi-Family Residential Property and will be subject to the Special Tax.

F. APPEALS AND INTERPRETATIONS

Any taxpayer may file a written appeal of the Special Tax on his/her property with the CFD Administrator, provided that the appellant is current in his/her payments of Special Taxes. During the pendency of an appeal, all Special Taxes previously levied must be paid on or before the payment date established when the levy was made. The appeal must specify the reasons why the appellant claims the calculation of the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination. If the CFD Administrator agrees with the appellant, the CFD Administrator shall eliminate or reduce the Special Tax on the appellant's property and/or provide a refund to the appellant. If the CFD Administrator disagrees with the appellant and the appellant is dissatisfied with the determination, the appellant then has 30 days in which to appeal to the Board by filing a written notice of appeal with the Board Secretary, provided that the appellant is

current in his/her payments of Special Taxes. The second appeal must specify the reasons for its disagreement with the CFD Administrator's determination.

G. MANNER OF COLLECTION

The Special Tax will be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the CFD may directly bill the Special Tax, may collect Special Taxes at different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

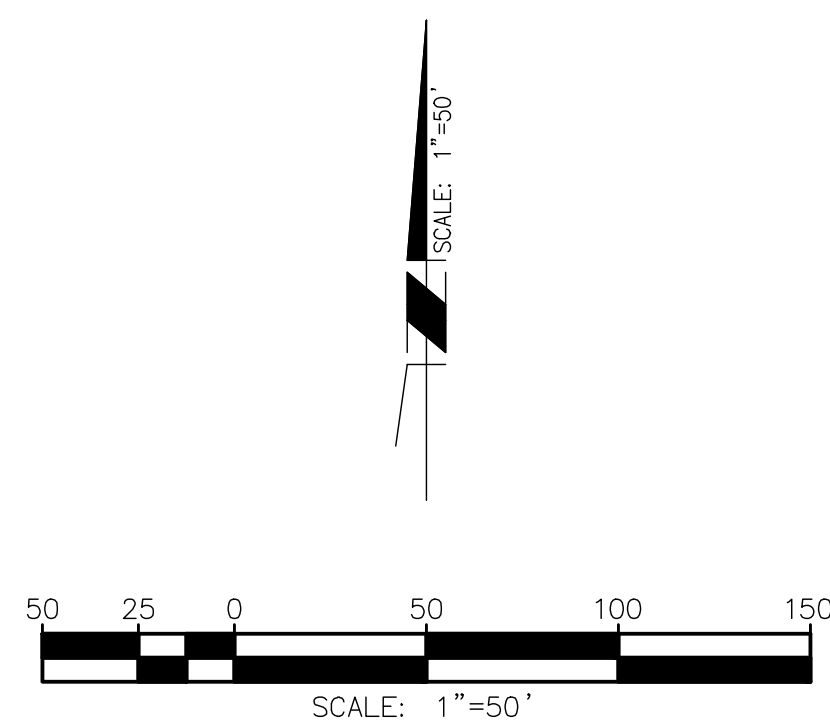
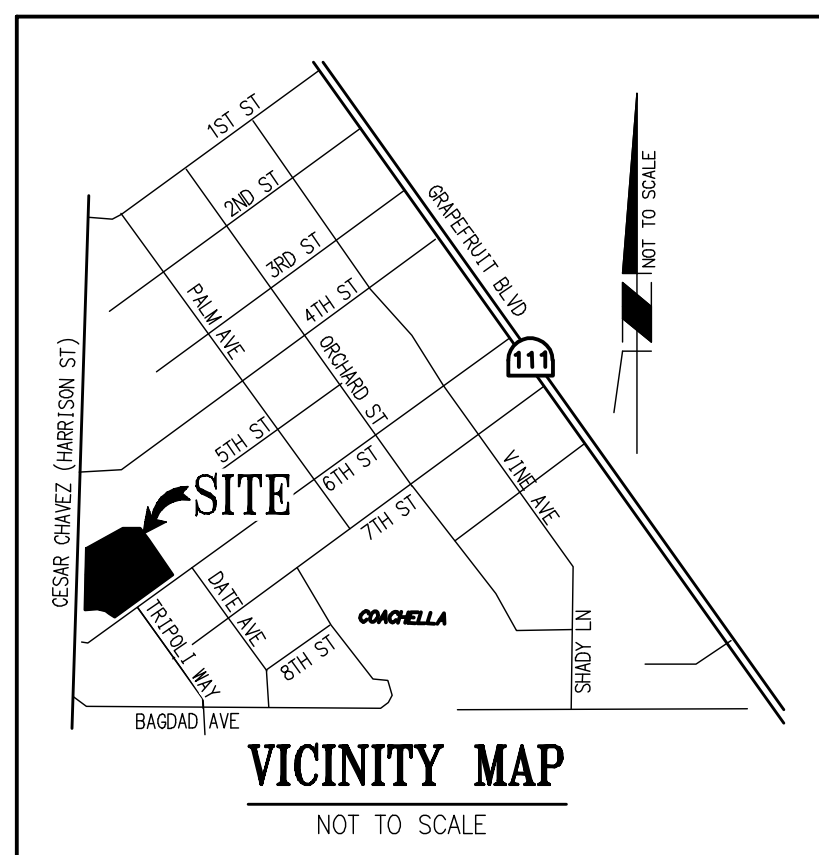
H. PREPAYMENT OF THE SPECIAL TAX

The Special Tax may not be prepaid.

I. TERM OF THE SPECIAL TAX

The Annual Maximum Special Tax shall be levied in perpetuity or until Law Enforcement, Fire and Paramedic Services are no longer being provided by the City within the CFD, whichever is earlier.

IN THE CITY OF COACHELLA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
ANNEXATION MAP NO. ____
PUEBLO VIEJO VILLAS ____
COMMUNITY FACILITIES DISTRICT NO 2005-1
(LAW ENFORCEMENT, FIRE AND PARAMEDIC SERVICES)



FILED IN THE OFFICE OF THE CITY CLERK THIS ____ DAY OF _____
20____.

I HEREBY STATE THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. __, PUEBLO VIEJO VILLAS, TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (LAW ENFORCEMENT, FIRE AND PARAMEDIC SERVICES), CITY OF COACHELLA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF, HELD ON THE __ DAY OF __, 2020, BY ITS RESOLUTION NO. _____.

ANGELA ZEPEDA
CITY CLERK
CITY OF COACHELLA

FILED THIS _____ DAY OF _____, 2020, AT THE HOUR OF
_____ O'CLOCK _____ M. IN THE BOOK _____ PAGES _____ OF MAPS OF
ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT NO.
_____ IN THE OFFICE OF THE COUNTY RECORDER IN THE
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

PETER ALDANA
ASSESSOR - COUNTY CLERK - RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF COMMUNITY FACILITIES DISTRICT NO. 2005-1 (LAW ENFORCEMENT, FIRE AND PARAMEDIC SERVICES) OF THE CITY OF COACHELLA RECORDED WITH RIVERSIDE COUNTY RECORDERS OFFICE ON SEPTEMBER 7, 2005, IN BOOK 63 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT, PAGE 1000, AS INSTRUMENT NO. 2005-0737672.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSORS MAPS FOR THOSE PARCELS LISTED.

THE RIVERSIDE COUNTY ASSESSORS MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMESNIONS OF SUCH LOTS OF PARCELS.

ASMT. NO.	ASSESSOR'S PARCEL NO.	ACREAGE
①	778-080-007	2.66± ACRES

LEGEND

— ASSESSMENT BOUNDARY

ASSESSMENT NUMBER



STAFF REPORT
5/13/2020

TO: Honorable Mayor and City Council Members

FROM: Luis Lopez, Development Services Director

SUBJECT: Coachella Travel Center Project

- a) Environmental Assessment (EA 18-05) adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the development of the Coachella Travel Centre project.
- b) Ordinance No. 1148 approving Change of Zone (CZ 18-11) from A-R (Agricultural Reserve) to C-G (General Commercial).
- c) Conditional Use Permits (CUP 310 and 311) for drive-thru restaurant, car wash and truck wash facilities.
- d) Variance (VAR 18-09) to allow a four-story hotel building in excess of 50 feet in height, in the C-G (General Commercial) zone.
- e) Architectural Review (AR 18-09) to allow a new 3,800 sq. ft. convenience store with service station, 1,200 sq. ft. drive-thru restaurant, 5,555 sq. ft. restaurant, 2,677 sq. ft. car wash tunnel, 4,754 sq. ft. truck washing facility, and 11, 259 sq. ft. 4-story hotel with related infrastructure on 14.1 acres of vacant land located on the south side of Avenue 50 between the Whitewater Channel and the State Route 86 Expressway.

STAFF RECOMMENDATION:

Staff recommends that the City Council open the public hearing and continue this item for another 60 days to July 15, 2020 in order to allow additional time to complete a Traffic and Roadway Alignment Study, and engineering analysis of public water and sewer improvements necessary for the project.

BACKGROUND:

This item was continued from the December 11, 2019 and February 12, 2020 City Council meetings due to numerous issues previously identified by City Council and staff that had yet to be addressed before the City Council could make an informed decision about the proposed development project.

SUMMARY AND CONCLUSIONS:

The City Council and City staff previously raised traffic concerns with the project, as a result of the following issues:

- 1) Inadequacy of the traffic analysis discussed in the CEQA Initial Study/Mitigated Negative Declaration document in light of existing substandard conditions at the intersection of Avenue 50 and Tyler Street, near the project entry and the need for a traffic impact analysis to be prepared by a licensed traffic engineer.
- 2) Seasonal flooding issues that result in closure of Avenue 50 at the Whitewater Channel immediately adjacent to the main entrance into the property and the proposed project.
- 3) Concern regarding the Cal Trans Bridge Inspection Report for the Dillon Road Bridge requiring posting weight restriction limits signs for truckers to use alternate routes.
- 4) City Engineer concerns for public sewer and water improvements conceptual-level engineering plans and analyses to be submitted for review prior to final decision actions for the project.

The applicant has not had a chance to meet with the City Engineer to further discuss the scoping for a traffic study and for concept-level utility plans for the project. Recent events have aggravated the developer's ability to coordinate meetings with his design team, City Engineer, and the Fire Marshal, and to contract for the traffic study. Due to the lack of progress on these items, staff is recommending another 60-day continuance.



STAFF REPORT
5/13/2020

TO: Honorable Mayor and City Council Members

FROM: Luis Lopez, Development Services Director

SUBJECT: Appeal of the Planning Commission's revocation of Conditional Use Permit (CUP 312) to allow a Retail Cannabis Microbusiness on 20,000 square feet of land located at 84-161 Avenue 48. The Coachella Lighthouse, LLC, Appellant.

STAFF RECOMMENDATION:

Staff recommends that the City Council uphold the Planning Commission's revocation Conditional Use Permit No. 312 (CUP 312) based upon numerous violations of the Conditions of Approval of CUP 312. A resolution to that effect is attached to this staff report.

BACKGROUND:

On February 27, 2019, the Planning Commission granted with conditions Conditional Use Permit No. 312 (CUP 312). Pursuant to Condition No. 3 of CUP 312, the Development Services Director conducted a 12-month review of CUP 312 and determined that the permittee failed to comply with the Conditions of Approval of CUP 312.

On April 15, 2020, the Planning Commission conducted a duly noticed public hearing to determine whether it should revoke CUP 312 for the appellant's failure to comply with the Conditions of Approval. After the closure of the public hearing, the Planning Commission adopted Resolution No. PC2020-03 revoking CUP 312, finding that one or more Conditions of Approval of CUP 312 were violated. Following the Planning Commission's Revocation, The Coachella Lighthouse, LLC filed an appeal to the City Council pursuant to Sections 17.74.040 and 17.74.050(B)(2) of the Coachella Municipal Code ("CMC").

REQUIRED FINDINGS

The Planning Commission's revocation was based on Sections 17.84.070 and 17.74.050(B)(1) of the Coachella Municipal Code.

Pursuant to Section 17.84.070 of the Coachella Municipal Code, the Planning Commission may consider a conditional use permit for revocation if the applicant or permittee or owner, its agent, employee, or any person connected or associated with the applicant or permittee:

- (1) Has knowingly made false statements in the applicant's application or in any reports or other supporting documents furnished by the applicant or permittee;

- (2) Has failed to maintain a valid state license;
- (3) Has failed to comply with any applicable provision of the Coachella Municipal Code, including, but not limited to, this chapter, the city's building, zoning, health, and public safety regulations;
- (4) Has failed to comply with any condition imposed on the conditional use permit; or
- (5) Has allowed the existence of or created a public nuisance in violation of the Coachella Municipal Code.

In addition, pursuant to Section 17.74.050(B)(1) of the Coachella Municipal Code, the Planning Commission may consider a conditional use permit for revocation if one or more conditions are not complied with.

According to Section 17.70.080 of the CMC, the hearing on an appeal from a Planning Commission decision is a de novo hearing, based upon the evidence and testimony introduced at any previous hearing or hearings and the subsequent record, findings, and recommendations or determinations. Before granting an appeal, in whole or in part, the City Council must find an error or abuse of discretion in the original determination and make any findings required to support any new or revised determination of the matter.

DISCUSSION/ANALYSIS

The written appeal application submitted by the appellant argues with some detail how the Commission erred in its decision to revoke CUP 312 and that the Commission's action was an abuse of discretion. The City Council is being asked to overturn the decision of the Planning Commission.

Staff contends that there was no error or abuse of discretion in the Planning Commission's decision. One or more Conditions of Approval of CUP 312 have been violated. The following chart describes the Conditions of Approval of CUP 312 that were in violation at the time of the April 15, 2020 revocation hearing:

CONDITIONS OF APPROVAL OF CUP 312	VIOLATION OF CUP 312
Condition No. 2(a) of CUP 312 states: "Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness and subject to compliance with the following performance schedule... The first phase of the Glenroy Resort Hotel shall be completed and open for business within 90 days of January 1, 2019."	According to a review of City records and inspections of the property by City staff, as of April 8, 2020, the first phase of the Glenroy Resort Hotel is not complete or open for business.

CONDITIONS OF APPROVAL OF CUP 312	VIOLATION OF CUP 312
<p>Condition No. 2(b) of CUP 312 states: “Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness and subject to compliance with the following performance schedule... The perimeter landscaping and fencing improvements for the retail cannabis microbusiness shall be completed within 60 days of the effective date of Conditional Use Permit No. 312.”</p>	<p>According to inspections of the property by City staff, as of April 8, 2020, the perimeter landscaping and fencing improvements for the retail cannabis microbusiness have not been completed. Landscaping was installed but the perimeter fencing in front of the dispensary is missing.</p>
<p>Condition No. 2(c) of CUP 312 states: “Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness and subject to compliance with the following performance schedule... The improvements required under Condition #5 of CUP 312 for additional glazing on the façade of the retail cannabis microbusiness shall be completed within 60 days of the effective date of Conditional Use Permit No. 312.”</p>	<p>According to inspections of the property by City staff, as of April 8, 2020, additional glazing on the façade of the retail cannabis microbusiness was not completed.</p>
<p>Condition No. 5 of CUP 312 states: “The applicant or successor in interest shall comply with all conditions of approval imposed upon Architectural Review No. 17-07. The front façade of the business shall incorporate additional glazing on the front façade, subject to review by the Development Services Director.”</p>	<p>According to inspections of the property by City staff, as of April 8, 2020, the front façade of the business did not incorporate additional glazing.</p>

CONDITIONS OF APPROVAL OF CUP 312	VIOLATION OF CUP 312
Condition No. 6 of CUP 312 states: “A comprehensive sign program for the Glenroy Resort project must be reviewed and approved by the Planning Commission prior to the issuance of any sign permits for the retail cannabis microbusiness. The front façade of the retail cannabis microbusiness may have one identification sign and one secondary ‘logo sign’ placed on the front façade.”	According to a review of City records by City staff, as of April 8, 2020, no comprehensive sign program for the Glenroy Resort project was reviewed or approved by the Planning Commission.
Condition No. 14 of CUP 312 states: “The owner shall install a conforming trash enclosure for solid waste and recyclables within 250 feet of the proposed cannabis retail microbusiness.”	According to inspections of the property by City staff, as of April 8, 2020, no conforming trash enclosure for solid waste and recyclables has been installed within 250 feet of the cannabis retail microbusiness.
Condition No. 15 of CUP 312 states: “The owner shall install a minimum of five bicycle racks in front of the retail cannabis microbusiness, or adjacent to the parking lot serving the proposed business.”	According to inspections of the property by City staff, as of April 8, 2020, there were no bicycle racks in front of the retail cannabis microbusiness or adjacent to the parking lot serving the business.
Condition No. 16 of CUP 312 states: “The fencing along Avenue 48 may consist of a decorative wrought iron fence with a maximum height of five feet. The parking lot security gates shall consist of low barrier, non-automated gates to remain open during all hours of business operation. All entry gates must be reviewed and approved by the Fire Marshal’s Office and the Building Official.”	According to inspections of the property by City staff, as of April 8, 2020, there is no fencing installed in front of the business and no fencing along the front portion of the adjoining parking lot serving the business.

Pursuant to Condition No. 3 of CUP 312, the Development Services Director conducted a 12-month review of CUP 312. As part of this review, on March 9, 2020, the Development Services Director mailed a letter to Quonset Partners LLC, care of Joseph Rubin, requesting written status of compliance with the Conditions of Approval. Quonset Partners LLC failed to respond to the letter. The Development Services Director concluded his review and determined that the project failed to comply with the Conditions of Approval of CUP 312.

On March 24, 2020, the City issued a letter to all interested parties, Coachella Lighthouse, LLC, Quonset Partners LLC, and Inception RE Credit Holds, LLC, demanding compliance with the Conditions of Approval by April 14, 2020, which they failed to meet.

Staff conducted a site visit of The Lighthouse property and the adjoining parking area to the west on April 8, 2020. Staff observed the lack of compliance with several of the Conditions of Approval, as noted above.

However, numerous Conditions of Approval of CUP 312 that were being violated at the time of the Planning Commission's April 15, 2020 revocation hearing have not been cured and are currently being violated. Sections 17.84.070 and 17.74.050(B)(1) of the Coachella Municipal Code authorize revocation of a conditional use permit for *any* violation of a conditional of approval. So each violation of the Conditions of Approval is an independent basis to revoke CUP 312. Thus, the Planning Commission neither erred nor abused its discretion when it determined that "one or more" Conditions of Approval of CUP 312 were violated. In addition, subsequent correction of a violation does not necessarily warrant granting of the appeal. The appeal should only be granted if *all* violations of the Conditions of Approval of CUP 312 have been cured. Again, revocation remains appropriate if "one or more" Conditions of Approval of CUP 312 were violated.

Due to the noncompliance described above, as authorized by Section 17.84.070(D) and Section 17.74.050(B)(1) of the Coachella Municipal Code, revocation of CUP 312 is determined the appropriate City response.

ALTERNATIVES:

1. Adopt Resolution No. 2020-30 and revoke Conditional Use Permit No. 312.
2. Direct Staff to modify the Conditions of Approval of Conditional Use Permit No. 312.
3. Continue this item and provide staff direction.
4. Grant the appeal and set aside the Planning Commission's revocation of CUP 312.

CONCLUSIONS AND RECOMMENDATIONS

Based on the facts noted in this staff report and the documentation attached hereto, City staff recommends Alternative No. 1, noted above, for the City Council to adopt Resolution No. 2020-30 and;

1. Determine that the project is Categorically Exempt pursuant to Section No. 15321 (Enforcement Actions by Regulatory Agencies) of the CEQA; and,
2. Deny the appeal and uphold the Planning Commission's revocation of Conditional Use Permit No. 312.

Attachments: City Council Resolution No. 2020-30
 CUP 312 (Coachella City Council Resolution 2019-07)
 March 9, 2020 Compliance Verification Letter
 March 24, 2020 Compliance Demand Letter
 April 15, 2020 Planning Commission Staff Report
 Planning Commission Resolution No. PC2020-03 revoking CUP 312
 Request for Appeal with Attachment A, submitted by The Coachella Lighthouse, LLC
 Public Hearing Notice

RESOLUTION NO. 2020-30

A RESOLUTION OF THE CITY OF COACHELLA CITY COUNCIL AFFIRMING PLANNING COMMISSION'S DECISION AND REVOKING CONDITIONAL USE PERMIT NO. 312, A CONDITIONAL USE PERMIT TO ALLOW A 3,250 SQUARE FOOT RETAIL CANNABIS MICROBUSINESS ON 0.29 ACRES OF LAND IN THE CG-RC (GENERAL COMMERCIAL – RETAIL CANNABIS OVERLAY) ZONE AT 84-161 AVENUE 48, AND MAKING FINDINGS IN SUPPORT THEREOF. THE COACHELLA LIGHTHOUSE, APPELLANT.

WHEREAS, on February 27, 2019, the City of Coachella Planning Commission ("Planning Commission") issued Conditional Use Permit No. 312 ("CUP 312") to allow a 3,250 square foot retail cannabis microbusiness with parking and security fencing to be located on 0.29 acres of land at 84-161 Avenue 48 within a commercial center located at the southeast corner of Avenue 48 and Van Buren Street (Assessor Parcel Numbers 603-220-063 and portions of 603-220-066); and,

WHEREAS, pursuant to Condition No. 3 of CUP 312, the Development Services Director conducted a 12-month review of CUP 312 and determined that the permittee failed to comply with the Conditions of Approval of CUP 312; and,

WHEREAS, the Development Services Director determined that the interested parties failed to comply with Conditions of Approval Nos. 2(a) – (c), 5, 6, and 14 – 16; and,

WHEREAS, pursuant to California Constitution Article XI, § 7, the California Zoning and Planning Law (Government Code sections 65800–65912), Chapters 17.70, 17.74, and 17.84 of the Coachella Municipal Code ("CMC"), the City of Coachella ("City"), through the Planning Commission and City Council, is authorized to revoke CUP 312; and,

WHEREAS, CMC section 17.74.050 and 17.84.070(D) authorize the revocation of a conditional use permit upon a finding that one or more conditions of the conditional use permit were not complied with; and,

WHEREAS, an application was initiated by the City for the revocation of CUP 312; and,

WHEREAS, on April 15, 2020, the Planning Commission conducted a duly noticed regular public hearing at which time all interested parties were provided the opportunity to give testimony for or against the revocation of CUP 312; and,

WHEREAS, on April 15, 2020, the Planning Commission revoked CUP 312 at the conclusion of the public hearing; and,

WHEREAS, The Coachella Lighthouse, LLC timely appealed the decision of the Planning Commission to the City Council; and,

WHEREAS, interested parties were properly notified of a public hearing held on May 13, 2020, regarding an appeal of the Planning Commission's decision to revoke CUP 312; and,

WHEREAS, on May 13, 2020, the City Council conducted a duly noticed public hearing on the appeal in the Council Chambers, 1515 Sixth Street, Coachella, California; and,

WHEREAS, all interested parties were afforded the opportunity to rebut the oral and written evidence that the applicant, City staff, presented in support of its position that revocation of CUP 312 was appropriate; and,

WHEREAS, members of the public were afforded an opportunity to testify regarding the revocation; and,

WHEREAS, the City Council finds that the Planning Commission carefully considered all information pertaining to the revocation, including the staff report and attachments, and all of the information, evidence, and testimony presented at its public hearing on April 15, 2020, after which it exercised its independent judgment to revoke CUP 312; and,

WHEREAS, the City Council, on May 13, 2020, affirmed the Planning Commission decision; and,

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred; and,

WHEREAS, revocation is categorically exempt from environmental review pursuant to Title 14, California Code of Regulations, section 15321(a).

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Coachella, California does hereby resolve as follows:

SECTION 1. The recitals set forth above are true and correct and are incorporated herein by reference.

SECTION 2. Based on the preponderance of the evidence presented to this City Council at the above-referenced public hearing on May 13, 2020, including the staff report with attachments and all information presented at the hearing in support of and in opposition to the revocation, after having reviewed the matter de novo on appeal, the City Council makes its own findings as following in accordance with Sections 17.70.080, 17.74.050, and Section 17.84.070 of the Coachella Municipal Code.

Finding Number 1: One or more conditions of CUP 312 was violated.

1. Pursuant to Condition No. 3 of CUP 312, the Development Services Director conducted a 12-month review of CUP 312 and determined that the permittee failed to comply with the Conditions of Approval of CUP 312, which led to the Planning Commission's revocation of CUP 312 and subsequent appeal to the City Council.

2. The permittee failed to comply with Condition No. 2(a) of CUP 312, which states: "Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness and subject to compliance with the following performance schedule... The first phase of the Glenroy Resort Hotel shall be completed and open for business within 90 days of January 1, 2019." According to a review of City records and inspections of the property by City staff, as of April 8, 2020, the first phase of the Glenroy Resort Hotel is not complete nor open for business.
3. The permittee failed to comply with Condition No. 2(b) of CUP 312, which states: "Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness and subject to compliance with the following performance schedule... The perimeter landscaping and fencing improvements for the retail cannabis microbusiness shall be completed within 60 days of the effective date of Conditional Use Permit No. 296." According to inspections of the property by City staff, as of April 8, 2020, the fencing improvements for the retail cannabis microbusiness have not been completed.
4. The permittee failed to comply with Condition No. 2(c) of CUP 312, which states that "Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness and subject to compliance with the following performance schedule... The improvements required under Condition #5 of CUP 312 for additional glazing on the façade of the retail cannabis microbusiness shall be completed within 60 days of the effective date of Conditional Use Permit No. 312." According to inspections of the property by City staff, as of April 8, 2020, additional glazing on the façade of the retail cannabis microbusiness was not completed.
5. The permittee failed to comply with Condition No. 5 of CUP 312, which states that "The applicant or successor in interest shall comply with all conditions of approval imposed upon Architectural Review No. 17-07. The front façade of the business shall incorporate additional glazing on the front façade, subject to review by the Development Services Director." According to inspections of the property by City staff, as of April 8, 2020, the front façade of the business did not incorporate additional glazing.
6. The permittee failed to comply with Condition No. 6 of CUP 312, which states: "A comprehensive sign program for the Glenroy Resort project must be reviewed and approved by the Planning Commission prior to the issuance of any sign permits for the retail cannabis microbusiness. The front façade of the retail cannabis microbusiness may have one identification sign and one secondary "logo sign" placed on the front façade." According to a review of City records by City staff, as of April 8, 2020, no comprehensive sign program for the Glenroy Resort project was reviewed or approved by the Planning Commission.

7. The permittee failed to comply with Condition No. 14 of CUP 312, which states: “The owner shall install a conforming trash enclosure for solid waste and recyclables within 250 feet of the proposed cannabis retail microbusiness.” According to inspections of the property by City staff, as of April 8, 2020, no conforming trash enclosure for solid waste and recyclables has been installed within 250 feet of the cannabis retail microbusiness.
8. The permittee failed to comply with Condition No. 15 of CUP 312, which states: “The owner shall install a minimum of five bicycle racks in front of the retail cannabis microbusiness, or adjacent to the parking lot serving the proposed business.” According to inspections of the property by City staff, as of April 8, 2020, five bicycle racks were not installed in front of the retail cannabis microbusiness or adjacent to the parking lot serving the business.
9. The permittee failed to comply with Condition No. 16 of CUP 312, which states that “The fencing along Avenue 48 may consist of a decorative wrought iron fence with a maximum height of five feet. The parking lot security gates shall consist of low barrier, non-automated gates to remain open during all hours of business operation. All entry gates must be reviewed and approved by the Fire Marshal’s Office and the Building Official.” According to inspections of the property by City staff, as of April 8, 2020, no perimeter fencing was installed along the Avenue 48 frontage adjacent to the retail cannabis business and no perimeter fencing was installed adjacent to the parking area serving the retail cannabis business. [BS1][LL2]
10. Based on the foregoing, the City of Coachella City Council hereby finds that one or more Conditions of Approval of CUP 312 were violated, justifying the CUP 312’s revocation.

SECTION 3. Based upon the findings set forth in Sections 1 and 2 of this Resolution, the City Council hereby affirms the Planning Commission’s decision and revokes Conditional Use Permit No. 312.

SECTION 4. The City Council hereby finds and determines that the revocation is categorically exempt from the requirements of the California Environmental Quality Act, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15321 of the State CEQA Guidelines.

SECTION 6. This decision of the City Council is final and binding upon approval of this Resolution. A copy of this certified Resolution will be transmitted to the interested parties by first class mail. Interested parties may seek judicial review of this decision. Pursuant to Code of Civil Procedure Section 1094.6, any petition to the court must be filed no later than the 90th day from the date on which this decision became final.

SECTION 7. The City Clerk shall certify to the adoption of this Resolution.

PASSED APPROVED, and ADOPTED by the City Council of the City of Coachella, California, at a regular meeting held on this 13th day of May, 2020.

PASSED, APPROVED, and ADOPTED this 13th day of May 2020.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2020-30 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on this 13th day of May 2020 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk

RESOLUTION NO. 2019-07

A RESOLUTION OF THE CITY OF COACHELLA CITY COUNCIL APPROVING CONDITIONAL USE PERMIT (CUP 312) TO ALLOW A 3,250 SQUARE FOOT RETAIL CANNABIS MICROBUSINESS ON A 0.29 ACRE PARCEL LOCATED IN THE CG-RC (GENERAL COMMERCIAL – RETAIL CANNABIS OVERLAY) ZONE LOCATED ON THE SOUTH SIDE OF AVENUE 48 BETWEEN VAN BUREN STREET AND THE DILLON ROAD GRADE SEPARATION (AKA 84-161 AVENUE 48). THE COACHELLA LIGHTHOUSE LLC, APPLICANT.

WHEREAS, The Coachella Lighthouse, LLC filed an application for Change of Zone (CZ 18-12) and Conditional Use Permit (CUP 312) to allow a 3,250 square foot retail cannabis microbusiness with parking and security fencing to be located on 0.29 acres of land located 84-161 Avenue 48 within a commercial center located on the south side of Avenue 48 between Van Buren Street and the Dillon Road grade separation; APN: 603-220-063 and portions of APN 603-220-066, (“Project”); and,

WHEREAS, the Planning Commission conducted a duly noticed special public hearing on Change of Zone No. 18-12 and CUP 312 on February 6, 2019 in the Council Chambers, 1515 Sixth Street, Coachella, California; and,

WHEREAS, on February 6, 2019 the Applicant and members of the public were present and were afforded an opportunity to testify regarding the Project; and,

WHEREAS, the Project is permitted pursuant to Chapter 17.84 of the Coachella Municipal Code and Ordinance 1120 with the attendant applications for a Change of Zone to allow a retail cannabis microbusiness; and,

WHEREAS, the proposed project is necessary for economic development purposes as outlined in the Glenroy Resort Development Agreement and is consistent with the objectives of the City’s General Plan, and is not detrimental to the surrounding uses in the vicinity; and,

WHEREAS, the proposed site is adequate in size and shape to accommodate the proposed uses; and,

WHEREAS, the site for proposed use relates properly to streets which are designed to carry the type and quantity of traffic to be generated by the proposed use; and,

WHEREAS, the proposed use will have no significant deleterious effect on the environment; and,

WHEREAS, the City Council conducted a duly noticed public hearing on Change of Zone No. 18-12 and CUP 312 on February 27, 2019 in the Council Chambers, 1515 Sixth Street, Coachella, California to consider staff recommendations and prior written and oral testimony regarding the project and wherein the public was given an opportunity to testify; and,

WHEREAS, a Mitigated Negative Declaration was previously prepared and adopted for the Glenroy Resort Project pursuant to the California Environmental Quality Act, as amended.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Coachella, California does hereby approve Conditional Use Permit No. 312 with the findings and conditions listed below.

Findings for Conditional Use Permit #312:

1. The proposed use is consistent with the goals, objectives, policies, and implementation measures of the Coachella General Plan 2035. The site has a Regional Commercial District land use designation that allows for hotel and commercial uses intended to create a regional attraction to the site. The proposed commercial structure on the site is in keeping with the policies of the Regional Commercial District land use classification and the Project is internally consistent with other General Plan policies for this type of development.

2. The proposed use is in compliance with the applicable land use regulations and development standards of the City's Zoning Code. The site plan proposes a retail cannabis microbusiness totaling 3,250 square feet and common parking and security fencing. The Project complies with applicable CG-RC (General Commercial –Retail Cannabis) and the operators will secure a regulatory permit pursuant to Ordinance 1120.

3. The proposed use and development of the property including the façade and architectural themes and development standards were considered on the basis of the suitability of the site for the particular use intended, and the total development, including the prescribed development standards, were so arranged to avoid traffic congestion, ensure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and are in accord with all elements of the general plan. As proposed, the site is within the Regional Commercial land use designation of the City's general plan. This category provides for a broad spectrum of commercial uses. The proposed uses are compatible with existing adjacent uses that include similar pattern of hospitality, restaurant and entertainment uses.

4. The Project will be compatible with neighboring properties with respect to land development patterns and application of architectural treatments. The plans submitted for this Project propose a retail cannabis microbusiness that is allowed in the CG-RC zone pursuant to an approved Conditional Use Permit. Surrounding uses include restaurant, hotel and entertainment uses. The residential uses to the north in the County of Riverside will be substantially buffered by the Avenue 48 street right-of-way and other commercial uses making up the Glenroy Resort site. The public park to the south will not be impacted since the park is substantially removed from the proposed retail cannabis business. Additionally, the new Building B was approved by the Planning Commission as having a unified design theme to the adjacent buildings. Therefore, the Project will be in keeping with the scale, massing, and aesthetic appeal of the existing area and future development.

5. An Initial Environmental Study recommending the adoption of a Mitigated

Negative Declaration was prepared for this Project, pursuant to the California Environmental Quality Act Guidelines (CEQA Guidelines) and mitigation measures have been incorporated into the overall project in order to reduce the environmental effects of the project to a level of less than significant. The Project will not have any significant adverse effects on the environment.

Conditions of Approval for Conditional Use Permit #312:

1. Conditional Use Permit No. 312 is hereby granted for the express purpose of operating a cannabis retail microbusiness. The owner must obtain a Cannabis Regulatory Permit and any required State licenses prior to the commencement of business activities. The microbusiness may have retail sales of cannabis products as its primary use, and may include incidental uses not exceeding 50% of the total floor area. Incidental uses may include indoor cultivation of cannabis plants, delivery service, and processing of cannabis products only. Extraction of cannabis oils through volatile and non-volatile systems shall be expressly prohibited at this location.

2. Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness, and subject to compliance with the following performance schedule:

a. The first phase of the Glenroy Resort Hotel shall be completed and open for business within 90 days of January 1, 2020;

b. The perimeter landscaping and fencing improvements for the retail cannabis microbusiness shall be completed within 60 days of the effective date of Conditional Use Permit No. 312;

c. The improvements required under Condition #5 of CUP 312 for additional glazing on the façade of the retail cannabis microbusiness shall be completed within 60 days of the effective date of Conditional Use Permit No. 312.

3. A 12-month review of this conditional use permit shall be conducted by the Development Services Director to check compliance with the conditions of approval.

4. Approval of Conditional Use Permit No. 296 is contingent upon City Council approval of the attendant Change of Zone No. 18-01 to add the RC (Retail Cannabis Overlay) zone on 20,000 square feet of land encompassing the Building B property and the adjoining area to the east along Avenue 48 having a dimension of approximately 100 feet in length and 40 feet in width.

5. The applicant or successor in interest shall comply with all conditions of approval imposed upon Architectural Review No. 17-07. The front façade of the business shall incorporate additional glazing on the front façade, subject to review by the Development Services Director.

6. A comprehensive sign program for the Glenroy Resort project must be reviewed and approved by the Planning Commission prior to the issuance of any sign permits for the retail cannabis microbusiness. The front façade of the retail cannabis microbusiness may have one identification sign and one secondary “logo sign” placed on the front façade.

7. Hours of operation for the retail cannabis microbusiness may be from 8:30 am to 10:00 pm Sunday through Thursday, and from 8:30 am to 12:30 am on Friday and Saturday. The owner may apply for extended hours during seasonal events subject to obtaining a Special Event Permit from the City of Coachella.

8. The applicant or successor in interest shall meet and confer with the Coachella Police Department to implement security measures for the operation of the retail cannabis microbusiness. Proof of compliance with this condition must be submitted prior to the issuance of a Cannabis Regulatory Permit for the business.

9. Prior to the commencement of business activities, the applicant must obtain a City Cannabis Regulatory Permit and any required State of California licenses for the operation of a retail cannabis microbusiness. The owner may pursue a Special Event Permit for local approval of non-recurring retail cannabis activity during seasonal events prior to securing a Cannabis Regulatory Permit, subject to State agency approvals, and subject to approval by the City Manager or designee.

10. The applicant shall procure the services of a certified private security guard system to provide a minimum of one 24-hour security guard on the premises, and shall maintain a video surveillance and alarm system in compliance with the City’s Municipal Code and the security plan outlined for this project.

11. The applicant shall comply with all applicable conditions of approval imposed on the Glenroy Resort Development Agreement.

12. The applicant or successor in interest shall obtain a City Business License and shall hire a City-approved consultant to prepare a quarterly audit report of the gross retail receipts for all transactions related to the proposed microbusiness. The applicant shall voluntarily participate with City auditing contractors and share business financial information with the City of Coachella for the purpose of complying with this condition of approval.

13. Alcohol sales and tobacco products sales shall be prohibited at the proposed retail cannabis microbusiness location.

14. The owner shall install a conforming trash enclosure for solid waste and recyclables within 250 feet of the proposed cannabis retail microbusiness.

15. The owner shall install a minimum of five bicycle racks in front of the retail cannabis microbusiness, or adjacent to the parking lot serving the proposed business.

16. The fencing along Avenue 48 may consist of a decorative wrought iron fence with


a maximum height of five feet. The parking lot security gates shall consist of low barrier, non-automated gates to remain open during all hours of business operation. All entry gates must be reviewed and approved by the Fire Marshal's Office and the Building Official.

17. The water system for fire protection of the retail cannabis business shall be in accordance with the California Fire Code and subject to review and approval by the Riverside County Fire Marshal's Office.

18. The owner shall submit a wastewater industrial survey to the City's Utility Department prior to the issuance of a water connection meter serving the retail cannabis microbusiness.

19. The applicant shall defend, indemnify and hold harmless the City of Coachella, its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any project approval or condition of approval of the City concerning this project, including but not limited to any approval or condition of approval or mitigation measure imposed by the City Council or Planning Commission. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, and subject to reasonable approval of the applicant, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the matter. The applicant shall execute an indemnification agreement, in a form acceptable to the City Attorney, within five days of the effective date of Conditional Use Permit No. 312.

PASSED, APPROVED and ADOPTED this 27th day of February, 2019.



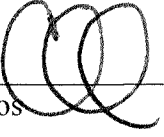
Steven A. Hernandez
Mayor

ATTEST:



Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:



Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

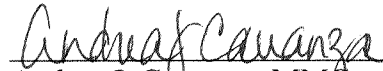
I HEREBY CERTIFY that the foregoing Resolution No. 2019-07 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 27th day of February, 2019 by the following vote of Council:

AYES: Councilmember Bautista, Councilmember Beaman Jacinto, Mayor Pro Tem Martinez, and Mayor Hernandez.

NOES: None.

ABSENT: None.

ABSTAIN: Councilmember Gonzalez.



Andrea J. Carranza, MMC
Deputy City Clerk



53-990 ENTERPRISE WAY, COACHELLA, CALIFORNIA 92236

PHONE (760) 398-3502 • WWW.COACHELLA.ORG

March 9, 2020

Mr. Joseph Rubin
1801 S. La Cienega Blvd Suite 302
Los Angeles CA 90035

Subject: Conditional Use Permit No. 312
84-160 Avenue 48, Coachella, California

Dear Mr. Rubin:

Pursuant to condition #3 of Conditional Use Permit No. 312 (CUP 312), this is to inform you that the Development Services Director is conducting a 12-month review in order to check compliance with the conditions of approval, related to "The Lighthouse" retail cannabis business. Attached for your convenience is City Council Resolution No. 2019-07 which included 19 conditions of approval.

Within seven (7) days of receipt of this letter, please provide to me a written status of compliance with each of the conditions of approval for CUP 312, as listed in Resolution No. 2019-07.

Please contact me at (760)398-3102 or by e-mail at LLopez@coachella.org if you have any questions.

Sincerely,


Luis Lopez
Development Services Director



March 24, 2020

Coachella Lighthouse
P.O. Box 420
Coachella, California 92236

Coachella Lighthouse, LLC
84160 Avenue 48
Coachella, California 92236

Coachella Lighthouse, LLC
% Joseph Rubin, Manager
1801 South La Cienega Boulevard, Suite 301
Los Angeles, California 90035

Quonset Partners LLC
% Joseph Rubin, Agent for Service of Process
1801 South La Cienega Boulevard, Suite 302
Los Angeles, California 90035

Quonset Partners LLC
% Zachary Werner, Manager
383 South Beverly Glen Boulevard
Los Angeles, California 90024

Inception RE Credit Holdings, LLC
% Paracorp Incorporated, Agent for Service of Process
2804 Gateway Oaks Drive, #100
Sacramento, California 95833

Subject: Conditional Use Permit No. 312
84-160 Avenue 48, Coachella, California

To Whom It May Concern:

Pursuant to Condition No. 3 of Conditional Use Permit No. 312 (CUP 312), the Development Services Director has conducted a 12-month review of CUP 312 and has determined that you have failed to comply with the Conditions of Approval of CUP 312. Attached for your convenience is City Council Resolution No. 2019-07, which includes 19 Conditions of Approval.

Specifically, you have failed to comply with Conditions of Approval Nos. 2(a)–(c), 5, 6, and 14–16. Please be advised a conditional use permit may be revoked or modified if the Planning Commission makes any finding that the Conditions of Approval have been violated. Revocation of CUP 312 will prohibit this

business from operating at this location. Revocation of CUP 312 may also lead to revocation of the business license for this business.

Given your failure to comply with the Conditions of Approval, the City is compelled to prescribe a compliance deadline. We strongly encourage you to comply with the following compliance deadline to avoid formal enforcement measures.

We will proceed with revocation proceedings unless you comply with the following corrective actions **within 21 calendar days from the date of this letter:**

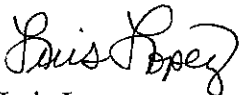
- (1) Complete the first phase of the Glenroy Resort Hotel and open for business, as required by Condition of Approval No. 2(a) and No. 16.
- (2) Complete perimeter landscaping and fencing improvements for the retail cannabis microbusiness, as required by Condition of Approval No. 2(b).
- (3) Complete the improvements required for additional glazing on the façade of the retail cannabis microbusiness, as required by Conditions of Approval Nos. 2(c) and 5.
- (4) Obtain Planning Commission approval of a comprehensive sign program for the Glenroy Resort Hotel project, as required by Condition of Approval No. 6.
- (5) Install a conforming trash enclosure for solid waste and recyclables within 250 feet of the cannabis retail microbusiness, as required by Condition of Approval No. 14.
- (6) Install a minimum of five bicycle racks in front of the retail cannabis microbusiness or adjacent to the parking lot, as required by Condition of Approval No. 15.

Thereafter, kindly remember that you have an ongoing responsibility to ensure that violations of the Conditions of Approval do not recur.

It is the policy of the City to obtain voluntary compliance with its laws, permits, and approvals whenever possible. And it is sincerely hoped that you take this opportunity to correct the violations. Please be advised that unless you comply with this notice, we will proceed with revocation proceedings without further warning or notice. Please act before the compliance deadline to avoid enforcement proceedings.

Please contact me at 760-398-3102 or by e-mail at LLopez@coachella.org if you have any questions.

Sincerely,



Luis Lopez

Development Services Director



STAFF REPORT
4/15/2020

TO: Planning Commission Chair and Commissioners

FROM: Luis Lopez, Development Services Director

SUBJECT: Revocation of Conditional Use Permit (CUP 312) that allowed a 3,250 sq. ft. Retail Cannabis Microbusiness on 20,000 square feet of land located at 84-161 Avenue 48 for “The Coachella Lighthouse, LLC”. City- Initiated Revocation.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission revoke Conditional Use Permit No. 312 (CUP 312) based upon numerous violations of the Conditions of Approval of CUP 312.

On February 27, 2019, the Planning Commission granted with conditions Conditional Use Permit No. 312 (CUP 312) for a 3,250 square foot retail cannabis microbusiness at the above location. Pursuant to Condition No. 3 of CUP 312, the Development Services Director conducted a 12-month review of CUP 312 and determined that the permittee failed to comply with the Conditions of Approval of CUP 312.

REQUIRED FINDINGS

Pursuant to Section 17.84.070 of the Coachella Municipal Code, the Planning Commission may consider a conditional use permit for revocation if the applicant or permittee or owner, its agent, employee, or any person connected or associated with the applicant or permittee:

- (1) Has knowingly made false statements in the applicant's application or in any reports or other supporting documents furnished by the applicant or permittee;
- (2) Has failed to maintain a valid state license;
- (3) Has failed to comply with any applicable provision of the Coachella Municipal Code, including, but not limited to, this chapter, the city's building, zoning, health, and public safety regulations;
- (4) Has failed to comply with any condition imposed on the conditional use permit; or
- (5) Has allowed the existence of or created a public nuisance in violation of the Coachella Municipal Code.

In addition, pursuant to Section 17.74.050(B)(1) of the Coachella Municipal Code, the Planning Commission may consider a conditional use permit for revocation if one or more conditions are not complied with.

DISCUSSION/ANALYSIS

Several Conditions of Approval of CUP 312 have been violated. The following chart describes the Conditions of Approval of CUP 312 that are in violation:

CONDITIONS OF APPROVAL OF CUP 312	VIOLATION OF CUP 312
Condition No. 2(a) of CUP 312 states: "Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness and subject to compliance with the following performance schedule... The first phase of the Glenroy Resort Hotel shall be completed and open for business within 90 days of January 1, 2019."	According to a review of City records and inspections of the property, as of the date of the public hearing on April 15, 2020, the first phase of the Glenroy Resort Hotel is not complete or open for business. There are numerous unfinished buildings on the property and construction activities for the Resort Hotel were halted approximately 12 months ago.
Condition No. 2(b) of CUP 312 states: "Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness and subject to compliance with the following performance schedule... The perimeter landscaping and fencing improvements for the retail cannabis microbusiness shall be completed within 60 days of the effective date of Conditional Use Permit No. 312."	According to inspections of the property, as of the date of the public hearing on April 15, 2020, the perimeter fencing improvements for the retail cannabis microbusiness have not been completed. The front portion of the business currently has no fencing.
Condition No. 2(c) of CUP 312 states: "Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness and subject to compliance with the following performance schedule... The improvements required under Condition #5 of CUP 312 for additional glazing on the façade of the retail cannabis microbusiness shall be	According to inspections of the property, as of the date of the public hearing on April 15, 2020, additional glazing on the façade of the retail cannabis microbusiness was not completed. The front of the building has large blank walls with minimal glazing and no plans have been submitted showing additional glazing to be installed.

CONDITIONS OF APPROVAL OF CUP 312	VIOLATION OF CUP 312
completed within 60 days of the effective date of Conditional Use Permit No. 312.”	
Condition No. 5 of CUP 312 states: “The applicant or successor in interest shall comply with all conditions of approval imposed upon Architectural Review No. 17-07. The front façade of the business shall incorporate additional glazing on the front façade, subject to review by the Development Services Director.”	According to inspections of the property, as of the date of the public hearing on April 15, 2020, the front façade of the business did not incorporate additional glazing. The front of the building has large blank walls with minimal glazing and no plans have been submitted showing additional glazing to be installed.
Condition No. 6 of CUP 312 states: “A comprehensive sign program for the Glenroy Resort project must be reviewed and approved by the Planning Commission prior to the issuance of any sign permits for the retail cannabis microbusiness. The front façade of the retail cannabis microbusiness may have one identification sign and one secondary ‘logo sign’ placed on the front façade.”	According to a review of City records, as of the date of the public hearing on April 15, 2020, no comprehensive sign program for the Glenroy Resort project was reviewed or approved by the Planning Commission.
Condition No. 14 of CUP 312 states: “The owner shall install a conforming trash enclosure for solid waste and recyclables within 250 feet of the proposed cannabis retail microbusiness.”	According to inspections of the property, as of April 8, 2020, no conforming trash enclosure for solid waste and recyclables has been installed within 250 feet of the cannabis retail microbusiness. The trash bin is stored in an open area adjacent to the southwest corner of the parking lot adjoining the business.
Condition No. 15 of CUP 312 states: “The owner shall install a minimum of five bicycle racks in front of the retail cannabis microbusiness, or adjacent to the parking lot serving the proposed business.”	According to inspections of the property, as of April 8, 2020, there are no bicycle racks in front of the retail cannabis microbusiness or adjacent to the parking lot serving the business.
Condition No. 16 of CUP 312 states: “The fencing along Avenue 48 may consist of a decorative wrought iron fence with a maximum height of five feet. The parking lot security gates shall consist of low barrier, non-automated gates to remain open during all hours of business operation. All entry gates must be reviewed and approved by the Fire Marshal’s Office and the Building Official.”	According to inspections of the property, as of April 8, 2020, there is no fencing installed in front of the business and no fencing along the front portion of the adjoining parking lot serving the business.

Pursuant to Condition No. 3 of CUP 312, the Development Services Director conducted a 12-month review of CUP 312. As part of this review, on March 9, 2020, the Development Services Director mailed a letter to Quonset Partners LLC, care of Joseph Rubin, requesting written status of compliance with the Conditions of Approval. Quonset Partners LLC failed to respond to the

letter. The Development Services Director concluded his review and determined that the project failed to comply with the Conditions of Approval of CUP 312.

On March 24, 2020, the City issued a letter to all interested parties, Coachella Lighthouse, LLC, Quonset Partners LLC, and Inception RE Credit Holds, LLC, demanding compliance with the Conditions of Approval by April 14, 2020, which they failed to meet.

Staff conducted a site visit of The Lighthouse property and the adjoining parking area to the west on April 8, 2020. Staff observed the lack of compliance with several of the conditions of approval as noted above. Shown below are some of these photographs with a description of the violation of the condition of approval.



Landscaping along Avenue 48 is missing the required "Perimeter Fencing"



"Blank Wall Façade" is missing required additional glazing



Front Entry is missing "Bicycle Racks"



“No Trash Enclosure” - Trash bin is stored in the open parking area.

As noted above, numerous Conditions of Approval of CUP 312 are being violated. Due to this noncompliance, as authorized by Section 17.84.070(D) and Section 17.74.050(B)(1) of the Coachella Municipal Code, revocation of CUP 312 is determined the appropriate City response.

CORRESPONDENCE:

Attached to this letter is correspondence received from owners of The Lighthouse including a letter to the County Tax Collector asking for relief, and a letter from the owner’s attorney requesting to enter into an agreement with the City in order to avoid the CUP 312 revocation in consideration of upfront payments of hotel taxes (TOT – Transient Occupancy Tax) and a new promise to open the Glenroy Resort Hotel in a timely manner. This second matter is being negotiated with the City Council and City Attorney and may cause a stay on the Planning Commission’s revocation of CUP 312 if the City Council decides to execute this new agreement.

Additionally, staff received a phone call from a resident that lives on the corner of Avenue 48 and Luzon Street who registered a concern regarding traffic safety due to vehicles exiting the site onto Avenue 48. Staff explained to the caller that once the road is widened and a raised center median is installed along Avenue 48, as part of the Riverside County Avenue 48 Improvement project, and once a traffic signal is installed at Luzon Street and Avenue 48, these traffic concerns will be substantially mitigated.

ALTERNATIVES:

1. Adopt Resolution No. 2020-03 and Terminate CUP 312
2. Direct Staff to Modify the Conditions of Approval of CUP 312
3. Continue this item and provide staff direction.
4. Take no action.

CONCLUSIONS AND RECOMMENDATIONS

Based on the facts noted in this staff report and the documentation attached hereto, staff recommends Alternative #1, noted above, for the Planning Commission to adopt Resolution No. PC2020-03 and;

1. Determine that the project is Categorically Exempt pursuant to Section No. 15321 (Enforcement Actions by Regulatory Agencies) of the CEQA; and,
2. Revoke Conditional Use Permit No. 312.

Attachments: Resolution No. PC2020-03
CUP 312 (Coachella City Council Resolution 2019-07)
March 9, 2020 Compliance Verification Letter
March 24, 2020 Compliance Demand Letter
Public Hearing Notice
Correspondence

RESOLUTION NO. PC2020-03

A RESOLUTION OF THE CITY OF COACHELLA PLANNING COMMISSION REVOKING CONDITIONAL USE PERMIT NO. 312, A CONDITIONAL USE PERMIT TO ALLOW A 3,250 SQUARE FOOT RETAIL CANNABIS MICROBUSINESS ON 0.29 ACRES OF LAND IN THE CG-RC (GENERAL COMMERCIAL – RETAIL CANNABIS OVERLAY) ZONE AT 84-161 AVENUE 48, AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, on February 27, 2019, the City of Coachella Planning Commission (“Planning Commission”) issued Conditional Use Permit No. 312 (“CUP 312”) to allow a 3,250 square foot retail cannabis microbusiness with parking and security fencing to be located on 0.29 acres of land at 84-161 Avenue 48 within a commercial center located at the southeast corner of Avenue 48 and Van Buren Street (Assessor Parcel Numbers 603-220-063 and portions of 603-220-066); and,

WHEREAS, pursuant to Condition No. 3 of CUP 312, the Development Services Director conducted a 12-month review of CUP 312 and determined that the permittee failed to comply with the Conditions of Approval of CUP 312; and,

WHEREAS, the Development Services Director determined that the interested parties failed to comply with Conditions of Approval Nos. 2(a) - (c), 5, 6, and 14 – 16; and,

WHEREAS, pursuant to California Constitution Article XI, §7, the California Zoning and Planning Law (Government Code sections 65800–65912), Chapters 17.74 and 17.84 of the Coachella Municipal Code (“CMC”), the City of Coachella (“City”), through the Planning Commission is authorized to revoke CUP 312; and,

WHEREAS, CMC section 17.74.050 authorizes the Planning Commission to revoke a conditional use permit upon a finding that one or more conditions of the conditional use permit were not complied with; and,

WHEREAS, an application was initiated by the City for the revocation of CUP 312; and,

WHEREAS, interested parties were properly notified of a public hearing held on April 15, 2020, to determine whether the Planning Commission should revoke CUP 312; and,

WHEREAS, on April 15, 2020, the Planning Commission conducted a duly noticed regular public hearing telephonically at the Permit Center, 53-990 Enterprise Way, Coachella, California, to consider testimony and evidence to determine whether the Planning Commission should revoke CUP 312;

WHEREAS, interested parties were afforded the opportunity to rebut the oral and written evidence that the applicant, City staff, presented in support of its position that revocation of CUP 312 was appropriate; and,

WHEREAS, members of the public were afforded an opportunity to testify regarding the revocation; and,

WHEREAS, the Planning Commission carefully considered all information pertaining to the revocation, including the staff report and attachments, and all of the information, evidence, and testimony presented at its public hearing on April 15, 2020; and,

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred; and,

WHEREAS, revocation is categorically exempt from environmental review pursuant to Title 14, California Code of Regulations, section 15321(a).

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Coachella, California does hereby resolve as follows:

SECTION 1. The recitals set forth above are true and correct and are incorporated herein by reference.

SECTION 2. Based on the preponderance of the evidence presented to this Planning Commission at the above-referenced public hearing on April 15, 2020, including the staff report with attachments, and all related information presented to the Planning Commission, the following findings are made in accordance with Section 17.74.050 and Section 17.84.070 of the Coachella Municipal Code.

Finding Number 1: One or more conditions of CUP 312 was violated.

1. As set forth in the staff report and attached documents and the testimony at the revocation hearing on April 15, 2020, pursuant to Condition No. 3 of CUP 312, the Development Services Director conducted a 12-month review of CUP 312 and determined that the permittee failed to comply with the Conditions of Approval of CUP 312.
2. The permittee failed to comply with Condition No. 2(a) of CUP 312, which states: "Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness and subject to compliance with the following performance schedule... The first phase of the Glenroy Resort Hotel shall be completed and open for business within 90 days of January 1, 2019." This deadline was later amended by the City Council to read "within 90 days of January 1, 2020." As of the date of the public

hearing on April 15, 2020, the first phase of the Glenroy Resort Hotel is not complete nor open for business.

3. The permittee failed to comply with Condition No. 2(b) of CUP 312, which states: "Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness and subject to compliance with the following performance schedule... The perimeter landscaping and fencing improvements for the retail cannabis microbusiness shall be completed within 60 days of the effective date of Conditional Use Permit No. 312." As of April 8, 2020, the perimeter landscaping and fencing improvements for the retail cannabis microbusiness have not been completed.
4. The permittee failed to comply with Condition No. 2(c) of CUP 312, which states that "Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness and subject to compliance with the following performance schedule... The improvements required under Condition #5 of CUP 312 for additional glazing on the façade of the retail cannabis microbusiness shall be completed within 60 days of the effective date of Conditional Use Permit No. 296." As of April 8, 2020, additional glazing on the façade of the retail cannabis microbusiness was not completed.
5. The permittee failed to comply with Condition No. 5 of CUP 312, which states that "The applicant or successor in interest shall comply with all conditions of approval imposed upon Architectural Review No. 17-07. The front façade of the business shall incorporate additional glazing on the front façade, subject to review by the Development Services Director." As of April 8, 2020, the front façade of the business did not incorporate additional glazing.
6. The permittee failed to comply with Condition No. 6 of CUP 312, which states: "A comprehensive sign program for the Glenroy Resort project must be reviewed and approved by the Planning Commission prior to the issuance of any sign permits for the retail cannabis microbusiness. The front façade of the retail cannabis microbusiness may have one identification sign and one secondary "logo sign" placed on the front façade." As of April 8, 2020, no comprehensive sign program for the Glenroy Resort project was reviewed or approved by the Planning Commission.
7. The permittee failed to comply with Condition No. 14 of CUP 312, which states: "The owner shall install a conforming trash enclosure for solid waste and recyclables within 250 feet of the proposed cannabis retail microbusiness." As of April 8, 2020, no conforming trash enclosure for solid waste and recyclables has been installed within 250 feet of the cannabis retail microbusiness.
8. The permittee failed to comply with Condition No. 15 of CUP 312, which states: "The owner shall install a minimum of five bicycle racks in front of the retail cannabis

microbusiness, or adjacent to the parking lot serving the proposed business.” As of April 8, 2020, five bicycle racks were not installed in front of the retail cannabis microbusiness or adjacent to the parking lot serving the business.

9. The permittee failed to comply with Condition No. 16 of CUP 312, which states that “The fencing along Avenue 48 may consist of a decorative wrought iron fence with a maximum height of five feet. The parking lot security gates shall consist of low barrier, non-automated gates to remain open during all hours of business operation. All entry gates must be reviewed and approved by the Fire Marshal’s Office and the Building Official.” As of April 8, 2020, no perimeter fencing was installed along the Avenue 48 street frontage adjacent to the retail cannabis business and no perimeter fencing was installed adjacent to the parking area serving the retail cannabis business.
10. Based on the foregoing, the City of Coachella Planning Commission hereby finds that one or more Conditions of Approval of CUP 312 were violated, justifying the CUP 312’s revocation.

SECTION 3. Based upon the findings set forth in Sections 1 and 2 of this Resolution, the Planning Commission hereby revokes Conditional Use Permit No. 312 to allow a 3,250 square foot retail cannabis microbusiness with parking and security fencing to be located on 0.29 acres of land at 84-161 Avenue 48 within a commercial center located at the southeast corner of Avenue 48 and Van Buren Street (Assessor Parcel Numbers 603-220-063 and portions of 603-220-066).

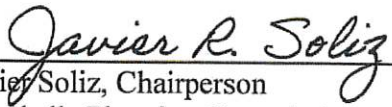
SECTION 4. This Commission hereby finds and determines that the revocation is categorically exempt from the requirements of the California Environmental Quality Act, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15321 of the State CEQA Guidelines.

SECTION 5. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Development Services Department, Coachella Permit Center located at 53-990 Enterprise Way, Coachella, California 92236. This information is provided in compliance with Public Resources Code section 21081.6.

SECTION 6. This decision of the Planning Commission may be filed with the City Clerk’s office in writing, pursuant to Section 17.74.040 of the Coachella Municipal Code. Any appeal shall be filed within 15 days following the date on which notice of this decision is mailed, Pursuant to Coachella Municipal Code section 17.70.080(B). This decision by the Planning Commission is final and binding upon the expiration of the appeal period. If the Planning Commission’s revocation is appealed, revocation is stayed pending resolution of the appeal.

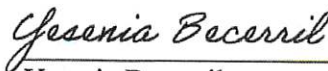
SECTION 7. The Secretary shall certify to the adoption of this Resolution.

PASSED APPROVED and ADOPTED by the Planning Commission of the City of Coachella, California, at a regular meeting held on this 15th day of April, 2020.




Javier Soliz, Chairperson
Coachella Planning Commission

ATTEST:



Yesenia Becerril
Planning Commission Secretary

APPROVED AS TO FORM:



Carlos Campos
City Attorney

I HEREBY CERTIFY that the foregoing Resolution No. PC2020-03, was duly adopted at a regular meeting of the Planning Commission of the City of Coachella, California, held on the 15th day of April, 2020, by the following roll call vote:

AYES: Commissioner Gonzalez, Commissioner Huazano, Commissioner Navarrete,
Vice Chair Virgen, Chair Soliz.

NOES: None.

ABSENT: None.

ABSTAIN: None.

Yesenia Becerril

Yesenia Becerril

Planning Commission Secretary



**CITY OF COACHELLA
DEVELOPMENT SERVICES DEPARTMENT
REQUEST FOR APPEAL**

Date: 4/16/20

APPLICATION INFORMATION:

Project Address: 84-161 Avenue 48, Coachella, CA 92236
Case Type (CUP, TTM, etc) and Number: CUP No. 312
Hearing/Decision Date: 4/15/20 Appeal Deadline: 4/30/20

APPELLANT INFORMATION:

Appellant: The Coachella Lighthouse
Appellant Address: 84-161 Avenue 48, Coachella CA 92236

Appellant Phone: (310) 229-0326 Appellant Fax: (310) 229-9901
Appellant e-mail: jferguson@venable.com

Applicant (If Different): _____

I hereby appeal the decision of the:

☐ Planning Director

☒ Planning Commission

REASON FOR APPEAL:

The decision maker failed to comply with the provisions of the Zoning Code, General Plan or other applicable plans in the following manner (use additional sheets if necessary):
(see Attachment A - Reason for Appeal)

Office Use Only:

Date Received: _____

Appeal Fees: _____

Received by: _____

ATTACHMENTA – REASON FOR APPEAL

At its April 15, 2020 hearing the Planning Commission voted to revoke CUP No. 312 and functionally rescind the approvals for The Coachella Lighthouse (“The Lighthouse”) to operate at its location at 84-161 Avenue 48, Coachella CA 92236. This decision was not in compliance with the City of Coachella’s Zoning Code or General Plan, as well as an error and abuse of discretion on the part of the Planning Commission.

The Planning Commission’s decision, at its core, was to shutter an essential business during a global pandemic, to deprive the City of one of its largest revenue sources in the midst of an economic crisis, and to vote to put 30 employees, most of whom are Coachella residents, out of their jobs. This decision was made in open acknowledgement of ongoing negotiations with the City Council to resolve these outstanding issues. The City Council should vote to overturn the Planning Commission’s decision and to allow CUP No. 312 to remain active.

Throughout its history, The Lighthouse has been a model commercial cannabis business, providing critical services to the community and substantial tax revenue to the City. As you are surely aware, Governor Newsom has declared commercial cannabis businesses “essential” during the state-wide COVID-19 stay-at-home order, emphasizing that access to legal, regulated and safe cannabis is vital, especially for Californians who utilize cannabis for medical purposes.

This makes the timing of the Planning Commission’s revocation hearing unfortunate to say the least. In reality, the Planning Commission and staff have chosen the midst of a global health and economic crisis to demand compliance with elements of CUP No. 312 The Lighthouse is already working to accomplish. For the avoidance of doubt, The Lighthouse has every intention of complying with the conditions of its CUP. However, threatening the closure of an essential business during a global pandemic does not serve the best interests of the City or the community served by The Lighthouse. Any cessation of business would leave The Lighthouse’s loyal customers without access to cannabis during a period of widespread illness and growing mental health concerns based on the stresses imposed by self-isolation. This would by no means serve the public good, and in fact could result in direct harm to the citizens of the City and to the community as a whole.

Beyond that, shuttering one of the City’s highest taxpayers during an economic recession that already rivals the Great Depression cannot possibly be in the best interests of the City. The Lighthouse provides substantial tax revenue to the City which would be lost if the threatened revocation were to move forward, and at a time when the City should be welcoming what tax revenue it still receives during this period of social distancing in order to provide its citizens with essential services.

The Lighthouse is a thriving member of the City’s business community in a time of great economic uncertainty and a boon to the community in a period of widespread illness and social unease. ***At minimum, we request that the City Council delay any revocation proceedings under CUP No. 312 until 21 calendar days from the date the Governor’s stay-at-home order has been lifted and businesses have been allowed to resume full operation.*** We believe it would be a

grave error for the City to attempt to shutter an essential business during a global pandemic, and that such an extension is eminently reasonable under current circumstances.

However, The Lighthouse views itself as a committed partner to the City in good times as well as bad, and will make every effort to comply with the corrective actions demanded by Staff as soon as is practicable given current circumstances. We have assessed your requested corrective actions and have developed a plan to bring all operations into compliance with the CUP as quickly as possible, and to work with the City in the short- and medium-term to ensure we are communicating transparently and complying to the fullest extent possible during the stay-at-home order. We will address each of the purported violations in turn, laying out our proposed compliance and the errors the Planning Commission has made in revoking CUP No. 312.

Complete the first phase of the Glenroy Resort Hotel and open for business

Conditioning the existence of an essential business on the operations of a resort hotel which could not legally be in business at the moment under the best of circumstances is an abuse of the City's discretion. Opening the Glenroy Resort Hotel at present is not only literally impossible, but would violate the current stay-at-home order, not to mention creating an entirely avoidable public health risk. The Glenroy Resort Hotel will not be a party to the spread of COVID-19, and the City's demand for the hotel to open during a global pandemic and while the state of California is practicing severe social distancing is frankly preposterous.

This request is shocking under current circumstances, and displays a complete disregard for the reality of this pandemic and the pervasive public safety risks posed by undertaking massive construction and ***opening a resort hotel during the spread of a highly infectious disease***. Even if the Glenroy Resort Hotel could legally be opened within the City's timeline, my clients would refuse to do so out of basic concern for public safety. CUP No. 312 should not be revoked based on the City's desire for an operational resort at a time when no resort in California is open and operational.

That being said, progress is being made as quickly as possible to open the Glenroy Resort Hotel in a manner compliant with California's stay-at-home guidelines and on a timeline that will avoid opening while doing so would cause a massive public health risk. Ownership of the hotel is aiming to have its new loan closed by the end of June. Provided that occurs, ownership hopes to get back to work on construction in August, with an eye towards opening Phase I of the hotel in early 2021, provided government regulations and guidelines deem it safe to do so.

In recognition of the City's lost transient occupancy tax ("TOT") revenue due to the delayed opening of the Glenroy Resort Hotel, and as a partner to the City in these difficult times, ownership of the Glenroy Resort Hotel has already made an offer to pay some of the TOT the City would be receiving were the resort open and operating at this time. As you are aware, the ownership has proposed a payment of \$300,000 over the next 12 months, and ongoing payments pas that point until Phase I of the Glenroy Resort Hotel is open and operating.

This is \$300,000 of revenue the City will not receive should the City Council uphold the revocation. This is also a proposal that involves the Glenroy Resort Hotel paying the City TOT in a time where the City is unlikely to receive TOT from any other establishment due to the stay-

at-home order. The hotel industry is shuttered nationwide for an indefinite period, and it is impossible to say at present when revenues will return. Even if hotels were permitted to reopen tomorrow, it is highly unlikely they would have any customers to serve, given the current travel restrictions.

Were the Glenroy Resort Hotel open and operating, its doors would currently be closed under Governor Newsom's stay-at-home order, and it would currently be paying no TOT to the City based on the complete lack of occupancy it would be seeing during this period. The City is asking Glenroy Resort Hotel to do the impossible during trying times, and we believe the above proposal is more than generous in present circumstances. When most businesses are shuttering their doors, furloughing or laying off employees, and asking for rent reductions or government assistance, the Glenroy Resort Hotel is offering to pay the City hundreds of thousands of dollars in money it would not be receiving right now if the hotel were open and operating.

Perimeter Landscaping and Fencing Improvements

The City alleges a violation of CUP Condition of Approval 2(b) because the front portion of the business currently has no fencing, and has also alleged issues with the landscaping. The required perimeter landscaping and fencing improvements for The Lighthouse have been completed in full compliance with CUP Condition of Approval 2(b). This landscaping and fencing improvement was conducted within 60 days of the effective date of the CUP, pursuant to the instructions of the City.

The only possible issue here is fencing along the front of the property and at the parking lot, neither of which are feasible before the planned work on Avenue 48 is completed. If the City mandates compliance with Condition of Approval 2(b) in a manner that impedes access to the dispensary during this planned improvement work, The Lighthouse asks that this compliance be postponed until such work is complete and fencing can be installed without impeding patient access.

Despite the current stay-at-home order, The Lighthouse is confident it can complete any required corrective action. In either case, The Lighthouse believes it is currently in compliance here and that the Planning Commission erred in finding The Lighthouse in violation of Condition of Approval 2(b). The Lighthouse and will work to achieve any corrective action mandated by the City as soon as is practicable under present circumstances.

Glazing of the Façade on The Coachella Lighthouse

As Staff made clear at the Planning Commission hearing, the original glazing of the façade required pursuant to Conditions of Approval Nos. 2(c) and 5 no longer reflects reality at The Lighthouse, given that most of the façade is currently not glass. We believe the Planning Commission erred in finding a violation here, but we would welcome Staff review and have no doubt The Lighthouse will be found in full compliance at that time.

Obtain Planning Commission Approval of a Sign Program for the Glenroy Resort Hotel

Condition of Approval No. 6 provides that “a comprehensive sign program for the Glenroy Resort project must be reviewed and approved by the Planning Commission *prior to the issuance of any sign permits for the retail cannabis microbusiness*. The front façade of the retail cannabis microbusiness may have one identification sign and one secondary ‘logo sign’ placed on the front façade” (Emphasis added). Given that The Lighthouse has not sought any sign permits to date, no violation of Condition of Approval No. 6 has occurred, the Planning Commission made a clear error in determining a violation of CUP No. 312 had occurred on these grounds.

Further, requiring the Glenroy Resort Hotel to apply for approval of a comprehensive sign program prior to completing construction is absurd, given that any sign program currently approved by the City would almost certainly need to be amended or entirely re-approved when construction is complete and the Glenroy Resort Hotel can reasonably prepare a comprehensive sign program application that will match with its proposed operations. We reiterate that this request is improper at this time and that the City should not force Glenroy Resort Hotel to prematurely adopt a sign program in order to be deemed compliant with a Condition of Approval it has not violated.

However, should the City Council decline to deem The Lighthouse in compliance with Condition of Approval No. 6, we request that the City immediately provide dates for a proposed Planning Commission hearing to approve a comprehensive sign program. If forced to do so, The Lighthouse and the Glenroy Resort Hotel are prepared to submit an application for a comprehensive sign program and to go forward with a Planning Commission hearing in order to avoid unnecessary and inappropriate formal enforcement measures.

Install a conforming trash enclosure within 250 feet of The Coachella Lighthouse

The Lighthouse is acting at present to ensure a conforming trash enclosure is installed at the site, as required by Condition of Approval No. 14. We would welcome your review once installation is complete and have no doubt The Lighthouse will be found in full compliance at that time.

Install a minimum of five bicycle racks in front of The Coachella Lighthouse

The Lighthouse is moving at present to install five bicycle racks as required by Condition of Approval No. 15. We would again welcome your review once installation is complete and have no doubt The Lighthouse will be found in full compliance at that time.

Conclusion

The Lighthouse remains committed to being a partner to the City during the ongoing COVID-19 crisis and is firmly committed to resolving all outstanding issues amicably. We reiterate our request that the City delay any revocation proceedings until 21 calendar days after the present stay-at-home order has been lifted and businesses are permitted to resume regular operations. These are difficult time for all businesses, and The Lighthouse provides an essential

service to the community and much needed tax revenue to the City at a moment when both are in high demand.

Should the City decline to grant this request for an extension of time to comply with the Conditions of Approval under the CUP, we request that the City respond in writing to the proposed corrective actions and confirm that the City will deem The Lighthouse in compliance if the above-referenced actions are taken in a timely fashion given the present circumstances. The Lighthouse believes this proposal is imminently reasonable given the current situation, and proffers this as a good faith effort at resolving these issues and continuing a business relationship that has been mutually beneficial to date.

It would be a grave error to shutter an essential business during the COVID-19 outbreak, and a disservice to members of the community who rely on The Lighthouse to meet their medical needs during a period when social distancing makes other forms of treatment difficult to obtain without creating additional health risks. Revoking the CUP would also deprive the City of substantial tax revenue at a time of great economic uncertainty, which would in all likelihood reduce the ability of the City to respond with agility to the ever-changing needs of its citizens during this ongoing crisis. Beginning revocation proceedings during this crisis would not simply be bad politics, but would result in a loss of a reliable revenue source for the City during times of great financial uncertainty. It would also be a disservice to the most vulnerable populations within the community, all in the name of enforcing compliance with the CUP in a period where full compliance based on the City's current corrective actions is per se impossible.

We respectfully request that the City Council overturn the Planning Commission's revocation of CUP No. 312 and allow The Lighthouse to continue its essential services to the desert community.

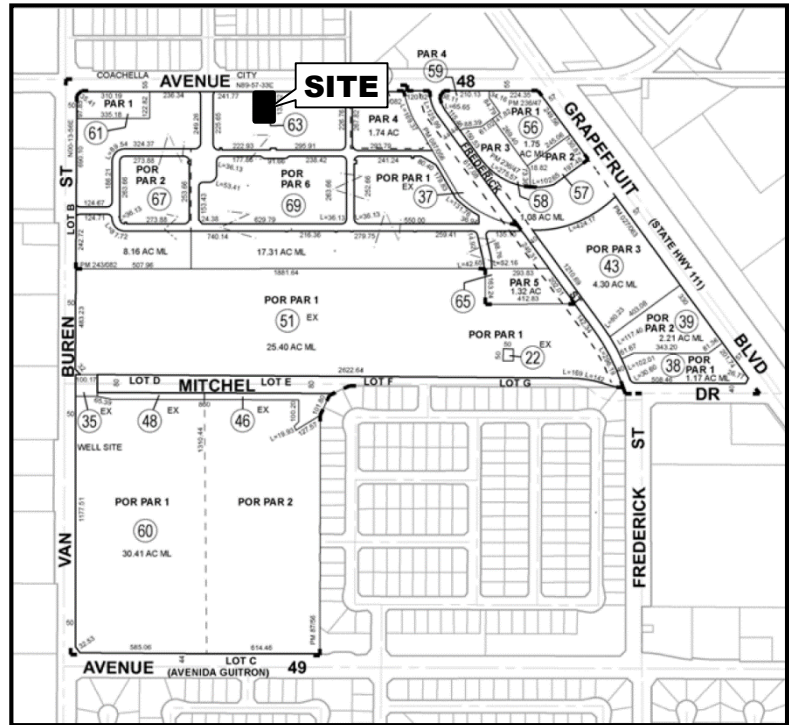
CITY OF COACHELLA NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Coachella will hold a Public Hearing at the Coachella City Hall on Wednesday, May 13, 2020, to consider oral and written testimony regarding an Appeal of Planning Commission's decision to revoke Conditional Use Permit No. 312.

This is a request by the City of Coachella to revoke Conditional Use Permit No. 312 for a retail cannabis microbusiness located at 84-161 Avenue 48, Coachella, California (formerly known as 84-160 Avenue 48, Coachella, California), on the grounds that various conditions of Conditional Use Permit No. 312 have been violated.

The City of Coachella has determined that the proposed revocation is categorically exempt from environmental review pursuant to Title 14, California Code of Regulations, CEQA Guidelines §15321(a).

This notice is being mailed to you because your property is the subject of the proceedings, your property is located near property which is the subject of such proceedings, your agency may be directly or indirectly affected by the proceedings or because you have requested such notice.



Vicinity Map

The case files, evidence, and documents for the proposed revocation are available for public inspection by appointment only on Monday through Thursday, from 7:00 a.m. to 6:00 p.m. at the City of Coachella Development Services Department located at the address below. Please contact the Development Services Department in advance to schedule an appointment. Se Habla Español.

If any individual or group challenges this action in court, issues raised may be limited to those issues raised at the public hearing described in this notice or in written testimony. Any questions or comments may be directed to:

Luis Lopez
City of Coachella Development Services Department
53-990 Enterprise Way, Coachella CA 92236
(760) 398-3102

TESTIMONY MAY BE GIVEN by e-mail prior to the Public Hearing, on Wednesday, May 13, 2020, at 6:00 p.m. in the Coachella City Hall, 1515 6th Street, Coachella, CA 92236. You must submit written comments via e-mail to LLopez@coachella.org or contact the City Clerk at (760)398-3502 at least one hour prior to the hearing in order to testify during the hearing.



STAFF REPORT
5/13/2020

TO: Honorable Mayor and City Council Members

FROM: Luis Lopez, Development Services Director

SUBJECT: Non-Storefront Retail Cannabis Code Amendments

- a. Ordinance No. 1161 amending various sections of Title 17 (Zoning) of the Coachella Municipal Code to update and clarify provisions regarding retail cannabis businesses, specifically with regards to non-storefront retailers, non-storefront retail microbusinesses, storefront retail microbusinesses, and non-retail microbusinesses. *(First Reading)*
- b. Ordinance No. 1162 amending Coachella Municipal Code Chapters 5.68 and 5.69 regarding cannabis cultivation, manufacturing, testing, distribution, and retail regulatory permits, specifically with regards to non-storefront retailers, non-storefront retail microbusinesses, storefront retail microbusinesses, and non-retail microbusinesses. *(First Reading)*

STAFF RECOMMENDATION:

Staff recommends that the City Council introduce for 1st reading, by title only, the following Ordinances:

ORDINANCE NO. 1161 - An Ordinance of the City Council of the City of Coachella, California, Amending Coachella Municipal Code Title 17 Zoning, Chapters 17.26 C-G General Commercial Zone, 17.30 M-S Manufacturing Service Zone, 17.32 M-H Heavy Industrial Zone, 17.34 M-W Wrecking Yard Zone, 17.46 IP Industrial Park Overlay Zone, 17.47 RC Retail Cannabis Overlay Zone, 17.84 Retail Cannabis Businesses and 17.85 Commercial Cannabis Activity to Update Cannabis Business Zoning Regulations, including Regulations Specific to Non-Storefront Retail Cannabis Businesses and Microbusinesses.

ORDINANCE NO. 1162 - An Ordinance of the City Council of the City of Coachella, California, Amending Coachella Municipal Code Title 5 Business Licenses and Regulations, Chapters 5.68 Commercial Cannabis Activity Regulatory Permit and 5.69 Cannabis Retailer and Retail Microbusiness Regulatory Permit to Update Cannabis Business Regulatory Permit Regulations, Including Regulations Specific to Non-Storefront Retail Cannabis Businesses and Microbusinesses.

BACKGROUND:

In November of 2016, voters approved Proposition 64, otherwise known as the Control, Regulate, Tax Adult Use of Marijuana Act (“AUMA”) which legalized the adult use of cannabis and created a statutory framework for the state to regulate adult use of cannabis. Senate Bill 94, adopted on June 27, 2017, reconciled standards for medical cannabis with the standards for adult use cannabis activity under a single law, entitled Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”).

The City of Coachella adopted Chapter 17.85 “Medical Cannabis Cultivation Facilities,” in January 2016, to allow commercial medicinal cannabis cultivation, manufacturing, testing, distribution, and transportation activities in the wrecking yard (M-W) zone with a conditional use permit (“CUP”). Since then, the City has allowed both medicinal and adult use cannabis cultivation, manufacturing, testing, distribution, and transportation activities in the M-W zone and IP Industrial Park Overlay Zone for all commercial cannabis activity, and general commercial C-G for testing laboratories only with a CUP. All such businesses also require a regulatory permit to operate.

A City Council study session was held on June 6, 2017 at which time City staff was given direction to prepare and present an ordinance regulating retail cannabis businesses. During the study session, the City Council discussed various potential zoning limitations, including areas within the City that would be suitable and would benefit by such uses, distance limitations between retail cannabis businesses themselves, and distance limitations between these businesses and schools. The City Council took public comment at the meeting, which was generally in favor of allowing such uses. Commenters asked that retail cannabis businesses be allowed in commercial areas, asked the Council to be “business friendly” when considering such uses, and to carefully think about and plan for revenue generated.

In February 2018, the City Council adopted an ordinance, which among other things, allowed five (5) retail cannabis businesses to operate within the City.

In April 2019, the City adopted new retail cannabis regulations, including updating the language to reflect changes in State law; reducing the “minimum project area” size from thirty (30) acres to ten (10) acres in the MS-IP (Manufacturing Service - Industrial Park) overlay zone; expanding area of Sub-Zone #1 *Pueblo Viejo*; adding a new Sub-Zone #3 *Dillon Road Corridor*; adding property development standards for microbusinesses; allowing ten (10) retail cannabis businesses to operate in the City; and allowing retail cannabis businesses in the M-W Wrecking Yard Zone and the IP Industrial Park Overlay Zone, in addition to the RC Retail Cannabis Overlay Zone.

Staff has been working to update the City’s zoning regulations for cannabis businesses based on City Council comments, public comments, internal review of the Zoning Map and General Plan, staff meetings, and current State law.

On March 11, 2020 City Council gave staff direction to pursue two code amendments to consider allowing “interim outdoor cannabis cultivation farms” and “non-storefront retail cannabis businesses.” Because the next growing season for outdoor cultivation is not imminent, that code

amendment will be further studied and brought to the Planning Commission and City Council in the summer months. The Zoning Ordinance presented herein deals strictly with allowing “non-storefront retail cannabis businesses” in the various commercial and industrial districts of the City. The cannabis business regulatory permit Chapters are also presented and have been developed so that all cannabis chapters in the Municipal Code are consistent.

The Planning Commission reviewed the proposed Zoning Ordinance Amendment on April 15, 2020 and recommended it to City Council for adoption.

DISCUSSION/ANALYSIS:

I. SUMMARY OF BOTH ORDINANCES

The proposed Zoning Ordinance would amend Title 17 (Zoning), Chapters 17.26, 17.30, 17.32, 17.34, 17.46, 17.47, 17.84, and 17.85 to (i) allow non-storefront retailers in the C-G General Commercial Use Zone, M-S Manufacturing Service Zone, M-H Heavy Industrial Zone, M-W Wrecking Yard Zone, and RC Retail Cannabis Overlay Zone and subject to certain property development standards, (ii) clarify the different types of cannabis microbusinesses that may operate in different City zones, and (iii) comply with current City policies and State law.

The proposed Regulatory Permit Ordinance would amend Title 5 Business Licenses and Regulations, Chapters 5.68 and 5.69. In both chapters, definitions are updated and clarified to specifically describe storefront retailers, non-storefront retailers, non-retail microbusinesses, storefront retail microbusinesses, and non-storefront retail microbusinesses. Terminology is updated in Chapter 5.69 to use “retail cannabis business” to describe all cannabis business types that have a retail component.

II. NON-STOREFRONT RETAILERS

A. Non-storefront Retailer Defined

Currently, the City does not allow non-storefront retailers. The proposed Ordinances would allow non-storefront retailers to operate in certain zones in the City (described below) subject to certain development standards (described below). The City is not proposing to limit the number of non-storefront retailers, but these uses will be limited by land use restrictions, e.g. they will be limited to certain zones and have distancing/spacing restrictions, which are discussed below.

A “non-storefront retailer” means a cannabis retailer that provides cannabis **exclusively through delivery**. Like the name implies, these businesses do not have a retail storefront that is open to the public. Rather, the business will obtain cannabis and cannabis products, secure the merchandise on site, and then deliver it to customers. Customers do not come to the business location.

State law and regulations regarding cannabis delivery ensure documented transfer from the retailer to the customer. All deliveries of cannabis goods must be performed by a delivery employee (at least 21 years of age) who is directly employed by a licensed retailer and be made in person. The process of delivery begins when the delivery employee leaves the retailer’s licensed premises with the cannabis goods for delivery and ends when the delivery employee returns to the retailer’s licensed premises after delivering or attempting to deliver the cannabis goods. A delivery

employee of a licensed retailer shall, during deliveries, carry a copy of the retailer's current license, a copy of the QR Code certificate issued by the Bureau of Cannabis Control, the employee's government-issued identification, and an identification badge provided by the employer. Prior to providing cannabis goods to a delivery customer, a delivery employee shall confirm the identity and age of the delivery customer. A delivery employee may not carry cannabis goods with a value in excess of \$5,000 at any time. (Bus. & Prof. Code, §§ 26013, 26090.) QR is short for "Quick Response" and these codes are used to take a piece of information from a transitory media and put it onto a person's cell phone. Once on the cell phone, it gives the person information about the business.

In February 2020, new cannabis regulations were enacted requiring cannabis retailers and delivery services to post QR codes in their storefront windows and carry it with them while transporting or delivering cannabis products. These regulations are designed to help consumers identify licensed cannabis retail stores, assist law enforcement, and support the legal cannabis market. It has been reported that illicit cannabis sales in California in 2019 were estimated at \$8.3 billion, while legalized sales were expected to reach \$3 billion.

B. Zones Where Non-storefront Retailers are Allowed

The ZOA proposes to allow non-storefront retailers in the following zones:

- C-G General Commercial Use Zone;
- M-S Manufacturing Service Zone;
- M-H Heavy Industrial Zone;
- M-W Wrecking Yard Zone; and
- RC Retail Cannabis Overlay Zone.

Non-storefront retailers would be permitted as conditional uses in the above zones, meaning that they must secure a conditional use permit ("CUP") or development agreement prior to operating.

C. Property Development Standards

The ZOA proposes that non-storefront retailers be subject to three property development standards:

- A minimum of one hundred (100) feet separation from any residential structure;
- be at least five hundred (500) feet from any other storefront retail or non-storefront retail cannabis business; and
- may not be located in the City's Pueblo Viejo District.

The ZOA defines "Pueblo Viejo District" as that area in the city bounded by Cesar Chavez Street to the south, 1st Street to the west, Grapefruit Boulevard to the north, and 9th Street to the east.

D. Regulatory Permit Provisions Regarding Non-Storefront Retailers

While the non-storefront retailer business type would be new to Coachella, storefront retailers are currently allowed to deliver cannabis to customers, provided they comply with the City's regulations on cannabis delivery. Non-storefront retailers would have to follow the same delivery-specific rules. Municipal Code Section 5.69.140 subsection C states that "All deliveries of cannabis must be performed in compliance with State law and corresponding state-issued regulations." The proposed Regulatory Permit Ordinance does not propose any new regulations in addition to those required by existing State law.

The State has promulgated the following regulations, in addition to many others, specific to delivery, which will apply to deliveries in and from Coachella businesses:

- All deliveries shall be performed by a delivery employee who is at least 21 years of age and is directly employed by a licensed retailer.
- A delivery employee shall carry a copy of the retailer's current license, the employee's government-issued identification, and an identification badge provided by the employer.
- A delivery employee may only deliver cannabis goods to a physical address in California.
- A delivery employee shall not deliver cannabis goods to a building leased by a public agency or a school.
- A licensed retailer's delivery employee shall only travel in an enclosed motor vehicle; cannabis goods shall be locked in an enclosed box and cannot be visible to the public.
- A vehicle used for the delivery shall be outfitted with a dedicated Global Positioning System (GPS) device.
- A delivery employee shall not carry cannabis goods with a value in excess of \$5,000 at any time.
- A licensed retailer shall prepare a hard copy or electronic delivery request receipt for each delivery of cannabis goods.
- While making deliveries, a delivery employee shall only travel from the retailer's licensed premises to the delivery address; from one delivery address to another delivery address; or from a delivery address back to the retailer's licensed premises.

III. MICROBUSINESSES

The City's current regulations distinguish between microbusinesses with a retail component and microbusinesses without a retail component. The proposed ZOA and Regulatory Permit Ordinance further clarify the regulations related to microbusinesses.

A. Types of Microbusinesses

The proposed ZOA adds new definitions to specify the three types of microbusinesses: non-retail, storefront retail, and non-storefront retail microbusinesses.

A “non-retail microbusiness” is a commercial business that engages in indoor cultivation of cannabis on an area less than ten thousand (10,000) square feet, Level 1 manufacturing, and distribution. Like the name implies, there is no retail component to the business.

A “storefront retail microbusiness” is a commercial business that engages in storefront retail cannabis sales and at least two of the following: indoor cultivation of cannabis on an area less than ten thousand (10,000) square feet, Level 1 manufacturing, and distribution.

A “non-storefront retail microbusiness” is a commercial business that engages in non-storefront retail cannabis sales and at least two of the following: indoor cultivation of cannabis on an area less than ten thousand (10,000) square feet, Level 1 manufacturing, and distribution.

B. Zones Where Microbusinesses are Allowed

1. Non-retail Microbusinesses

The Municipal Code currently allows non-retail microbusinesses in the following zones:

- M-W Wrecking Yard Zone; and the
- IP Industrial Park Overlay Zone.

2. Storefront Retail Microbusinesses

The Municipal Code currently allows storefront retail microbusinesses in the following zones:

- M-W Wrecking Yard Zone;
- IP Industrial Park Overlay Zone; and the
- RC Retail Cannabis Overlay Zone.

3. Non-storefront Retail Microbusinesses

The ZOA proposes to allow non-storefront retail microbusinesses in the following zones:

- C-G General Commercial Use Zone;
- M-S Manufacturing Service Zone;
- M-H Heavy Industrial Zone;

- M-W Wrecking Yard Zone; and
- RC Retail Cannabis Overlay Zone.

C. Microbusinesses Conditionally Permitted

All microbusiness types are permitted as conditional uses in the above zones, meaning that they must secure a CUP or development agreement prior to operating.

D. Regulatory Permit Provisions

All microbusiness types must obtain a regulatory permit in addition to their CUP or development agreement. The proposed Regulatory Permit Ordinance, like the Zoning Ordinance Amendment, includes definitions of the three types of microbusinesses: non-retail microbusiness, storefront retail microbusiness, and non-storefront retail microbusiness. Naturally, all microbusinesses must follow City and State regulations specific to the types of cannabis businesses operated under each microbusiness permit/license.

Some additional State regulations, which Coachella microbusinesses must comply with, are as follows:

- All cultivation, manufacturing, distribution, and retail activities performed by a microbusiness shall occur on the same licensed premises.
- A microbusiness shall comply with all the security rules and requirements applicable to the corresponding license type suitable for the activities of the permittee.
- Areas of the licensed premises for manufacturing and cultivation shall be separated from the distribution and retail areas by a wall and all doors between the areas shall remain closed when not in use.
- A microbusiness engaging in cultivation activities shall maintain cultivation plan(s) and all records evidencing compliance with the environmental protection measures.

FISCAL IMPACT:

None.

ALTERNATIVES:

- 1) Introduce for 1st reading, Ordinance No. 1161 and Ordinance No. 1162 as presented.
- 2) Introduce for 1st reading, Ordinance No. 1161 and Ordinance No. 1162 with amendments.
- 3) Recommend denial of Ordinance No. 1161 and Ordinance No. 1162.
- 4) Continue this item and provide staff with direction.

RECOMMENDED ALTERNATIVE(S):

Staff recommends Alternative #1 or Alternative #2 above.

Attachments: Ordinance No. 1161 Zoning Ordinance Amendment (1st Reading)
 Ordinance No. 1162 Regulatory Permit Ordinance (1st Reading)

ORDINANCE NO. 1161

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING COACHELLA MUNICIPAL CODE TITLE 17 ZONING, CHAPTERS 17.26 C-G GENERAL COMMERCIAL USE ZONE, 17.30 M-S MANUFACTURING SERVICE ZONE, 17.32 M-H HEAVY INDUSTRIAL ZONE, 17.34 M-W WRECKING YARD ZONE, 17.46 IP INDUSTRIAL PARK OVERLAY ZONE, 17.47 RC RETAIL CANNABIS OVERLAY ZONE, 17.84 RETAIL CANNABIS BUSINESSES AND 17.85 COMMERCIAL CANNABIS ACTIVITY TO UPDATE CANNABIS BUSINESS ZONING REGULATIONS, INCLUDING REGULATIONS SPECIFIC TO NON-STOREFRONT RETAIL CANNABIS BUSINESSES AND MICROBUSINESSES. (*1st Reading*)

WHEREAS, pursuant to the authority granted to the City of Coachella (“City”) by Article XI, Section 7 of the California Constitution, the City has the police power to regulate the use of land and property within the City in a manner designed to promote public convenience and general prosperity, as well as public health, welfare, and safety; and,

WHEREAS, adoption and enforcement of comprehensive zoning regulations and other land use regulations lies within the City’s police power; and,

WHEREAS, on November 8, 2016, California voters passed Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”), legalizing the use and possession of cannabis and cannabis products by adults aged 21 years and older; and,

WHEREAS, on June 27, 2017, Governor Brown signed into law Senate Bill 94, which repealed the Medical Cannabis Regulation and Safety Act (“MCRSA”), included certain provisions of MCRSA in the licensing provisions of AUMA, and created a single regulatory scheme for both medicinal and non-medicinal cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA” or “Act”); and,

WHEREAS, MAUCRSA retains the provisions in the MCRSA and the AUMA that granted local jurisdictions control over whether non-commercial and commercial cannabis activities could occur in a particular jurisdiction. Specifically, California Business and Professions Code section 26200 provides that MAUCRSA shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances that completely prohibit the establishment or operation of one or more businesses licensed under the state licensing authority and shall not approve an application for a state license for a business to engage in commercial cannabis activity if approval by the state license will violate the provisions of any local ordinance or regulation. State licensing authorities began issuing licenses to cannabis businesses beginning January 1, 2018; and,

WHEREAS, MAUCRSA establishes a regulatory structure for cultivation, processing, manufacturing, tracking, quality control, testing, inspection, distribution, and retail sale of commercial cannabis, including medicinal and adult-use cannabis. The Act designates applicable responsibilities for oversight of cannabis commerce to several State agencies; and,

WHEREAS, the proposed Ordinance would amend Title 17 (Zoning), Chapters 17.26, 17.30, 17.32, 17.34, 17.46, 17.47, 17.84, and 17.85 to (i) allow non-storefront retailers in certain City zones and subject to certain property development standards, (ii) clarify the different types of cannabis microbusinesses that may operate in different City zones, and (iii) comply with current City policies and State law; and,

WHEREAS, the subject Municipal Code Amendment is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378 of the California Public Resources Code, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant impact on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA; and,

WHEREAS, the Planning Commission of the City of Coachella (“Planning Commission”) conducted a properly noticed public hearing on April 15, 2020 at which members of the public were afforded an opportunity to comment upon this Ordinance, the recommendations of staff, and other public testimony; and,

WHEREAS, after said public hearing, the Planning Commission recommended that the City Council approve this Ordinance; and,

WHEREAS, the City Council conducted a properly noticed public hearing on May 13, 2020 at which members of the public were afforded an opportunity to comment on this Ordinance, the recommendations of staff, and other public testimony.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF COACHELLA DO ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council of the City of Coachella, California, hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Ordinance.

SECTION 2. Amendment to Coachella Municipal Code. Subsection 35 of Section 17.26.020(C) *Conditional Uses* of Chapter 17.26 *C-G General Commercial* of the Coachella Municipal Code is hereby added as follows:

“C. Conditional Uses. The following uses may be permitted in all sectors of the CG zone subject to obtaining a conditional use permit pursuant to Chapter 17.74.

...

35. Non-storefront cannabis retailers and non-storefront retail microbusinesses, pursuant to Chapter 17.84.”

SECTION 3. Amendment to Coachella Municipal Code. Subsection I of Section 17.26.030 *Property development standards* of Chapter 17.26 *C-G General Commercial Zone* of the Coachella Municipal Code is hereby added as follows:

“17.26.030 - Property development standards.

...

I. Non-storefront retailer and non-storefront retail microbusiness. A non-storefront retailer or non-storefront retail microbusiness shall have a minimum of one hundred (100) feet separation from any residential structure; be at least five hundred (500) feet from any other storefront retail or non-storefront retail cannabis business; and may not be located in the City’s Pueblo Viejo District. For purposes of this chapter, “Pueblo Viejo District” shall be that area in the city bounded by Cesar Chavez Street to the south, 1st Street to the west, Grapefruit Boulevard to the north, and 9th Street to the east.”

SECTION 4. Amendment to Coachella Municipal Code. Subsection 16 of Section 17.30.020(C) *Conditional Uses* of Chapter 17.30 *M-S Manufacturing Service Zone* of the Coachella Municipal Code is hereby added as follows:

“C. Conditional Uses. The following uses may be permitted in the M-S zone subject to obtaining a conditional use permit as specified in Section 17.74.010.

...

16. Non-storefront cannabis retailers and non-storefront retail microbusinesses, pursuant to Chapter 17.84.”

SECTION 5. Amendment to the Coachella Municipal Code. Subsection I of Section 17.30.030 *Property development standards* of Chapter 17.30 *M-S Manufacturing Service Zone* of the Coachella Municipal Code is hereby added as follows:

“17.30.030 - Property development standards.

...

I. Non-storefront retailer and non-storefront retail microbusiness. A non-storefront retailer or non-storefront retail microbusiness shall have a minimum of one hundred (100) feet separation from any residential structure; be at least five hundred (500) feet from any other storefront retail or non-storefront retail cannabis business; and may not be located in the City’s Pueblo Viejo District. For purposes of this chapter, “Pueblo Viejo District” shall be that area in the city bounded by Cesar Chavez Street to the south, 1st Street to the west, Grapefruit Boulevard to the north, and 9th Street to the east.”

SECTION 6. Amendment to the Coachella Municipal Code. Subsection 29 of Section 17.32.020(C) *Conditional Uses* of Chapter 17.32 *M-H Heavy Industrial* is hereby added as follows:

“C. Conditional Uses. The following uses may be permitted in the M-H zone subject to obtaining a conditional use permit pursuant to Chapter 17.74.

...

29. Non-storefront cannabis retailers and non-storefront retail microbusinesses, pursuant to Chapter 17.84.”

SECTION 7. Amendment to the Coachella Municipal Code. Subsection 7 of Section 17.34.020(C) *Conditional Uses* of Chapter 17.34 *M-W Wrecking Yard Zone* is hereby amended to add the underlined text and delete the stricken text as follows:

“C. Conditional Uses. The following uses may be permitted in the M-W zone subject to obtaining a conditional use permit pursuant to Chapter 17.74 of this code.

...

7. Cannabis cultivation, manufacturing, distribution, testing, non-retail microbusiness, non-storefront retail, non-storefront retail microbusiness, and storefront retail, and storefront retail microbusiness, ~~(including microbusiness)~~ facilities, pursuant to Chapters 17.84 and 17.85.”

SECTION 8. Amendment to the Coachella Municipal Code. Subsection K of Section 17.34.030 *Property development standards* of Chapter 17.34 *M-W Wrecking Yard Zone* of the Coachella Municipal Code is hereby added as follows:

“17.34.030 - Property development standards.

...

K. Non-storefront retailer and non-storefront retail microbusiness. A non-storefront retailer or non-storefront retail microbusiness shall have a minimum of one hundred (100) feet separation from any residential structure; be at least five hundred (500) feet from any other storefront retail or non-storefront retail cannabis business; and may not be located in the City’s Pueblo Viejo District. For purposes of this chapter, “Pueblo Viejo District” shall be that area in the city bounded by Cesar Chavez Street to the south, 1st Street to the west, Grapefruit Boulevard to the north, and 9th Street to the east.”

SECTION 9. Amendment to the Coachella Municipal Code. Section 17.46.023 *Conditional uses* of Chapter 17.46 *IP Industrial Park Overlay Zone* is hereby amended to include underlined text and delete stricken text as follows:

“17.46.023 - Conditional uses.

The following uses may be permitted in the IP overlay zone subject to obtaining a conditional use permit as specific in Section 17.74.010:

A. Cannabis cultivation, processing, testing, manufacturing, wholesale distribution, non-retail microbusiness, storefront retail microbusiness, non-storefront retail microbusiness, non-storefront retail and/or storefront retail sale ~~(including microbusinesses)~~, subject to the regulatory requirements of Chapters 5.68 and 5.69 of this code.

1. For purposes of this subsection (A), “cannabis cultivation, processing, testing, manufacturing, wholesale distribution, non-retail microbusiness, storefront retail microbusiness, non-storefront retail microbusiness, non-storefront retail and/or storefront retail sale ~~(including microbusinesses)~~” shall not be deemed as the permitted uses of “drugs manufacture”, “food products processing, manufacturing, canning, preserving and freezing”, “fruit and vegetable packing house”, or “testing laboratories” under Section 17.30.020(A).”

SECTION 10. Amendment to the Coachella Municipal Code. Subsection A *Project Area/ Lot Requirements* of Section 17.46.030 *Property development standards* of Chapter 17.46 *IP Industrial Park Overlay Zone* is hereby amended to include the underlined text as follows:

“17.46.030 - Property development standards.

A. Project Area/Lot Requirements

1. Minimum Project Area: Ten (10) acres. For purposes of this paragraph, “project area” shall mean the combined area of all legally subdivided lots developed as a common plan or scheme by the same or affiliated developer(s).

2. Minimum individual Lot Size: Five acres for any lot on which is located a cannabis cultivation, processing, testing, manufacturing or distribution use. For all other lots, one acre.

3. Minimum Lot Width. One hundred eighty (180) feet.

4. Minimum Lot Depth. Two hundred twenty (220) feet.

5. Maximum Lot Coverage. Fifty (50) percent. The development services director may allow individual lots within a project area to exceed this standard if he or she finds that: (i) it will result in more orderly development of the project area and (ii) the average lot coverage of all lots within the project area does not exceed fifty (50) percent.

6. No retail microbusiness or storefront retail cannabis use shall be located within eight hundred (800) feet of Avenue 52. The distance shall be measured at the nearest point between any part of the building containing retail cannabis use and Avenue 52 street right-of-way line.

...”

SECTION 11. Amendment to the Coachella Municipal Code. Subsection D *Distance Between Uses/Buildings* of Section 17.46.030 *Property development standards* of Chapter 17.46 *IP Industrial Park Overlay Zone* is hereby amended to include the underlined text as follows:

“17.46.030 - Property development standards.

...

D. Distance Between Uses/Buildings. No cannabis cultivation, processing, testing, manufacture, distribution, non-retail microbusiness, retail microbusiness, or storefront retail use shall be located within one thousand (1,000) feet of any residentially zoned lot. The distance shall be measured at the nearest point between any part of the building containing the cannabis use and any lot line of the residential use.

...”

SECTION 12. Amendment to the Coachella Municipal Code. Section 17.47.040 *Conditional uses* of Chapter 17.47 *RC Retail Cannabis Overlay Zone* is hereby amended to include the underlined text and delete the stricken text as follows:

“17.47.040 - Conditional uses.

The following uses may be permitted in the RC overlay zone subject to obtaining the appropriate approval:

A. In Sub-Zones ~~#1, and 3~~: The retail sale, exchange, transaction or delivery of cannabis, including storefront retailers or retail microbusinesses, subject to a conditional use permit as specified in Section 17.74.010, as well as the regulatory requirements of Chapters 5.69 and 17.84 of this code.

B. In Sub-Zone #2: The retail sale, exchange, transaction or delivery of cannabis, including storefront retailers or retail microbusinesses, subject to obtaining a conditional use permit as specified in Section 17.74.010, and subject to a development agreement as specified in Chapter 17.100, as well as the regulatory requirements of Chapters 5.69 and 17.84 of this code.

C. In Sub-Zone #3: The retail sale, exchange, transaction or delivery of cannabis, including storefront retailers, non-storefront retailers, retail microbusinesses, subject to a conditional use permit as specified in Section 17.74.010, as well as the regulatory requirements of Chapters 5.69 and 17.84 of this code.”

SECTION 13. Amendment to the Coachella Municipal Code. Section 17.47.060 *Property development standards* of Chapter 17.47 *RC Retail Cannabis Overlay Zone* is hereby amended to include the underlined text and delete the stricken text as follows:

“17.47.060 - Property development standards.

A. Project Area/Lot/Building Height Requirements. Except as specified in the applicable development agreement, CUP, or regulatory permit, the project area, lot size, lot coverage and building height requirements of the underlying zone shall apply.

B. No Drive-Thru Retail Cannabis Facilities. No retail cannabis business within the RC Overlay Zone shall operate “drive-thru”, “drive up”, “window service” or similar facilities whereby a customer can order, purchase and receive retail cannabis without leaving his or her vehicle.

C. ~~No Non-Storefront Retailers.~~ Non-storefront retailers are permitted in Sub-Zone #3, but prohibited in Sub-Zones #1 and #2. No retail cannabis business within the RC overlay zone shall be operated as “non-storefront” or “delivery only”. In Sub-Zones #1 and #2, D delivery may only be approved as ancillary to the operation of a permitted cannabis retail business which is physically located within the Sub-Zone RC overlay zone and which primarily provides cannabis to customers on the premises. A non-storefront retail cannabis business shall have a minimum of one hundred (100) feet separation from any residential structure and be at least five hundred (500) feet from any other storefront retail or non-storefront retail cannabis business.

D. Distance Restrictions. No retail cannabis business within the RC overlay zone shall be located within two hundred fifty (250) feet of any public or private school (K-12), day care center or youth center. The distance shall be measured from the nearest point between any part of the building containing the retail cannabis business to any lot line of the other use. For purposes of this paragraph, the following definitions shall apply:

1. “Day care center” means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities and school age child care centers.

2. “Youth center” means any public or private facility that is primarily used to house recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

E. Location of Customer Entrance. No retail cannabis business shall have a customer entrance that is adjacent to or directly across the street from a residentially zoned lot.

F. On-Street/Off-Street Parking and Loading.

1. Off-Street Parking and Loading. Off-street parking and loading facilities for a retail cannabis business shall be provided in accordance with the provisions of Section 17.54.010(C)(1) of this title.

2. On-Street Parking and Loading. On-street parking or loading shall be prohibited for a retail cannabis business.

G. Microbusinesses. ~~M~~ Non-storefront retail microbusinesses, storefront retail microbusinesses, and non-retail microbusinesses are permitted in the RC cannabis overlay zone. To hold a CUP for a microbusiness, the permittee must engage in at least three of the following

commercial cannabis activities: cultivation, manufacturing, distribution, and retail sale. Any cultivation at a microbusiness shall be limited to an area less than ten thousand (10,000) square feet. Any manufacturing at a microbusiness shall use nonvolatile solvents or no solvents. A non-storefront retail microbusiness shall have a minimum of one hundred (100) feet separation from any residential structure and be at least five hundred (500) feet from any other storefront retail or non-storefront retail cannabis business.

SECTION 14. Amendment to the Coachella Municipal Code. Section 17.84.020 *Definitions* of Chapter 17.84 *Retail Cannabis Businesses* is hereby amended to include the underlined text and delete the stricken text as follows:

“17.84.020 - Definitions.

For the purposes of this chapter, the following definitions shall apply.

“Applicant” means an owner that applies for a development agreement or conditional use permit under this chapter.

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

“Cannabis concentrate” means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.

“Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

“City manager” means the city manager of the city of Coachella or designee.

“Conditional use permit” or “CUP” means a conditional use permit issued under this chapter.

“Customer” means a natural person twenty-one (21) years of age or older or a natural person eighteen (18) years of age or older who possesses a physician’s recommendation, or a primary caregiver.

“Delivery” means the commercial transfer of cannabis or cannabis products to a customer.

“Development agreement” means an agreement entered into between the city and an applicant under this chapter pursuant to Section 65865 of the California Government Code.

“Edible cannabis product” means manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 of the California Food and Agricultural Code. An edible cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code. When the term “cannabis” is used in this chapter, it shall include “edible cannabis products.”

“Non-retail microbusiness” means a commercial business that engages in indoor cultivation of cannabis on an area less than ten thousand (10,000) square feet, Level 1 manufacturing, and distribution, provided such permittee can demonstrate compliance with all requirements imposed by this chapter and State law on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the permittee engages in such activities.

“Non-storefront retail microbusiness” means a commercial business that engages in non-storefront retail cannabis sales and at least two of the following commercial cannabis activities: indoor cultivation of cannabis on an area less than ten thousand (10,000) square feet, Level 1 manufacturing, and distribution, provided such permittee can demonstrate compliance with all requirements imposed by this chapter and State law on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the permittee engages in such activities.

“Non-storefront retailer” means a cannabis retailer that provides cannabis exclusively through delivery.

“Owner” means any of the following:

(1) A person with an aggregate ownership interest of twenty percent (20%) or more in the applicant, unless the interest is solely a security, lien, or encumbrance;

(2) The chief executive officer of a nonprofit or other entity;

(3) A member of the board of directors of a nonprofit;

(4) The trustee(s) and all persons who have control of the trust and/or the commercial cannabis business that is held in trust.

(5) An individual entitled to a share of at least twenty percent (20%) of the profits of the commercial cannabis business;

(6) An individual that will be participating in the direction, control, or management of the person applying for a permit. Such an individual includes any of the following: a general partner of a commercial cannabis business that is organized as a partnership; a non-member manager or managing member of a commercial cannabis business that is organized as a limited liability

company; an officer or director of a commercial cannabis business that is organized as a corporation.

“Permittee” means any person holding a valid permit under this chapter. A permittee includes all representatives, agents, parent entities, or subsidiary entities of the permittee.

“Person” includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

“Premises” means the designated structures and land specified in the conditional use permit application or development agreement that are in the possession of an used by the applicant or permittee to conduct the retail cannabis business. The premises must be a contiguous area and may only be occupied by one permittee.

“Retail cannabis business” ~~or “retailer”~~ means a business that sells and/or delivers cannabis or cannabis products to customers, and includes the following business types: non-storefront retail microbusiness, non-storefront retailer, storefront retailer, and storefront retail microbusiness.

“Sell,” “sale,” and “to sell” include any transaction, whereby, for any consideration title to cannabis or cannabis products is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a permittee to the permittee from who the cannabis or cannabis product was purchased.

“State license” means a license issued by the state of California, as listed in California Business and Professions Code Section 26050.

“Storefront retailer” means a business that has a storefront open to the public where cannabis or cannabis products are offered for retail sale to consumers, where delivery may or may not be included as part of the business’s operation.

“Storefront retail M microbusiness,” ~~for purposes of this chapter,~~ means a commercial business that engages in retail cannabis sales and at least two of the following commercial cannabis activities: indoor cultivation of cannabis on an area less than ten thousand (10,000) square feet, Level 1 manufacturing, and distribution, provided such permittee can demonstrate compliance with all requirements imposed by this chapter and State law on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the permittee engages in such activities.

Words and phrases not specifically defined in this code shall have the meaning ascribed to them as defined in the following sources:

- A. The Compassionate Use Act of 1996 (“CUA”);
- B. The Medical Marijuana Program (“MMP”); and
- C. The Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”).”

SECTION 15. Amendment to the Coachella Municipal Code. Section 17.84.030 *Development agreement or conditional use permit required* of Chapter 17.84 *Retail Cannabis Business* is hereby amended to include the underlined text and delete the stricken text as follows:

“17.84.030 - Development agreement or conditional use permit required.

A. The city may authorize a total of ten (10) storefront retailers and/or storefront retail microbusinesses ~~retail cannabis businesses~~ to operate in the city of Coachella. No more than five (5) storefront retailers and/or storefront retail microbusinesses ~~retail cannabis businesses~~ may operate in Sub-Zone #1 (as described in Chapter 17.47). No more than two (2) storefront retailers and/or storefront retail ~~retail cannabis business~~ may operate in Sub-Zone #2 (as described in Chapter 17.47), subject to a development agreement. The remaining storefront retailers and/or storefront retail microbusinesses, in addition to an unlimited number of non-storefront retailers and non-storefront retail microbusinesses that comply with the property development standards listed in Section 17.84.040(B), ~~retail cannabis businesses~~ may operate in Sub-Zone #3 and/or the M-W Wrecking Yard Zone (as described in Chapter 17.34), the IP Industrial Park Overlay Zone (as described in Chapter 17.46), and Sub-Zone #3 (as described in Chapter 17.47). If applications are submitted for a greater number of conditional use permits than are permitted by this section, selection among the applicants may be made by a process, and subject to criteria, established by city council resolution. Conditional use permits for all retail cannabis businesses shall be issued in accordance with the requirements in this chapter and Chapters 17.34, 17.46, and 17.47, as applicable.

B. Prior to initiating operations and as a continuing requisite to operating a retail cannabis business, including a non-storefront retail microbusiness, non-storefront retailer, storefront retailer, and storefront retail microbusiness, ~~a retailer or microbusiness~~, the owner of the proposed retail cannabis business shall obtain (i) either an executed development agreement or a valid conditional use permit from the city as required by this code, (ii) a regulatory permit from the city manager and shall pay application fees as established by resolution adopted by the city council as amended from time to time, and (iii) a state license for each commercial cannabis activity use authorized under a development agreement or conditional use permit. Unless otherwise stated in this section, the provisions found in Chapter 17.74 entitled “Conditional Uses” shall apply.

C. Changes in state license type, business owner, or operation will require an amendment to the approved conditional use permit.

D. A retailer with a physical address outside of the city that wishes to deliver cannabis or cannabis products to a customer in the city is not required to obtain a conditional use permit under this chapter, but is required to obtain a city business license.

E. This chapter does not apply to the individual possession of cannabis for personal adult use, as allowed by state law. Personal possession and use of cannabis in compliance with state law are permitted in the city of Coachella.”

SECTION 16. Amendment to the Coachella Municipal Code. Section 17.84.040 *Retail cannabis businesses—Permitted locations and standards* of Chapter 17.84 *Retail Cannabis Businesses* is hereby amended to include the underlined text and delete the stricken text as follows:

“17.84.040 - Retail cannabis businesses—Permitted locations and standards.

A. Retail cannabis businesses may be located in the M-W Wrecking Yard Zone, as described in Chapter 17.34, the IP Industrial Park Overlay Zone, as described in Chapter 17.46, and the RC retail cannabis overlay zone, as described in Chapter 17.47, upon issuance of (i) a fully executed development agreement between the city and owner or valid CUP, whichever is applicable, (ii) a regulatory permit as described in Chapter 5.69, and (iii) a valid state license, or as otherwise permitted in this code.

B. A non-storefront retailer or non-storefront retail microbusiness shall have a minimum of one hundred (100) feet separation from any residential structure; be at least five hundred (500) feet from any other storefront retail or non-storefront retail cannabis business; and may not be located in the City’s Pueblo Viejo District. For purposes of this chapter, “Pueblo Viejo District” shall be that area in the city bounded by Cesar Chavez Street to the south, 1st Street to the west, Grapefruit Boulevard to the north, and 9th Street to the east.”

~~B.~~ C. Retail cannabis businesses shall comply with all regulations set forth in this chapter, Chapter 5.69, and Chapters 17.34, 17.46, and 17.47, as applicable.

~~C.~~ D. Every retail cannabis business shall submit to the city manager a copy of any and all of its state license(s) and local permits required for its operation. If any other applicable state license or local permit for a retail cannabis business is denied, suspended, modified, revoked, or expired, the permittee shall notify the city manager in writing within ten (10) calendar days.

~~D.~~ E. Each applicant for a development agreement or CUP issued under this chapter must submit, along with a development agreement/CUP application, a building façade plan. Building façade plans shall include renderings of the exterior building elevations for all sides of the building. All building façades shall be tastefully done and in keeping with the high architectural quality and standards of the city of Coachella. The retail cannabis business facade and building signs shall be compatible and complimentary to surrounding businesses and shall add visual quality to the area.

E. Except as required in this chapter, development agreements shall be reviewed, issued, denied, suspended, revoked, and/or renewed in accordance with Chapter 17.100 entitled “Development Agreements”, and CUPs shall be reviewed, issued, denied, suspended, revoked, and/or renewed in accordance with Chapter 17.74 entitled “Conditional Uses”. If any provision of this chapter conflicts with any provision of Chapters 17.74 or 17.100 of this code, the provision in this chapter shall control.”

SECTION 17. Amendment to the Coachella Municipal Code. Section 17.84.060 *Prohibited operations* of Chapter 17.84 *Retail Cannabis Businesses* is hereby amended to delete the stricken text as follows:

“17.84.060 - Prohibited operations.

Any retail cannabis business that does not have (i) a development agreement or CUP, (ii) a regulatory permit required under this code, and (iii) a state license(s) is expressly prohibited in all city zones and is hereby declared a public nuisance that may be abated by the city and is subject

to all available legal remedies, including, but not limited to civil injunctions. ~~Non-storefront retailers are prohibited in all zones in the city.~~

SECTION 18. Amendment to the Coachella Municipal Code. Section 17.85.020 *Definitions* of Chapter 17.85 *Commercial Cannabis Activity* is hereby amended to include the underlined text and delete the stricken text as follows:

“17.85.020 - Definitions.

Unless the particular provision or context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter:

“Applicant” means an owner applying for a conditional use permit, desiring to enter into a development agreement, or applying for any other applicable entitlement under this chapter.

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

“Cannabis concentrate” means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.

“Cannabis products” has the same meaning as marijuana products in Section 11018.1 of the California Health and Safety Code. When the term "cannabis" is used in this chapter, it shall include "cannabis products."

“City manager” means the city manager of the city of Coachella or designee.

“Commercial cannabis activity” includes the cultivation, manufacture, laboratory testing, and distribution, including non-retail microbusinesses, (including possession, processing, storing, and labeling incidental to each activity, as applicable) of cannabis and cannabis products. For purposes of this chapter, “commercial cannabis activity” does not include delivery or retail sale of cannabis or cannabis products. Zoning restrictions on retail cannabis businesses ~~retailers and microbusinesses~~ can be found in Chapters 17.34, 17.46, 17.47 and 17.84.

“Conditional use permit” or “CUP” means a conditional use permit issued under this chapter.

“Cultivate” or “cultivation” means any commercial activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. A cannabis nursery is considered a “cultivation” use.

“Customer” means a natural person twenty-one (21) years of age or older or a natural person eighteen (18) years of age or older who possesses a physician's recommendation, or a primary caregiver.

“Delivery” means the commercial transfer of cannabis or cannabis products to a customer.

“Development agreement” means an agreement entered into between the city and an applicant under this chapter pursuant to Section 65865 of the California Government Code.

“Distribution” means the procurement, wholesale sale, and transport of cannabis and cannabis products between entities permitted or licensed under this chapter, another local California jurisdiction, or state law.

“Edible cannabis product” means manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 of the California Food and Agricultural Code. An edible cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code. When the term “cannabis” is used in this chapter, it shall include “edible cannabis products.”

“Indoor” means within a fully enclosed and secure building.

“Manufacture” means to compound, blend, extract, infuse or otherwise make or prepare a cannabis product.

“Manufacturer” means a permittee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

~~“Microbusiness,” for purposes of this chapter, means a commercial business that engages in cultivation of cannabis on an area less than ten thousand (10,000) square feet, Level 1 manufacturing, and distribution, provided such permittee can demonstrate compliance with all requirements imposed by this chapter and State law on licensed cultivators, distributors, and Level 1 manufacturers to the extent the permittee engages in such activities. Level 1 manufacturing means manufacturing with no solvents or with nonvolatile solvents.~~

“Non-retail microbusiness” means a commercial business that engages in indoor cultivation of cannabis on an area less than ten thousand (10,000) square feet, Level 1 manufacturing, and distribution, provided such permittee can demonstrate compliance with all

requirements imposed by this chapter and State law on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the permittee engages in such activities.

“Non-storefront retail microbusiness” means a commercial business that engages in non-storefront retail cannabis sales and at least two of the following commercial cannabis activities: indoor cultivation of cannabis on an area less than ten thousand (10,000) square feet, Level 1 manufacturing, and distribution, provided such permittee can demonstrate compliance with all requirements imposed by this chapter and State law on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the permittee engages in such activities.

“Nursery” means a permittee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

“Operation” means any act for which a permit is required under the provisions of this chapter, or any commercial transfer of cannabis or cannabis products.

“Owner” means any of the following:

(1) A person with an aggregate ownership interest of twenty (20) percent or more in the applicant, unless the interest is solely a security, lien, or encumbrance;

(2) The chief executive officer of a nonprofit or other entity;

(3) A member of the board of directors of a nonprofit;

(4) The trustee(s) and all persons who have control of the trust and/or the commercial cannabis business that is held in trust.

(5) An individual entitled to a share of at least twenty (20) percent of the profits of the commercial cannabis business;

(6) An individual that will be participating in the direction, control, or management of the person applying for a permit. Such an individual includes any of the following: a general partner of a commercial cannabis business that is organized as a partnership; a non-member manager or managing member of a commercial cannabis business that is organized as a limited liability company; an officer or director of a commercial cannabis business that is organized as a corporation.

“Permittee” means the individual or applicant to whom a conditional use permit has been issued under this chapter. A permittee includes all representatives, agents, parent entities, or subsidiary entities of the permittee.

“Person” includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

“Retail cannabis business” “Retailer” means a business that sells and/or delivers cannabis products to customers, and includes the following business types: non-storefront retail microbusiness, non-storefront retailer, storefront retailer, and storefront retail microbusiness.
~~person or entity that sells cannabis or cannabis products to customers.~~

“Shared-use facility” means a premises registered by a primary manufacturing permittee at which multiple cannabis manufacturers may operate at separate times.

“Storefront retailer” means a business that has a storefront open to the public where cannabis or cannabis products are offered for retail sale to consumers, where delivery may or may not be included as part of the business’s operation.

“Storefront retail microbusiness” means a commercial business that engages in retail cannabis sales and at least two of the following commercial cannabis activities: indoor cultivation of cannabis on an area less than ten thousand (10,000) square feet, Level 1 manufacturing, and distribution, provided such permittee can demonstrate compliance with all requirements imposed by this chapter and State law on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the permittee engages in such activities.

“Testing” means subjecting cannabis to laboratory testing for active compounds and purity prior to distribution for consumption.

“Testing laboratory” means a laboratory, facility, or entity in California, that offers or performs tests of cannabis or cannabis products and that is both of the following: (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state; and (2) Licensed by the California Bureau of Marijuana (or Cannabis) Control within the California Department of Consumer Affairs (when such licenses begin to be issued).

Words and phrases not specifically defined in this code shall have the meaning ascribed to them as defined in the following sources:

- A. CUA (California Health and Safety Code Section 11362.5);
- B. MMP (California Health and Safety Code Sections 11362.7 through 11362.83); and
- C. MAUCRSA (California Business and Professions Code Sections 26000 et seq.).

SECTION 19. Amendment to the Coachella Municipal Code. Section 17.85.030 *Commercial cannabis activity permitted* of Chapter 17.85 *Commercial Cannabis Activity* is hereby amended to include the underlined text and delete the stricken text as follows:

“17.85.030 - Commercial cannabis activity permitted.

Commercial cannabis activity permitted under this chapter includes cultivation, manufacture (including shared-use facilities), distribution, ~~and testing,~~ and non-retail microbusinesses (including possession, processing, storing, and labeling incidental to such activity). Prior to engaging in any such commercial cannabis activity in the city, one must obtain either a development agreement or conditional use permit (CUP), and a regulatory permit as

required by this code, subject to the provisions of the CUA, MMP, MAUCRSA, and any other state laws pertaining to cannabis.”

SECTION 20. Amendment to the Coachella Municipal Code. Section 17.85.040 *Conditional use permit or development agreement required* of Chapter 17.85 *Commercial Cannabis Activity* is hereby amended to include the underlined text as follows:

“17.85.040 - Conditional use permit or development agreement required.

Prior to initiating operations and as a continuing requisite to operating a commercial cannabis activity, the applicant shall obtain a validly issued CUP as provided in Chapter 17.74 entitled “Conditional Uses” of this municipal code or enter into a fully executed development agreement agreed to by the city council. If any provision of this chapter conflicts with any provision of Chapter 17.74 of this code, the provision in this chapter shall control. An applicant must obtain a separate CUP for each commercial cannabis activity the applicant wishes to operate. Each CUP will include a condition of approval requiring that the permittee also obtain and maintain a cultivation, manufacture, distribution, non-retail microbusiness, or testing laboratory regulatory permit required by this code.

SECTION 21. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 22. California Environmental Quality Act. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15061(c)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) and 15378 (the activity is not a project under CEQA) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. This is because the prohibition adopted by this Ordinance merely prohibits uses that do have impacts on public health, safety, and welfare, and does not permit any development that could result in a significant change to the environment. In addition, the Ordinance is categorically exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines, because this ordinance is a regulatory action taken by the City in accordance with California Government Code Section 65858 to assure maintenance and protection of the environment.

SECTION 23. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 24. Certification and Publication. The City Clerk of the City of Coachella shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under California Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Coachella, California on the _____ day of _____, 2020, by the following vote:

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

State of California)
County of Riverside) s.s.
City of Coachella)

I, Andrea J. Carranza, Deputy City Clerk, hereby certify that the foregoing is a true copy of Ordinance No. 1162, introduced at a regular meeting held on the 13th day of May 2020, and duly adopted by the City Council of the City of Coachella, California at a regular meeting thereof held on the _____ day of _____, 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

Andrea J. Carranza, MMC
Deputy City Clerk

ORDINANCE NO. 1162**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING COACHELLA MUNICIPAL CODE TITLE 5 BUSINESS LICENSES AND REGULATIONS, CHAPTERS 5.68 COMMERCIAL CANNABIS ACTIVITY REGULATORY PERMIT AND 5.69 CANNABIS RETAILER AND RETAIL MICROBUSINESS REGULATORY PERMIT TO UPDATE CANNABIS BUSINESS REGULATORY PERMIT REGULATIONS, INCLUDING REGULATIONS SPECIFIC TO NON-STOREFRONT RETAIL CANNABIS BUSINESSES AND MICROBUSINESSES.**

WHEREAS, pursuant to the authority granted to the City of Coachella (“City”) by Article XI, Section 7 of the California Constitution, the City has the police power to regulate the use of land and property within the City in a manner designed to promote public convenience and general prosperity, as well as public health, welfare, and safety; and,

WHEREAS, adoption and enforcement of comprehensive zoning regulations and other land use regulations lies within the City’s police power; and,

WHEREAS, on November 8, 2016, California voters passed Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”), legalizing the use and possession of cannabis and cannabis products by adults aged 21 years and older; and,

WHEREAS, on June 27, 2017, Governor Brown signed into law Senate Bill 94, which repealed the Medical Cannabis Regulation and Safety Act (“MCRSA”), included certain provisions of MCRSA in the licensing provisions of AUMA, and created a single regulatory scheme for both medicinal and non-medicinal cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA” or “Act”); and,

WHEREAS, MAUCRSA retains the provisions in the MCRSA and the AUMA that granted local jurisdictions control over whether non-commercial and commercial cannabis activities could occur in a particular jurisdiction. Specifically, California Business and Professions Code section 26200 provides that MAUCRSA shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances that completely prohibit the establishment or operation of one or more businesses licensed under the state licensing authority and shall not approve an application for a state license for a business to engage in commercial cannabis activity if approval by the state license will violate the provisions of any local ordinance or regulation. State licensing authorities began issuing licenses to cannabis businesses beginning January 1, 2018; and,

WHEREAS, MAUCRSA establishes a regulatory structure for cultivation, processing, manufacturing, tracking, quality control, testing, inspection, distribution, and retail sale of commercial cannabis, including medicinal and adult-use cannabis. The Act designates applicable responsibilities for oversight of cannabis commerce to several State agencies; and,

WHEREAS, the proposed Ordinance would amend Title 5 (Business Licenses and Regulations), Chapters 5.68 and 5.69 to (i) identify non-storefront retailers as a new cannabis business type allowed within the City, (ii) to clarify the different types of cannabis microbusinesses that may operate within the City, and (iii) comply with current City policies and State law; and,

WHEREAS, the subject Municipal Code Amendment is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378 of the California Public Resources Code, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant impact on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA; and,

WHEREAS, the City Council conducted a properly noticed public hearing on May 13, 2020 at which members of the public were afforded an opportunity to comment on this Ordinance, the recommendations of staff, and other public testimony.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF COACHELLA DO ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council of the City of Coachella, California, hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Ordinance.

SECTION 2. Amendment to Coachella Municipal Code. Section 5.68.010 *Purpose and intent* of Chapter 5.68 *Commercial Cannabis Activity Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“5.68.010 - Purpose and intent.

It is the purpose and intent of this chapter to regulate the cultivation, manufacturing, testing, and distribution, ~~and transportation~~ of ~~medicinal and nonmedicinal adult use~~ cannabis (including cannabis products and edible cannabis products) within the city of Coachella.

The regulations and prohibitions in this chapter are enacted to ensure the health, safety, and welfare of the residents of the city. The regulations and prohibitions herein, which are in compliance with the Compassionate Use Act of 1996 (“CUA”), the Medical Marijuana Program (“MMP”), and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”) ~~the Medical Cannabis Regulation and Safety Act (“MCRSA”), the Control, Use, Tax Adult Use of Marijuana Act (“AUMA”)~~, (collectively, “State law”), do not interfere with the use and possession of cannabis as authorized under state law.

Nothing in this chapter shall be construed to: (1) allow persons to engage in conduct that endangers others or causes a public nuisance, or (2) allow any activity relating to the cultivation, manufacturing, testing, distribution, ~~transportation~~, or use of cannabis that is otherwise illegal under California state law.”

SECTION 3. Amendment to Coachella Municipal Code. Section 5.68.020 *Definitions* of Chapter 5.68 *Commercial Cannabis Activity Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“5.68.020 - Definitions.

For the purposes of this chapter, the following definitions shall apply, unless the context clearly indicates otherwise. If a word is not explicitly defined in this chapter, the common and ordinary meaning of the word shall apply.

“Applicant” means a person applying for a regulatory permit under this chapter. An “applicant” includes all representatives, agents, parent entities, or subsidiary entities of the applicant.

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means marijuana as defined in California Health and Safety Code Section 11018. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, “cannabis” does not mean “industrial hemp” as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

“Cannabis products” has the same meaning as marijuana products in Section 11018.1 of the California Health and Safety Code. When the term “cannabis” is used in this chapter, it shall include “cannabis products.”

“City manager” means the city manager of the city of Coachella or designee.

“Commercial cannabis activity” includes the cultivation, manufacture, ~~distributing,~~ laboratory testing, and ~~transportation~~ distribution (including possession, processing, storing, and labeling incidental to such activities) of cannabis and cannabis products as provided in this chapter. Pursuant to this chapter, “commercial cannabis activity” may include a non-retail microbusiness.

“Cultivate” or “cultivation” means any commercial activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. A cannabis nursery is considered a “cultivation” use.

“Customer” means a natural person twenty-one (21) years of age or older or a natural person eighteen (18) years of age or older who possesses a physician’s recommendation, or a primary caregiver.

“Delivery” means the commercial transfer of cannabis or cannabis products to a customer.

“Distribution” means the procurement, wholesale sale, and transport of cannabis and cannabis products between entities permitted or licensed under this chapter, another local California jurisdiction, or state law.

“Edible cannabis product” means manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 of the California Food and Agricultural Code. An edible cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code. When the term “cannabis” is used in this chapter, it shall include “edible cannabis products.”

“Indoor” means within a fully enclosed and secure building.

“Manufacture” means to compound, blend, extract, infuse or otherwise make or prepare a cannabis product.

“Manufacturer” means a permittee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its containers.

“Non-retail microbusiness” means a commercial business that engages in indoor cultivation of cannabis on an area less than ten thousand (10,000) square feet, Level 1 manufacturing, and distribution, provided such permittee can demonstrate compliance with all requirements imposed by this chapter and State law on licensed cultivators, distributors, Level 1 manufacturers, to the extent the permittee engages in such activities.

“Non-storefront retail microbusiness” means a commercial business that engages in non-storefront retail cannabis sales (delivery only) and at least two of the following commercial cannabis activities: indoor cultivation of cannabis on an area less than ten thousand (10,000) square feet, Level 1 manufacturing, and distribution, provided such permittee can demonstrate compliance with all requirements imposed by this chapter and State law on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the permittee engages in such activities.

“Nursery” means a permittee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

“Operation” means any act for which a permit is required under the provisions of this chapter, or any commercial transfer of cannabis or cannabis products.

“Owner” means any of the following: (1) All persons with an aggregate ownership interest of twenty (20) percent or more in the applicant, unless such interest is solely a security, lien, or encumbrance; (2) the chief executive officer of an entity or nonprofit; (3) all members of the board of directors of a nonprofit; or (4) an individual that will be participating in the direction, control, or management of the permitted commercial cannabis activity.

“Permittee” means the individual or applicant to whom a regulatory permit has been issued under this chapter. A permittee includes all representatives, agents, parent entities, or subsidiary entities of the permittee.

“Person” includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

“Premises” means the designated structures and land specified in the regulatory permit application that are in the possession of an used by the applicant or permittee to conduct the commercial cannabis activity. The premises must be a contiguous area and may only be occupied by one licensee.

~~“Retailer” “Retail cannabis business” means a person or entity that sells and/or delivers cannabis or cannabis products to customers, and includes the following business types: non-storefront retail microbusiness, non-storefront retailer, storefront retailer, and storefront retail microbusiness. The term “retailer” shall also include the term “dispensary,” as defined under MCRSA.~~

“Shared-use facility” means a premises registered by a primary manufacturing permittee at which multiple cannabis manufacturers may operate at separate times.

“Storefront retailer” means a business that has a storefront open to the public where cannabis or cannabis products are offered for retail sale to consumers, where delivery may or may not be included as part of the business’s operation.

“Storefront retail microbusiness” means a commercial business that engages in retail cannabis sales and at least two of the following commercial cannabis activities: indoor cultivation of cannabis on an area less than ten thousand (10,000) square feet, Level 1 manufacturing, and distribution, provided such permittee can demonstrate compliance with all requirements imposed by this chapter and State law on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the permittee engages in such activities.

“Testing” means subjecting cannabis to laboratory testing for active compounds and purity prior to distribution for consumption.

~~“Transportation” means transferring cannabis and/or cannabis products from one person or entity permitted under this chapter, permitted by another local California jurisdiction, and/or licensed under state law to another person or entity permitted under this chapter, permitted by another local California jurisdiction, and/or licensed under state law.~~

Words and phrases not specifically defined in this code shall have the meaning ascribed to them as defined in the following sources:

A. The Compassionate Use Act of 1996 (“CUA”);

B. The Medical Marijuana Program (“MMP”); and

~~C. The Medical Cannabis Regulation and Safety Act (“MCRSA”) The Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”).~~ and

~~D. Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”).~~”

SECTION 4. Amendment to Coachella Municipal Code. Section 5.68.030 *Regulatory permit required* of Chapter 5.68 *Commercial Cannabis Activity Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“5.68.030 - Regulatory permit required.

Commercial cannabis activity permitted under this chapter includes cultivation, manufacture (including shared-use facilities), distribution, testing, and non-retail microbusinesses (including possession, processing, storing, and labeling incidental to such activity). Prior to initiating operations and as a continuing requisite to operating a commercial cannabis activity, the legal representative of the persons wishing to operate and/or lease out a facility for commercial cannabis activity shall obtain both a conditional use permit and a regulatory permit from the city manager and shall pay an application fee as established by resolution adopted by the city council as amended from time to time. Regulatory permit requirements for retail cannabis businesses can be found in Chapter 5.69.”

SECTION 5. Amendment to Coachella Municipal Code. Subsection F of Section 5.68.070 *Regulatory permit denial* of Chapter 5.68 *Commercial Cannabis Activity Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“...

F. The commercial cannabis activity is not properly organized or operating in strict compliance pursuant to the Compassionate Use Act of 1996, the Medical Marijuana Program Act, ~~the 2008 Attorney General Guidelines, Medical Marijuana Regulation and Safety Act (AB 243, AB 266, and SB 643), Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”) the~~ Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), and any other applicable law, rules and regulations.”

SECTION 6. Amendment to Coachella Municipal Code. Section 5.68.110 Regulatory permit suspension and revocation of Chapter 5.68 Commercial Cannabis Activity Regulatory Permit is hereby amended to add underlined text and delete stricken text as follows:

“5.68.110 – Regulatory permit suspension and revocation.

The city manager may suspend, modify, or revoke a commercial cannabis activity regulatory cultivation permit issued pursuant to the provisions of this chapter for any of the following reasons:

A. One or more of the circumstances upon which a regulatory permit could be denied exists or has occurred;

B. One or more conditions of the regulatory permit has been violated; or

C. The permittee, its owners, officers, directors, partners, agents, or other persons vested with the authority to manage or direct the affairs of the business have violated any provision of this chapter.”

SECTION 7. Amendment to Coachella Municipal Code. Section 5.68.120 *Appeals* of Chapter 5.68 *Commercial Cannabis Activity Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text as follows:

“5.68.120 – Appeals.

Any decision regarding the denial, suspension, or revocation of a commercial cannabis activity regulatory permit may be appealed to a hearing officer. Notice of and the procedures governing such hearing shall be provided pursuant to Chapter 3.28 of the code.”

SECTION 8. Amendment to Coachella Municipal Code. Section 5.68.130 *Operating Standards* of Chapter 5.68 *Commercial Cannabis Activity Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“5.68.130 - Operating standards.

A. Indoor cultivation only. A permittee shall only cultivate cannabis in a fully enclosed and secure building. A permittee shall not allow cannabis or cannabis products on the premises to be visible from the public right of way, the unsecured areas surrounding the buildings on the premises, or the premises' main entrance and lobby.

B. Odor control. A permittee shall comply with the odor control plan that is submitted during the application process and approved by the city manager. Commercial cannabis activity premises shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the building(s) that is distinctive to its operation is not detected outside the premises, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the commercial cannabis activity. As such, applicants must install and maintain the following equipment or any other equipment which the city manager or designee determines has the same or better effectiveness:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or

2. An air system that creates negative air pressure between the cannabis facility's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility.

3. Should compliance with the odor control plan fail to properly control odor, the city manager may impose additional or modified plan restrictions.

C. ~~'Seed to sale'~~ or 'Track and trace'. Commercial cannabis activity businesses shall have an electronic ~~'seed to sale'~~ or 'track and trace' system that produces historical transactional data for review by the city manager for auditing purposes.

D. Records. A commercial cannabis activity business shall maintain the following records in printed format for at least three years on the premises and shall produce them to the city within twenty-four (24) hours after receipt of the city's request:

1. The name, address, and telephone numbers of the owner and landlord of the property.

2. The name, date of birth, address, and telephone number of each manager and staff of the commercial cannabis activity business; the date each was hired; and the nature of each manager's and staff's participation in the business.

3. A written accounting of all income and expenditures of the commercial cannabis activity business, including, but not limited to, cash and in-kind transactions.

4. A copy of the commercial cannabis activity business' commercial general liability insurance policy and all other insurance policies related to the operation of the business.

5. A copy of the commercial cannabis activity business' most recent year's financial statement and tax return.

6. An inventory record documenting the dates and amounts of cannabis received at the premises, the daily amounts of cannabis on the premises, and the daily amounts of cannabis transported from the premises.

A commercial cannabis activity business shall report any loss, damage, or destruction of these records to the city manager within twenty-four (24) hours of the loss, damage, or destruction.

E. Security. A permittee shall comply with the security plan that is submitted during the application process as approved by the city manager. A permittee shall report to the Coachella Police Department all criminal activity occurring on the premises. Should compliance with the security plan fail to properly secure the commercial cannabis activity premises, the city manager may impose additional or modified plan restrictions.

F. Retail sales prohibited. No person shall conduct any retail sales of any good or services on or from a permitted commercial cannabis activity premises that is regulated under this chapter.

G. Cannabis consumption prohibited. No person shall smoke, ingest, or otherwise consume cannabis in any form on, or within twenty (20) feet of, ~~the~~ a commercial cannabis activity premises regulated under this chapter.

H. Alcohol prohibited. No person shall possess, consume, or store any alcoholic beverage on ~~the cultivation~~ any commercial cannabis activity premises.

I. Juveniles prohibited. No one under the age of eighteen (18) shall be on the commercial cannabis activity premises or operate a commercial cannabis activity in any capacity, including, but not limited to, as a manager, staff, employee, contractor, or volunteer.”

SECTION 9. Amendment to Coachella Municipal Code. Section 5.68.160 *Premises restricted* of Chapter 5.68 *Commercial Cannabis Activity Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“5.68.160 - Premises restricted.

- A. No permittee shall open their commercial cannabis activity premises to the public.
- B. No permittee shall allow anyone on the premises, except for managers, staff, and other persons with a bona fide business or regulatory purpose for being there, such as contractors, inspectors, and cannabis distributors ~~transporters~~.
- C. A manager must be on the premises at all times that any other person, except for security guards, is on the premises.

SECTION 10. Amendment to Coachella Municipal Code. Section 5.68.230 *Compliance with state law* of Chapter 5.68 *Commercial Cannabis Activity Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“5.68.230 - Compliance with state law.

All commercial cannabis activity shall comply fully with all of the applicable restrictions and mandates set forth in state law, including without limitation the Compassionate Use Act of 1996, the Medical Marijuana Program Act, ~~the 2008 Attorney General Guidelines, the Medical Cannabis Regulation and Safety Act, and the Control, Regulate, and Tax Adult Use of Marijuana Act~~ and the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”).”

SECTION 11. Amendment to Coachella Municipal Code. The title of Chapter 5.69 shall be changed from *Cannabis Retailer and Retail Microbusiness Regulatory Permit* to *Retail Cannabis Business Regulatory Permit*.

SECTION 12. Amendment to Coachella Municipal Code. Section 5.69.000 *Purpose and intent* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* is hereby added as follows:

“5.69.000 Purpose and intent.

It is the purpose and intent of this chapter to regulate retail cannabis businesses, including the retail sale and delivery of cannabis (including cannabis products and edible cannabis products), within the city of Coachella.

The regulations and prohibitions in this chapter are enacted to ensure the health, safety, and welfare of the residents of the city. The regulations and prohibitions herein, which are in compliance with the Compassionate Use Act of 1996 (“CUA”), the Medical Marijuana Program (“MMP”), and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”) (collectively, “State law”), do not interfere with the use and possession of cannabis as authorized under state law.

Nothing in this chapter shall be construed to: (1) allow persons to engage in conduct that endangers others or causes a public nuisance, or (2) allow any activity relating to the retail sale, delivery, or use of cannabis that is otherwise illegal under California state law.”

SECTION 13. Amendment to Coachella Municipal Code. Section 5.69.010 *Definitions* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“5.69.010 - Definitions.

For the purposes of this chapter, the following definitions shall apply.

“Applicant” means an owner applying for a regulatory permit under this chapter.

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

“Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

“City manager” means the city manager of the city of Coachella or designee.

“Delivery” means the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform.

“Non-storefront retailer” means a cannabis retailer that provides cannabis exclusively through delivery.

“Non-storefront retail microbusiness” means a commercial business that engages in non-storefront retail cannabis sales and at least two of the following commercial cannabis activities: indoor cultivation of cannabis on an area less than ten thousand (10,000) square feet, Level 1

manufacturing, and distribution, provided such permittee can demonstrate compliance with all requirements imposed by this chapter and State law on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the permittee engages in such activities.

“Owner” means any of the following: (1) a person with an aggregate ownership interest of twenty (20) percent or more in the person applying for the permit, unless such interest is solely a security, lien, or encumbrance; (2) the chief executive officer of a nonprofit or other entity; (3) a member of the board of directors of a nonprofit; or (4) an individual who will be participating in the direction, control, or management of the person applying for the permit.

“Permittee” means any person holding a valid permit under this chapter.

“Person” includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

“Premises” means the designated structure or structures and land specified in the regulatory permit application that is owned, leased, or otherwise held under the control of the applicant or permittee where the retailer or retail microbusiness will be or is conducted. These premises shall be a contiguous area and shall only be occupied by one permittee.

“Purchaser” means the customer who is engaged in a transaction with a permittee for the purposes of obtaining cannabis or cannabis products.

“Retail cannabis business” means a person or entity that sells or sells and delivers cannabis or cannabis products to customers, and includes the following business types: non-storefront retail microbusiness, non-storefront retailer, storefront retailer, and storefront retail microbusiness.

~~“Retail microbusiness” means a retailer that includes up to ten thousand (10,000) square feet of cannabis cultivation on the same premises.~~

“Sell,” “sale,” and “to sell” include any transaction, whereby, for any consideration title to cannabis or cannabis products is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a permittee to the permittee from who the cannabis or cannabis product was purchased.

“State license” means a license issued by the state of California, as listed in California Business and Professions Code Section 26050.

“Storefront retailer” means a business that has a storefront open to the public where cannabis or cannabis products are offered for retail sale to consumers, where delivery may or may not be included as part of the business’s operation.

“Storefront retail microbusiness” means a commercial business that engages in retail cannabis sales and at least two of the following commercial cannabis activities: indoor cultivation of cannabis on an area less than ten thousand (10,000) square feet, Level 1 manufacturing, and distribution, provided such permittee can demonstrate compliance with all requirements imposed

by this chapter and State law on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the permittee engages in such activities.

SECTION 14. Amendment to Coachella Municipal Code. Section 5.69.020 *Regulatory permit required* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“5.69.020 - Regulatory permit required.

A. Prior to initiating operations and as a continuing request to operating a ~~retailer or microbusiness~~ retail cannabis business, the owner of the proposed ~~retailer or retail microbusiness~~ retail cannabis business shall obtain (i) a regulatory permit from the city manager and shall pay application fees as established by resolution adopted by the city council as amended from time to time, and (ii) either a development agreement or a conditional use permit from the city as required by this code.

B. This chapter, and the requirement to obtain a regulatory permit, does not apply to the individual possession or cultivation of cannabis for personal use, as allowed by state law. Personal cannabis cultivation is regulated under Chapter 17.84. Personal possession and use of cannabis pursuant to state law are permitted in the city of Coachella.”

SECTION 15. Amendment to Coachella Municipal Code. Section 5.69.030 *Regulatory permit application* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“5.69.030 - Regulatory permit application.

An application for a regulatory permit shall include, but shall not be limited to, the following information:

- A. The name, address, and telephone number of the applicant.
- B. A description of the statutory entity or business form that will serve as the legal structure for the applicant and a copy of its formation and organizing documents, including, but not limited to, articles of incorporation, certificate of amendment, statement of information, articles of association, bylaws, partnership agreement operating agreement, and fictitious business name statement.
- C. The name, address, telephone number, title, and function of each of the interested parties described in Section 5.69.130.
- D. A legible copy of each applicant’s photo identification, such as a state driver’s license, a passport issued by the United States, or a permanent resident card.
- E. A list of the license or permit types (including license or permit numbers) held by the applicant that involve the operation of a ~~retailer or retail microbusiness~~ retail cannabis business,

including the date the license or permit was issued and the jurisdiction or state license authority that issued the license or permit.

F. Whether the applicant has been denied a license or permit by the city, any other jurisdiction, and/or the state that involves the operation of a ~~retailer or retail microbusiness~~ retail cannabis business. The applicant shall provide a description of the license or permit applied for, the name of the jurisdiction or state license authority that reviewed the license or permit application, and the date of denial.

G. The proposed ~~retailer or retail microbusiness~~ retail cannabis business' physical address, telephone number, website address, and email address.

H. Contact information for the applicant's designated primary contact person including the name, title, address, phone number, and email address of the individual.

I. A list of every fictitious business name the applicant is operating under including the address where the business is located.

J. Financial information including the following:

1. A list of funds belonging to the ~~retailer or retail microbusiness~~ retail cannabis business held in savings, checking, or other accounts maintained by a financial institution. The applicant shall provide for each account, the financial institution's name, the financial institution's address, account type, account number, and the amount of money in the account.

2. A list of loans made to the ~~retailer or retail microbusiness~~ retail cannabis business. For each loan, the applicant shall provide the amount of the loan, the date of the loan, term(s) of the loan, security provided for the loan, and the name, address, and phone number of the lender.

3. A list of investments made into the ~~retailer or retail microbusiness~~ retail cannabis business. For each investment, the applicant shall provide the amount of the investment, the date of the investment, term(s) of the investment, and the name, address, and phone number of the investor.

4. A list of all gifts of any kind given to the applicant for its use in conducting ~~retailer or retail microbusiness~~ retail cannabis business. For each gift the applicant shall provide the value of the gift or description of the gift, and the name, address, and phone number of the provider of the gift.

K. A copy of the applicant's completed application for electronic fingerprint images submitted to the Department of Justice and Federal Bureau of Investigation.

L. A list of each applicant's misdemeanor and felony convictions, if any. For each conviction, the list must set forth the date of arrest, the offense charged, the offense convicted, the jurisdiction of the court, and whether the conviction was by verdict, plea of guilty, or plea of nolo contendere.

M. A complete and detailed diagram of the proposed premises showing the boundaries of the property and the proposed premises to be permitted, showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, windows, doorways, and common or shared entryways, storage areas and exterior lighting. The diagram must show the areas in which all business will take place, including but not limited to, limited-access areas.

N. A security plan, as a separate document, outlining the proposed security arrangements to deter and prevent unauthorized entrance into limited access areas and theft of cannabis, in accordance with minimum security measures required by state law. The security plan shall be reviewed by the Coachella Police Department and the city manager and shall be exempt from disclosure as a public record pursuant to Government Code Section 6255(a).

O. A comprehensive business operations plan that includes the following:

1. Business plan. A plan describing how the ~~retailer or retail microbusiness~~ retail cannabis business will operate in accordance with this code, state law, and other applicable regulations. The business plan must include plans for ensuring cannabis will be dispensed only to adults over twenty-one (21) years of age, qualified patients, or primary caregivers, controls to acquire, possess, transport, and distribute cannabis to and from State licensed cannabis entities, if applicable.

2. Community relations plan. A plan describing who is designated as being responsible for outreach and communication with the surrounding community, including the neighborhood and businesses, and how the designee can be contacted.

3. Neighborhood responsibility plan. A plan addressing any adverse impacts of the proposed ~~retailer or retail microbusiness~~ retail cannabis business on the surrounding area.

4. Insurance. The applicant's certificate of commercial general liability insurance and endorsements and certificates of all other insurance related to the operation of the retailer or retail microbusiness.

5. Budget. A copy of the applicant's most recent annual budget for operations.

P. The name and address of the owner and lessor of the real property upon which the ~~retailer or retail microbusiness~~ retail cannabis business is to be operated. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a ~~retailer or retail microbusiness~~ retail cannabis business will be operated on his or her property.

Q. Authorization for the city manager to seek verification of the information contained within the application.

R. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.

S. A full and complete copy of the applicant's most current application submitted to and approved by the applicable State licensing authority.

T. Any such additional and further information as is deemed necessary by the city manager to administer this chapter."

SECTION 16. Amendment to Coachella Municipal Code. Section 5.69.040 *Background check* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

"5.69.040 - Background check.

The city will provide each applicant, including any management personnel who are responsible for the day-to-day operations of the ~~retailer or retail microbusiness~~ retail cannabis business, with a 'request for live scan service' form, which must be taken to a live scan operator for fingerprinting. Each applicant must submit their fingerprint images to the Coachella Police Department, California Department of Justice, and the Federal Bureau of Investigation for fingerprint-based criminal history records review and reporting to the city."

SECTION 17. Amendment to Coachella Municipal Code. Section 5.69.050 *Additional terms and conditions* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

"5.69.050 - Additional terms and conditions.

Based on the information set forth in the application, the city manager may impose reasonable terms and conditions on the proposed operations of the ~~retailer or retail microbusiness~~ retail cannabis business in addition to those specified in this chapter."

SECTION 18. Amendment to Coachella Municipal Code. Section 5.69.060 *Regulatory permit denial* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

"5.69.060 - Regulatory permit denial.

The city manager may deny an application for a regulatory permit or renewal of a regulatory permit upon making any of the following findings:

- A. The applicant or the premises for which a regulatory permit is applied does not qualify for a permit under this chapter.
- B. The applicant made a material misrepresentation of the application.
- C. The applicant fails to comply with the provisions of this chapter.
- D. The applicant has failed to provide information required by the city manager.

E. The applicant or permittee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the city manager determines that the applicant or permittee is otherwise suitable to be issued a license and granting the license would not compromise public safety, the city manager shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant or permittee to be issued a permit based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the city manager shall include, but not be limited to, the following:

1. A felony conviction for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance.
2. A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the California Penal Code.
3. A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the California Penal Code.
4. A felony conviction involving fraud, deceit, or embezzlement.

F. The applicant, or any of its officers, directors, or owners, has been sanctioned by a State licensing authority or a city, county, or city and county for unlicensed commercial cannabis activities (including, but not limited to, retail, cultivation, manufacturing, distribution, testing) or has had a State license or local permit revoked in the three years immediately preceding the date the application is filed with the city manager.

G. The ~~retailer or retail microbusiness~~ retail cannabis business is not properly organized or operating in strict compliance pursuant to the Compassionate Use Act of 1996, the Medical Marijuana Program Act ("MMP"), Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), and any other applicable law, rules and regulations."

SECTION 18. Amendment to Coachella Municipal Code. Section 5.69.080 *Regulatory permit renewal process* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

"5.69.080 - Regulatory permit renewal process.

A. To renew a regulatory permit, a completed permit renewal form and renewal permit fee shall be received by the city manager from the permittee no earlier than sixty (60) calendar days before the expiration of the permit and no later than the last business day before the expiration of the permit.

B. In the event the regulatory permit is not renewed prior to the expiration date, the permittee must cease all operations as a ~~retailer or retail microbusiness~~ retail cannabis business."

SECTION 19. Amendment to Coachella Municipal Code. Section 5.69.090 *Regulatory permit surrender* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“5.69.090 - Regulatory permit surrender.

Every permittee who surrenders, abandons, or quits the permitted premises after a certificate of occupancy is issued, or who closes the permitted premises for a period exceeding sixty (60) consecutive calendar days after a certificate of occupancy is issued, shall, within sixty (60) calendar days after closing, surrendering, quitting, or abandoning the permitted premises, surrender the permit to the city manager. The city manager may seize the permit of a permittee who fails to comply with the surrender provisions of this section and may proceed to revoke the permit. If a permittee wishes to close a ~~retailer or retail microbusiness~~ retail cannabis business for repair or refurbishment for a period of longer than sixty (60) calendar days, the permittee shall notify the city manager of same in writing.”

SECTION 20. Amendment to Coachella Municipal Code. Section 5.69.120 *Onsite consumption permit* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“5.69.120 - Onsite consumption permit.

A. A ~~retailer or retail microbusiness~~ storefront retailer or storefront retail microbusiness must obtain an onsite consumption permit (in addition to a regulatory permit under this chapter, and a conditional use permit or development agreement under Coachella Municipal Code Chapter 17) in order for cannabis to be consumed on the premises of the ~~retailer or retail microbusiness~~ storefront retailer or storefront retail microbusiness.

B. An onsite consumption permit may be issued at the discretion of the city manager to existing ~~retailers or retail microbusinesses~~ storefront retailers or storefront retail microbusinesses in good standing. An application for an onsite consumption permit may be denied for failure to meet requirements of the city building code, fire code, zoning code, this chapter, and/or any violation of state or local law relevant to the operation of ~~retailers or retail microbusinesses~~ storefront retailers or storefront retail microbusinesses.

C. The city manager shall establish conditions of approval for each onsite consumption permit, including, but not limited to a parking plan, ventilation plan, and anti-drugged driving plan.

D. The permit shall be subject to suspension or revocation in accordance with Section 5.69.100, and the owner or operator shall be liable for excessive police costs related to enforcement.

E. The application fee and annual fee for the onsite consumption permit shall be determined by city council resolution.

F. All onsite consumption permits shall be issued for a term of one year. No property interest, vested right, or entitlement to receive a future license to operate a ~~retailer or retail microbusiness~~ retail cannabis business shall ever inure to the benefit of such permit holder as such

permits are revocable at any time with or without cause by the city manager subject to Section 5.69.100.

SECTION 21. Amendment to Coachella Municipal Code. Section 5.69.140 *Operating standards* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“5.69.140 - Operating standards.

A. Limited access areas. A permitted ~~retailer~~ cannabis retail business shall only permit authorized individuals to enter the ~~retailer or retail microbusiness~~ limited-access areas.

B. Retail area. Individuals shall only be granted access to the area to purchase cannabis goods after the permittee has identified the individual as a medical cannabis patient, primary caregiver, or person over the age of twenty-one (21), depending on whether the ~~retailer or retail microbusiness~~ storefront retailer or storefront retail microbusiness sells medicinal or nonmedicinal cannabis or both.

C. Delivery. All deliveries of cannabis must be performed in compliance with State law and corresponding state-issued regulations.

D. Track and trace program. ~~Retailers and retail microbusinesses~~ Retail cannabis businesses shall have an electronic ‘track and trace’ system that produces historical transactional data for review by the city manager for auditing purposes.

E. Records. A ~~retailer or retail microbusiness~~ retail cannabis business shall maintain the following records in printed format for at least three years on the premises and shall produce them to the city manager within twenty-four (24) hours after receipt of the city’s request:

1. The name, address, and telephone numbers of the owner and landlord of the property.

2. The name, date of birth, address, and telephone number of each manager and staff of the retailer or retail microbusiness; the date each was hired; and the nature of each manager’s and staff’s participation in the business.

3. A written accounting of all income and expenditures of the ~~retailer or retail microbusiness~~ retail cannabis business, including, but not limited to, cash and in-kind transactions.

4. A copy of the ~~retailer’s or retail microbusiness’~~ retail cannabis business’ commercial general liability insurance policy and all other insurance policies related to the operation of the business.

5. A copy of the ~~retailer’s or retail microbusiness’~~ retail cannabis business’ most recent year’s financial statement and tax return.

6. An inventory record documenting the dates and amounts of cannabis received at the premises, the daily amounts of cannabis on the premises, and the daily amounts of cannabis

transported from the premises. A ~~retailer or retail microbusiness~~ retail cannabis business shall report any loss, damage, or destruction of these records to the city manager within twenty-four (24) hours of the loss, damage, or destruction.

F. Security. A permittee shall comply with the security plan that is submitted during the application process as approved by the city manager. A permittee shall report to the Coachella Police Department all criminal activity occurring on the premises. Should compliance with the security plan fail to properly secure the ~~retailer or retail microbusiness~~ retail cannabis business premises, the city manager may impose additional or modified plan restrictions.

G. Cannabis consumption prohibited. No person shall smoke, ingest, or otherwise consume cannabis in any form on the premises of a ~~retailer or retail microbusiness~~ storefront retailer or storefront retail microbusiness unless the retailer has a valid onsite consumption permit. No person shall smoke, ingest, or otherwise consume cannabis in violation of state law.

H. Alcohol and tobacco sale prohibited. A permittee shall not sell alcoholic beverages or tobacco products on or at any premises permitted under this chapter.

I. State law compliance. All ~~retailers and retail microbusinesses~~ retail cannabis businesses must operate in full compliance with state law.

J. No cannabis odors shall be detectable outside of the permitted ~~retailer or retail microbusiness~~ retail cannabis business.”

SECTION 22. Amendment to Coachella Municipal Code. Section 5.69.150 *Interested parties* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“5.69.150 - Interested parties.

A. A permittee shall provide the city with names and addresses of all of the following interested parties:

1. Persons with at least a ten-percent interest in the ~~retailer or retail microbusiness~~ retail cannabis business;

2. Partners, officers, directors, and stockholders of every corporation, limited liability company, or general or limited partnership that owns at least ten (10) percent of the stock, capital, profits, voting rights, or membership interest of the ~~retailer or retail microbusiness~~ retail cannabis business or that is one of the partners in the ~~retailer or retail microbusiness~~ retail cannabis business;

3. The managers of the ~~retailer or retail microbusiness~~ retail cannabis business; and

4. The staff of the ~~retailer or retail microbusiness~~ retail cannabis business.

B. The permittee shall notify the city of any change in the information above within thirty (30) calendar days of the change.

C. All interested parties, as described in subsection A, must submit to fingerprinting and a criminal background check by the city.

D. No person shall be an interested party, as described in subsection A of this section, if he or she is charged with or convicted of a felony; has been charged with or convicted of a violation of California Penal Code section 186.22 (participation in a criminal street gang); or is currently on parole or probation for an offense relating to the sale or distribution of a controlled substance. "Convicted" within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere was entered, but does not include any plea, verdict, or conviction that is expunged pursuant to California law or a similar federal or state law where the expungement was granted. "Charged" within the meaning of this section means (1) an indictment was issued by a grand jury, or an information, complaint, or similar pleading was issued by the United States Attorney, district attorney, city attorney, or other governmental official or agency authorized to prosecute crimes, and (2) the criminal proceedings are currently pending."

SECTION 23. Amendment to Coachella Municipal Code. Section 5.69.160 *Emergency contact manager* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

"5.69.160 - Emergency contact manager.

A ~~retailer or retail microbusiness~~ retail cannabis business permittee shall provide the city manager with the current name and primary and secondary telephone numbers of at least one 24-hour on-call manager to address and resolve complaints and to respond to operating problems or concerns associated with the ~~retailer or retail microbusiness~~ retail cannabis business."

SECTION 24. Amendment to Coachella Municipal Code. Section 5.69.170 *Community relations manager* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

"5.69.170 - Community relations manager.

Each ~~retailer or retail microbusiness~~ retail cannabis business shall provide the city manager with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom the city can provide notice if there are operating problems associated with the ~~retailer or retail microbusiness~~ retail cannabis business or refer members of the public who may have any concerns or complaints regarding the operation of the ~~retailer or retail microbusiness~~ retail cannabis business. Each ~~retailer or retail microbusiness~~ retail cannabis business shall also provide the above information to its business neighbors located within one hundred (100) feet of the ~~retailer or retail microbusiness~~ retail cannabis business as measured in a straight line without regard to intervening structures, between the front doors of each establishment."

SECTION 25. Amendment to Coachella Municipal Code. Section 5.69.190 *Inspections and enforcement* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“5.69.190 - Inspections and enforcement.

A. Recordings made by security cameras at any ~~retailer or retail microbusiness~~ retail cannabis business shall be made immediately available to the city manager upon verbal request; no search warrant or subpoena shall be needed to view the recorded materials.

B. The city manager shall have the right to enter all retail cannabis business facilities from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this chapter.

C. Operation of the ~~retailer or retail microbusiness~~ retail cannabis business in non-compliance with any conditions of approval or the provisions of this chapter shall constitute a violation of the municipal code and shall be enforced pursuant to the provisions of this code.

D. The city manager may summarily suspend or revoke a retail cannabis business regulatory permit if any of the following, singularly or in combination, occur:

1. The city manager or designee determines that the ~~retailer or retail microbusiness~~ retail cannabis business has failed to comply with this chapter or any condition of approval or a circumstance or situation has been created that would have permitted the city manager or designee to deny the permit under Section 5.69.060.

2. Operations cease for more than thirty (30) calendar days, including during change of ownership proceedings, unless otherwise authorized by the city manager;

3. Ownership is changed without securing a regulatory permit; or

4. The ~~retailer or retail microbusiness~~ retail cannabis business fails to allow inspection of the records, security recordings, the activity logs, or the premises by authorized city officials.”

SECTION 26. Amendment to Coachella Municipal Code. Section 5.69.210 *Liability and indemnification* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“5.69.210 - Liability and indemnification.

A. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this chapter shall not become a personal liability of any public officer or employee of the city.

B. To the maximum extent permitted by law, the permittees under this chapter shall defend (with counsel acceptable to the city), indemnify and hold harmless the city of Coachella, the Coachella City Council, and its respective officials, officers, employees, representatives, agents and volunteers (hereafter collectively called city) from any liability damages, actions, claims, demands, litigation, loss (direct or indirect), causes of action, proceedings or judgment (including legal costs, attorneys' fees, expert witness or consultant fees, city attorney or staff time, expenses or costs (collectively called “action”) against the city to attack, set aside, void or annul, any cannabis-related approvals and actions and comply with the conditions under which such

permit is granted, if any. The city may elect, in its sole discretion, to participate in the defense of said action and the permittee shall reimburse the city for its reasonable legal costs and attorneys' fees.

C. Within ten (10) calendar days of the service of the pleadings upon the city of any action as specified in Subsection B., above, the permittee shall execute a letter of agreement with the city, acceptable to the office of the city attorney, which memorializes the above obligations. These obligations and the letter of agreement shall survive termination, extinguishment or invalidation of the cannabis-related approval. Failure to timely execute the letter of agreement does not relieve the applicant of any of the obligations contained in this section or any other requirements or performance or operating standards that may be imposed by the city.

To the fullest extent permitted by law, the city shall not assume any liability whatsoever, with respect to approving any regulatory permit pursuant to this chapter or the operation of any ~~retailer or retail microbusiness~~ retail cannabis business approved pursuant to this chapter."

SECTION 27. Amendment to Coachella Municipal Code. Section 5.69.220 *Compliance with state law* of Chapter 5.69 *Retail Cannabis Business Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

"5.69.220 - Compliance with state law.

All ~~retailer or retail microbusinesses~~ retail cannabis business shall comply fully with all of the applicable restrictions and mandates set forth in state law, including without limitation the Compassionate Use Act of 1996 ("CUA"), the Medical Marijuana Program Act ("MMP"), and the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA")."

SECTION 28. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 29. California Environmental Quality Act. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15061(c)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) and 15378 (the activity is not a project under CEQA) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. This is because the prohibition adopted by this Ordinance merely prohibits uses that do have impacts on public health, safety, and welfare, and does not permit any development that could result in a significant change to the environment. In addition, the Ordinance is categorically exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines, because this ordinance is a regulatory action taken by the City in accordance with California Government Code Section 65858 to assure maintenance and protection of the environment.

SECTION 30. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or

unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 31. Certification and Publication. The City Clerk of the City of Coachella shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under California Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Coachella, California on the _____ day of _____, 2020, by the following vote:

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

State of California)
County of Riverside) s.s.
City of Coachella)

I, Andrea J. Carranza, Deputy City Clerk, hereby certify that the foregoing is a true copy of Ordinance No. 1162, introduced at a regular meeting held on the 13th day of May 2020, and duly adopted by the City Council of the City of Coachella, California at a regular meeting thereof held on the _____ day of _____, 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

Andrea J. Carranza, MMC
Deputy City Clerk



STAFF REPORT
5/13/2020

TO: Honorable Mayor and City Council Members

FROM: Luis Lopez, Development Services Director

SUBJECT: Vista Del Agua Specific Plan and Environmental Impact Report

SPECIFICS:

- a) Resolution No. WA-2020-03 a Resolution of the Board of Directors of the Coachella Water Authority approving the Water Supply Assessment dated November 2017 for the Vista Del Agua Project.
- b) Resolution No. 2020-02, a Resolution of the City Council of the City of Coachella certifying Environmental Impact Report (SCH # 2015031003) prepared for the Vista Del Agua Specific Plan; the adoption of environmental findings and a mitigation monitoring and reporting program pursuant to the California Environmental Quality Act and approving the Vista Del Agua Specific Plan Project.
- c) Resolution No. 2020-03 a Resolution of the City Council of the City of Coachella approving General Plan Amendment 14-01 on approximately 275 acres (Vista Del Agua Specific Plan) generally located on the south side of Interstate 10 and Vista Del Sur, north of Avenue 48; east of Tyler Street and west of Polk Street. General Plan Amendment 14-01 proposes to amend the General Plan from General Neighborhood, Urban Neighborhood, Suburban Neighborhood, Suburban Retail and Neighborhood Center to Specific Plan.
- d) Resolution No. 2020-04, a Resolution of the City Council of the City of Coachella approving Tentative Parcel Map 36872 to subdivide 275 acres into 6 numbered lots and 1 lettered lot for finance and conveyance purposes only.
- e) Ordinance No. 1156 an Ordinance of the of the City of Coachella approving Change of Zone 14-01 that changes the existing General Commercial (C-G), Residential Single Family (R-S), Manufacturing – Service (M-S) zoning to a Specific Plan zone.
- f) Ordinance No. 1157, an Ordinance of the City of Coachella approving the Vista Del Agua Specific Plan 14-01 that proposes residential, commercial, open space and park land uses along with development standards and design guidelines for the development of approximately 275 acres.

STAFF RECOMMENDATION:

Staff recommends that the City Council (sitting as the Coachella Water District Board for the WSA) approve the Vista Del Agua Project by taking the following actions:

- 1) Adopt Resolution No. WA-2020-03 a Resolution of the Board of Directors of the Coachella Water Authority approving the Water Supply Assessment dated November 2017 for the Vista Del Agua Project.
- 2) Adopt Resolution No. 2020-02, a Resolution of the City Council of the City of Coachella certifying Environmental Impact Report (14-04) prepared for the Vista Del Agua Specific Plan; the adoption of environmental findings and a mitigation monitoring and reporting program pursuant to the California Environmental Quality Act.
- 3) Adopt Resolution No. 2020-03, a Resolution of the City Council of the City of Coachella approving General Plan Amendment 14-01 that proposes to amend the General Plan from General Neighborhood, Urban Neighborhood, Suburban Neighborhood, Suburban Retail and Neighborhood Center to Specific Plan.
- 4) Adopt Resolution No. 2020-04, a Resolution of the City Council of the City of Coachella approving Tentative Parcel Map 36872 to subdivide 275 acres into 6 numbered lots and one lettered lot for finance and conveyance purposes only.
- 5) Introduce for 1st Reading, by title only, Ordinance No. 1156 an Ordinance of the of the City of Coachella approving Change of Zone 14-01 that changes the existing General Commercial (C-G), Residential Single Family (R-S), Manufacturing –Service (M-S) zoning to a Specific Plan zone.
- 6) Introduce for 1st Reading, by title only, Ordinance No. 1157, an Ordinance of the City of Coachella approving the Vista Del Agua Specific Plan 14-01 that proposes residential, commercial, open space and park land uses along with development standards and design guidelines for the development of approximately 275 acres.

EXECUTIVE SUMMARY:

The Vista Del Agua Project was considered at the February 26, 2020 City Council meeting at which time it was continued to the April 8, 2020 City Council meeting and subsequently to the May 13th City Council meeting. On the day of the February 26th public hearing, two letters were submitted to the City Council on behalf of the Southwest Regional Council of Carpenters and on behalf of DiMare/Shadow View T.I.C and Shadow View Land and Farming, LLC an affiliate of Reading International Inc.

Since the February 26th public hearing Staff, the City Attorney and Project consultants have prepared responses to the issues raised in the two letters that were submitted. Responses to both letters are contained in Attachment No. 8, Volume IV (A) Supplement to the FEIR. Additionally,

the Environmental Impact Consultant has prepared an “Alternatives Memo” (Attachment No. 9) that includes the three alternatives described in the EIR and further adds Alternative 4, that analyzes the southerly extension of Tyler Street from Avenue 47 to 800 feet south of Avenue 49 (primary access) and the extension of Vista Del Sur to Dillon Road (secondary access).

As in the case of Alternatives 1, 2 and 3, Alternative 4 would have similar air quality impacts as the Project and does not eliminate or reduce the significant and unavoidable air quality/greenhouse gas impacts. (Draft EIR, p. 5-18.) In fact, as set forth in a Supplemental VMT, GHG, & NOx analysis for Alternative 4 (Exhibit “A”), RK Engineering has found that by extending the distance that must be traveled to access the project (2.7 miles under Alternative 4 compared to 1.5 miles under the Project), the annual VMT increases by approximately 3,192,134 vehicles miles traveled per year. This correlates to an *increase* in NOx by approximately 5.3 pounds per day. Oxides of Nitrogen (NOx) are the primary criteria air pollutants of concern because the project was found to exceed the SCAQMD regional thresholds for NOx and cause a significant unmitigatable impact to air quality resources. The increase in VMT also correlates to an *increase* in GHG emissions by 1,280.1 MTCO₂e per year. Therefore, Alternative 4 not only would not reduce significant and unavoidable air quality and greenhouse gas impacts, but it would actually increase these significant impacts as compared to the Project. (Vista Del Agua Specific Plan EIR Alternative 4 Supplemental VMT, GHG & NOx Analysis, City of Coachella, RK Engineering, March 11, 2020.)

Finally, Alternative 4 would have similar significant and unavoidable transportation/traffic issues as that of the Project. (DEIR, p. 3-3). Thus, implementation of mitigation measures would still be required.

As a result of the additional analyses, Staff is not recommending any changes to the Specific Plan or to the conditions of approval. The offsite construction of Shadow View Blvd is as described and required in conditions 8, 15, 16 and 25 as follows:

Condition No. 8. Mitigation measures included in the project Mitigation Monitoring and Reporting Program are hereby incorporated by reference as project conditions of approval.

Condition No. 15. The first Master Subdivision Map must provide for all requisite on-site and off-site easements, rights-of-way and alignments for vehicular access and extension of utility infrastructure, including reclaimed water facilities, to the project site.

Condition No. 16. The Shadow View Blvd. access shall be designed as approved by the City Engineer and the Fire Department. Timing of the ultimate improvement shall be in accordance with the requirements of the Specific Plan and EIR.

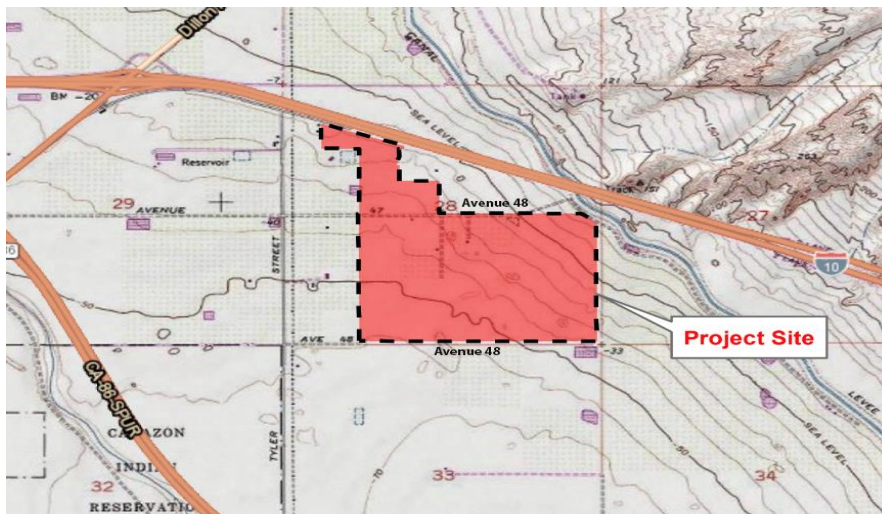
Condition No. 25. Prior to or concurrent with approval of a Builder's Tentative Map or Commercial Map, traffic related improvements shall be constructed in accordance with Mitigation Measures TR1, TR2, TR 3, TR 4 and TR 5.

Staff would like to clarify that the interim improvement of Shadow View Boulevard would include a 34-foot right-of-way that includes two, 12-foot travel lanes, a 5-foot Class 2 bike lane and a 5-foot sidewalk on one side of the road.

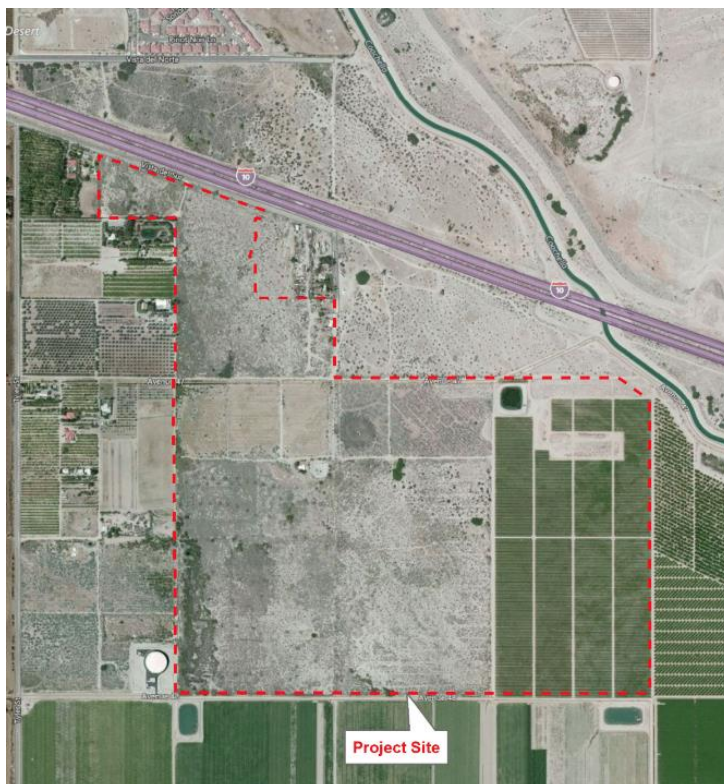
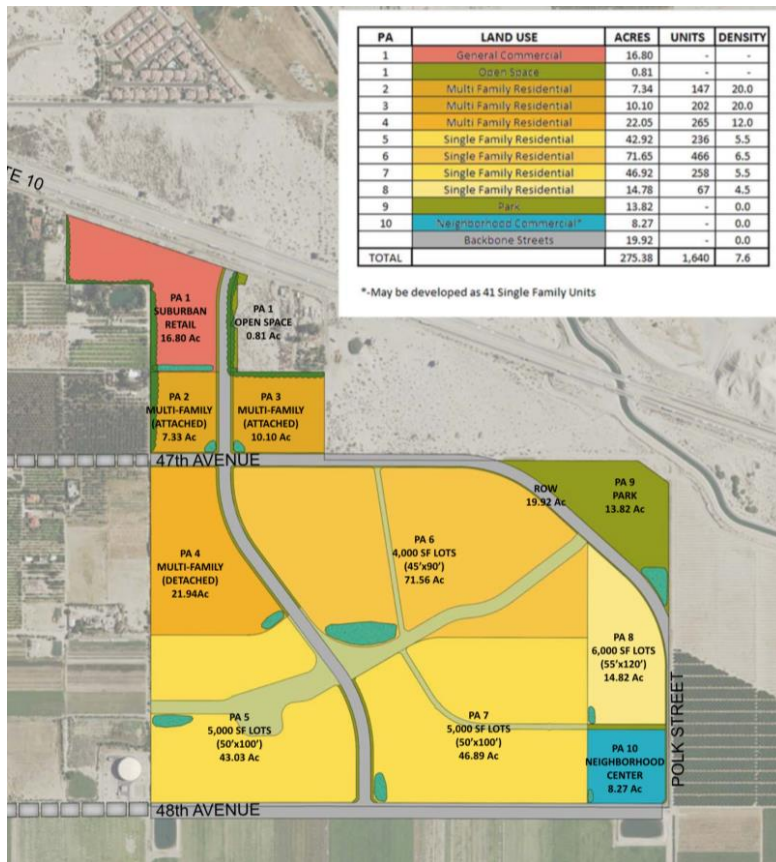
BACKGROUND:

The Vista Del Agua applications were submitted to the City in 2014 and consist of the above referenced six applications. Over the past 5 ½ years a significant effort on behalf of the Project Applicant and City Staff culminated in a June 19, 2019 Planning Commission public hearing and a unanimous recommendation of approval from the Planning Commission. At the Planning Commission public hearing an attorney representing the Shadow View property owners raised concerns about the future alignment of Shadow View Blvd through the Shadow View property.

The proposed project includes approximately 275 acres located south of I-10 and Vista Del Sur, east of Tyler Street, south of Avenue 47, north of Avenue 48 and east and west of Polk Street as illustrated on the exhibit below.



The specific plan proposes a maximum of 1,640 dwelling units including 1,026 single-family homes and 613 multi-family dwelling units. The project also includes two commercial planning areas that total approximately 25 acres along with approximately 30 acres of open space including a 14-acre park located east of Polk Street. The project includes both a main and tributary paseo system that traverse the site that serve as both drainage and open space corridors. A copy of the specific plan land use plan is illustrated below along with a table of proposed lands uses, planning areas, acres, units and density:



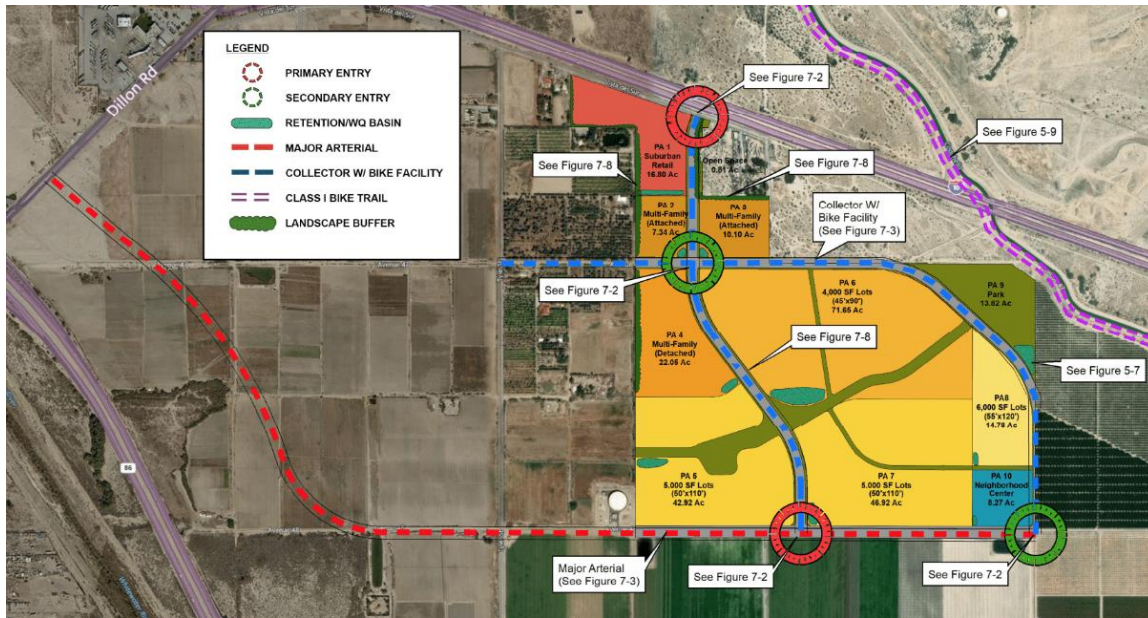
The aerial photograph to the left was taken a few years ago. At that time the eastern portion of the site was in agricultural production. However, as of now the agricultural use on the site is now fallow.

The highlights of the Vista Del Agua Project include the following:

- A mix of single family and multi-family dwelling units totaling 1,640 dwelling units on approximately 275 acres;
- An approximately 17-acre General Commercial planning area located south of Vista Del Sur and west of proposed Street A;
- An 8-acre Neighborhood Commercial planning area located north of Avenue 48, west of Polk Street. (This planning area may be developed with 41 dwelling units if the Neighborhood Commercial center has not been developed by the issuance of the 800th occupancy permit).
- A 13.82-acre public park to be dedicated to the City located east of Polk Street, south of Avenue 47
- Two paseos that traverse the site that include drainage facilities and multi-purpose trail networks that link to the site to City and a Regional multi-purpose (CV Link) trail network.
- The extension of Shadow View Blvd to the site in accordance with the Mobility Element of the Coachella General Plan

VISTA DEL AGUA SPECIFIC PLAN

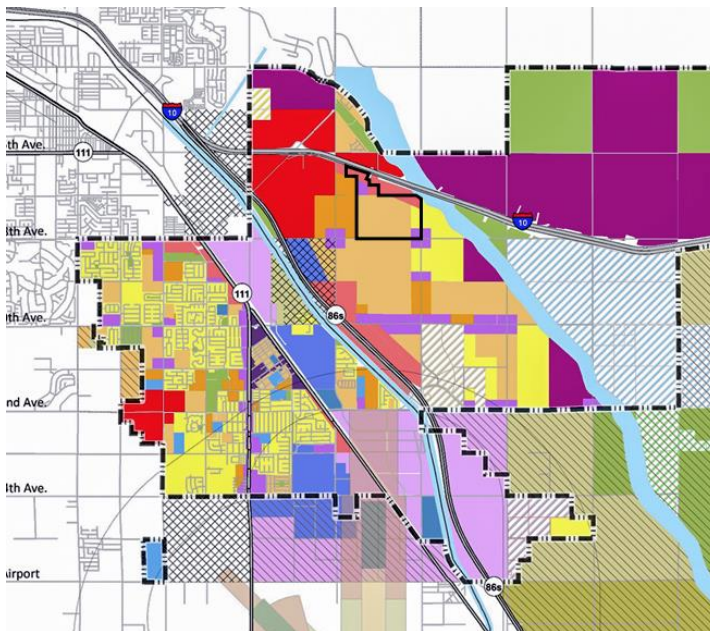
As stated above the specific plan proposes a maximum of 1,640 dwelling units including both single family and multi-family dwelling units. Planning Areas 2, 3 and 4 are proposed for multi-family dwelling units and Planning Areas 5, 6, 7 and 8 are proposed for single-family dwellings. The exhibit below illustrates the land use plan with planned neighborhood monuments and streetscapes and contains references to Planning Area details and cross sections that are within the Specific Plan document.



DISCUSSION/ANALYSIS

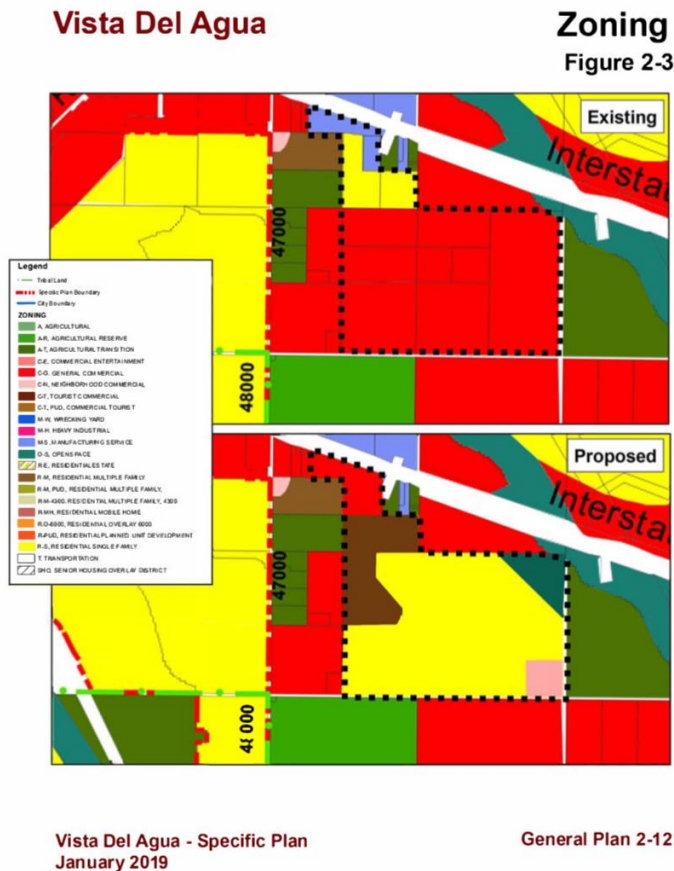
Existing General Plan

The Coachella General Plan 2035 designates the 275-acre site as General Neighborhood, Urban Neighborhood, Suburban Retail District, Suburban Neighborhood and Neighborhood Center shown on the exhibit below:



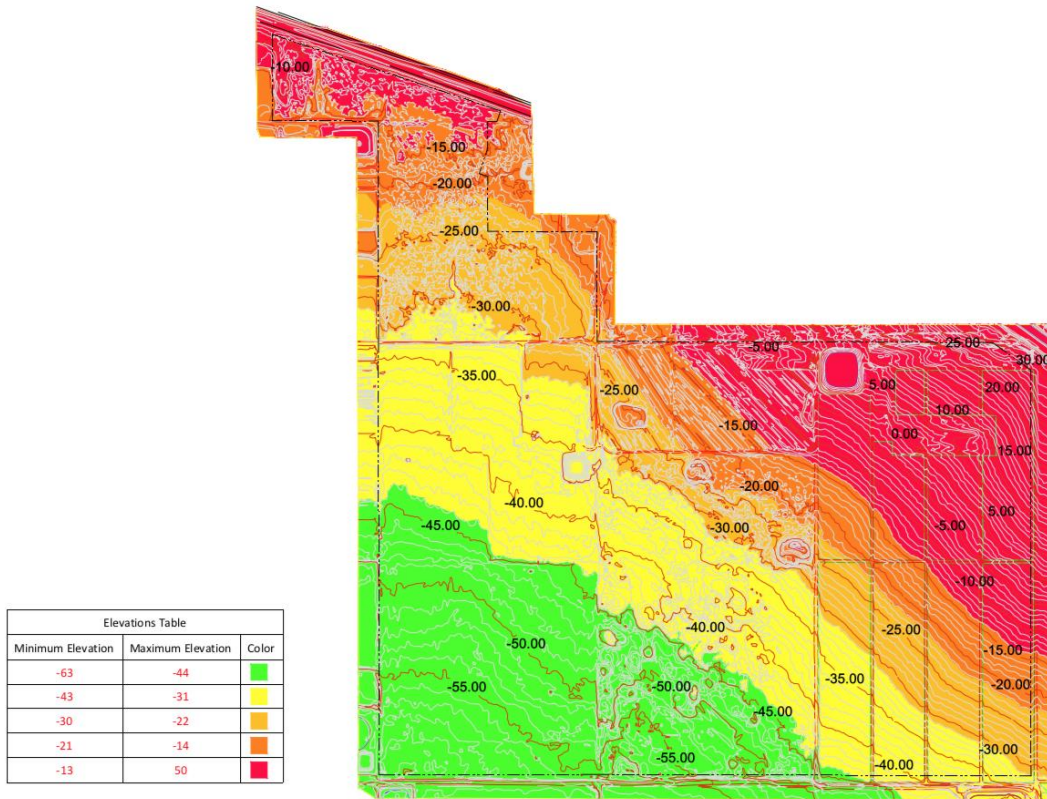
Existing Zoning

The existing zoning on the site includes C-G, General Commercial, with portions of the site zoned R-S, Residential Single Family and M-S, Manufacturing Service. The proposed zoning is Specific Plan that will utilize the zoning standards contained within the specific Plan for development standards within each planning area.



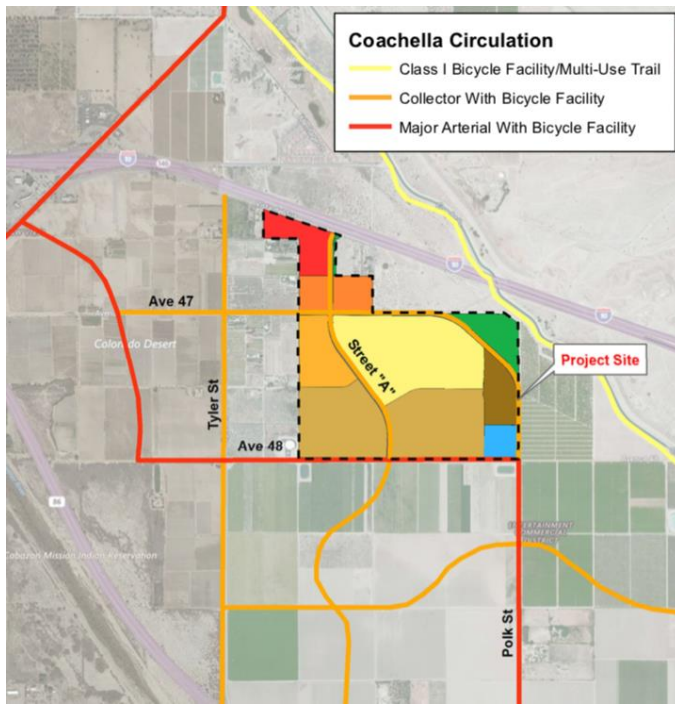
Project Setting and Location

The project site is surrounded by existing agricultural uses and vacant land to the west, south and east. The site is currently undeveloped with unimproved dirt roads created from prior on-site agricultural activities, trails from off-road recreational vehicles and former paint ball activities. The site is relatively flat and slopes upward about 25 feet in elevation to the northwest. In the south central and eastern portion of the project site, the property slopes upward from about 60 feet below sea level to 25 feet above sea level as illustrated on the exhibit below.

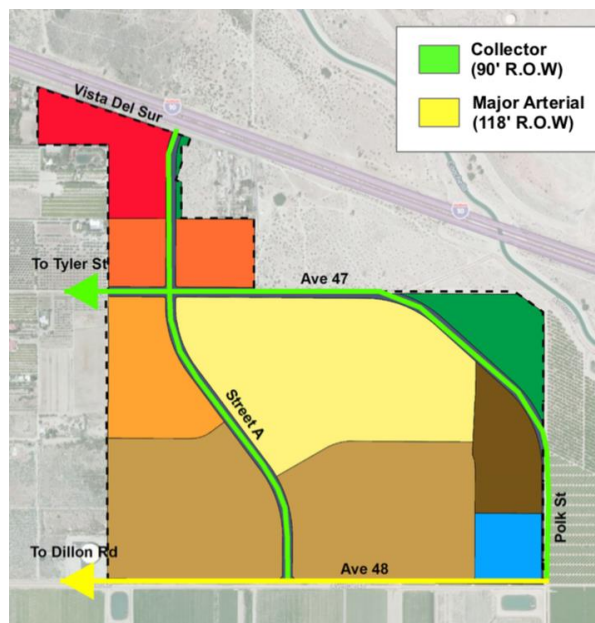


Site Access

Access to the proposed project is planned via Shadow View Blvd, Avenue 47, Vista Del Sur and Avenue 48 as shown on the exhibit below.

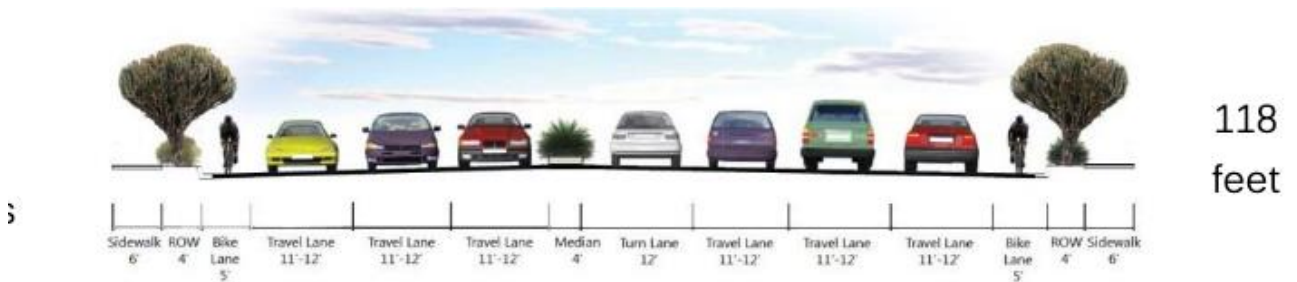


Local access within the specific plan is planned via Street A, Avenue 47, Avenue 48 and Polk Street. Local streets within the specific plan will connect each planning area to the regional system.



The specific plan also includes several non-vehicular project design features including bicycle lanes, trails, pathways and sidewalks that are designed to promote non-vehicular modes of transportation that will reduce vehicle trips to the adjacent City and regional street system. With

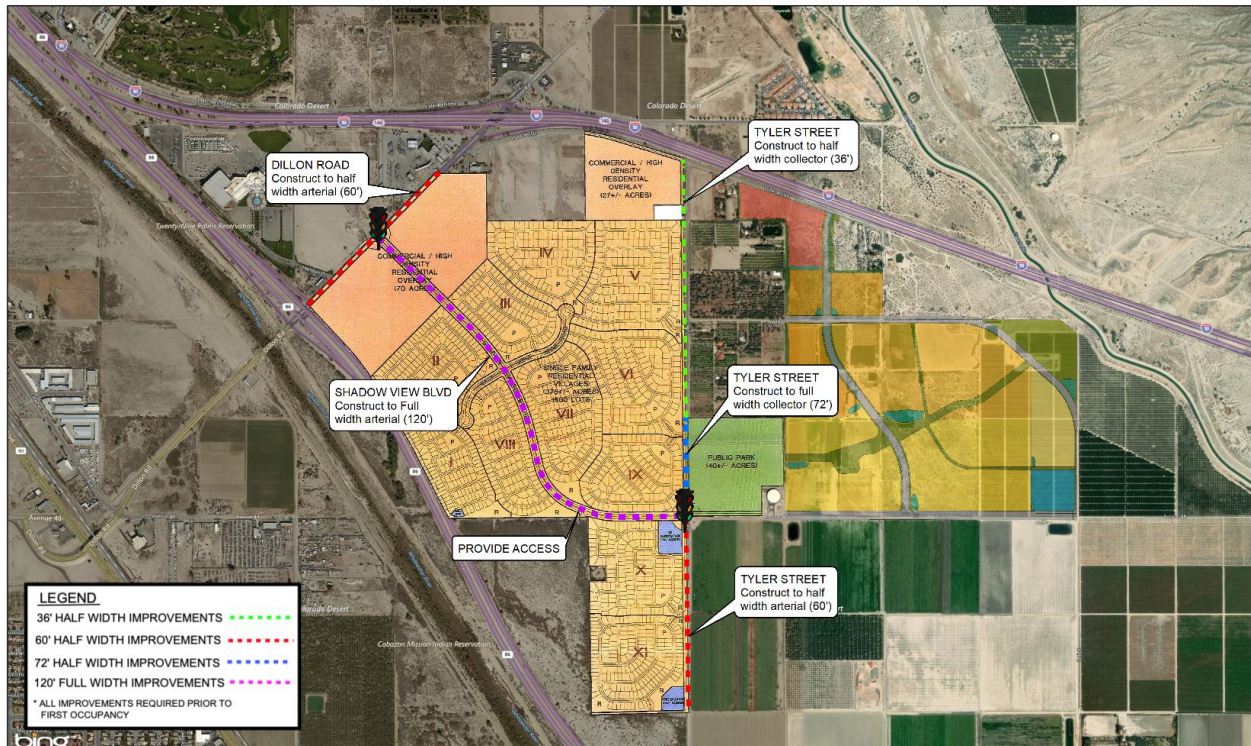
regards to the off-site improvement of Shadow View Blvd, Shadow View Blvd is designated as a Major Arterial with Bicycle Facilities as illustrated on the exhibit below and proposes a right of way of 118 feet as illustrated below.



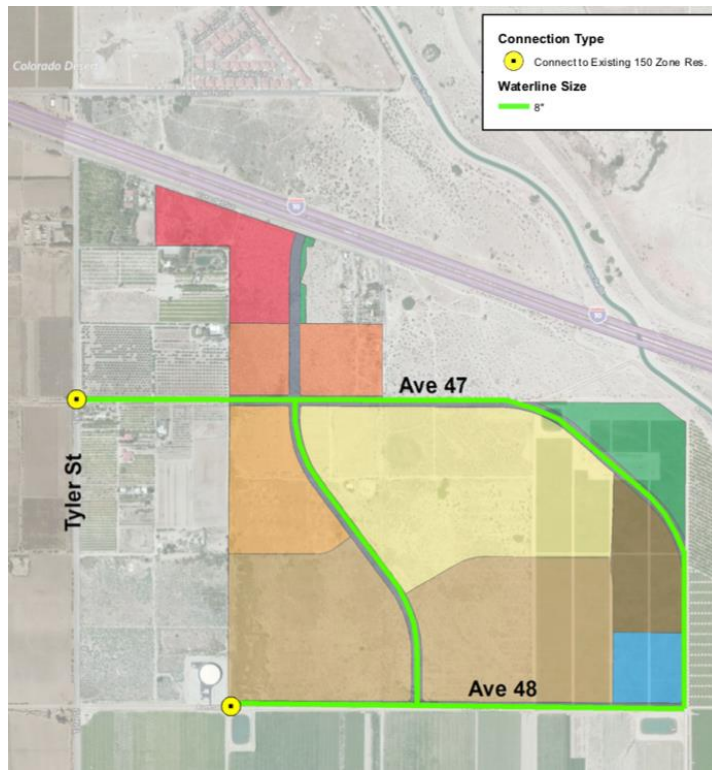
Although the right-of-way for Shadow View Blvd does not exist through the Shadow View specific plan area at this time, the conceptual amendment for the Shadow View Specific Plan as illustrated on Figure 4-25 within the Coachella General Plan illustrates Shadow View Blvd connecting to Dillon Road and the Vista Del Agua Property via Avenue 48. The Shadow View Specific Plan and tentative tract maps (that have since expired) also showed Shadow View Blvd in this basic alignment.



Furthermore, the conditions of approval for the Shadow View Project required extensive circulation improvements prior to occupancy of the first residential or commercial unit as illustrated on the following exhibit:

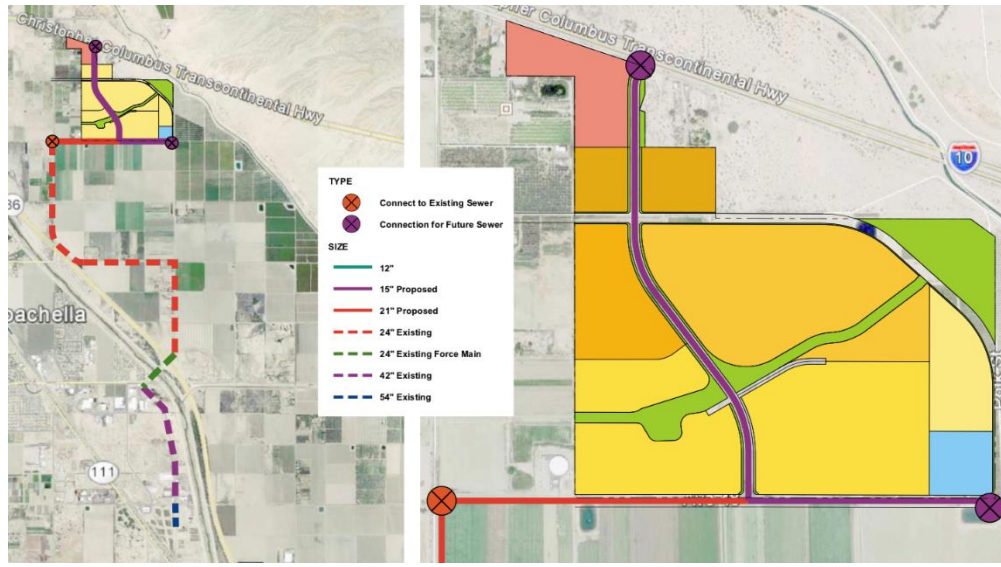
Vista Del Agua**SHADOW VIEW SPECIFIC PLAN**
Circulation Master Plan**PUBLIC UTILITIES:****Water**

The project will require the extension of water lines and other support facilities to serve the proposed project as shown on the following exhibit. A water supply assessment (WSA) was completed for the proposed project and it determined that substantial evidence supports a determination that the total project water supplies available to the City's Water Authority during normal, single dry, and multiple dry water years during a 20 year projection (and beyond) are sufficient to meet the projected water demand of the proposed project, in addition to the City's existing and planned future uses, including agricultural and manufacturing uses. This conclusion is based on, among other things, the volume of water available in the regional aquifer, the City's current and planned local water management programs and projects and supplemental and sustained regional groundwater supplies. Furthermore, the WSA and the Vista Del Agua project will incorporate various water conservation elements adopted by the City and /or CVWD including conservation elements for indoor and outdoor uses throughout the project. The project will connect to existing City water infrastructure as illustrated on the exhibit below.



Sewer

The following exhibit illustrates the proposed conceptual sewer plan for the Vista Del Agua project. The Project proposes to extend sewer lines to the existing sewer line at Avenue 48 and Tyler Street. From there, the line will utilize existing pipes that extend to the City treatment plant at Avenue 54 and Polk Street.



Electricity and Natural Gas

IID will provide electricity to the project and Southern California Gas will provide natural gas to the project site. Additional lines for both IID and Southern California Gas will be extended to the project site. Both IID and the Southern California Gas Company can provide service to the proposed project without significant improvements to their operating system.

Law Enforcement

The Coachella Police Department (CPD) through a contract with the Riverside County Sheriff's Department (RCSd) provides law enforcement to the City of Coachella. Additional residents and employees generated by the Specific Plan build out would result in increased demand on existing police facilities and services would likely increase response times. The proposed project will pay Development Impact Fees (DIF) to the City consistent with City Ordinance 1013

Fire Services

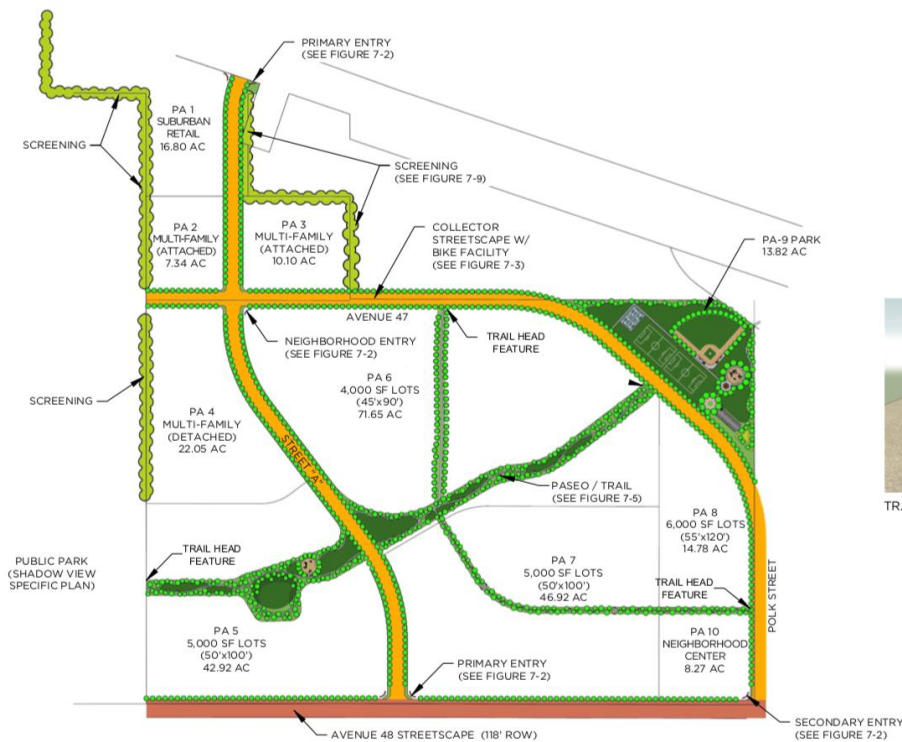
The Coachella Fire Department through a contract with the Riverside County Fire Department (RCFD) will provide fire services to the site. Existing fire stations that would provide service to the Vista Del Agua site include Stations No's 79, 86, 87 and 39 would provide fire services to the proposed project. The proposed project will pay Development Impact Fees (DIF) fees to the City consistent with Ordinance 1013.

Schools

The project site is within the Desert Sands Unified School District. In 2018, Staff initiated discussions with DSUSD staff regarding incorporating a school site within the Vista Del Agua Project, however the School District responded that a school site within the Vista Del Agua project site was not required. Future students from this development will utilize existing and planned schools within the DSUSD. In addition, the Project will pay school fees consistent with State law.

Parks

The specific plan includes park, open space and recreational uses that total approximately 30 acres. As can be seen from the exhibit below, a proposed 13 acre public park is located on the east side of the project site across Polk Street within the building restriction zone. Additional open space areas are proposed within two paseos that are proposed to traverse the project site that will provide access to the proposed park. The west end of the east/west paseo terminates at a planned 40 acre regional park within the Shadow View specific plan thereby connecting the two parks together via the paseo system. The three multiple family planning areas will incorporate private open space and recreational amenities within each planning areas. Additional active open space will be provided within the proposed single family planning areas as well.



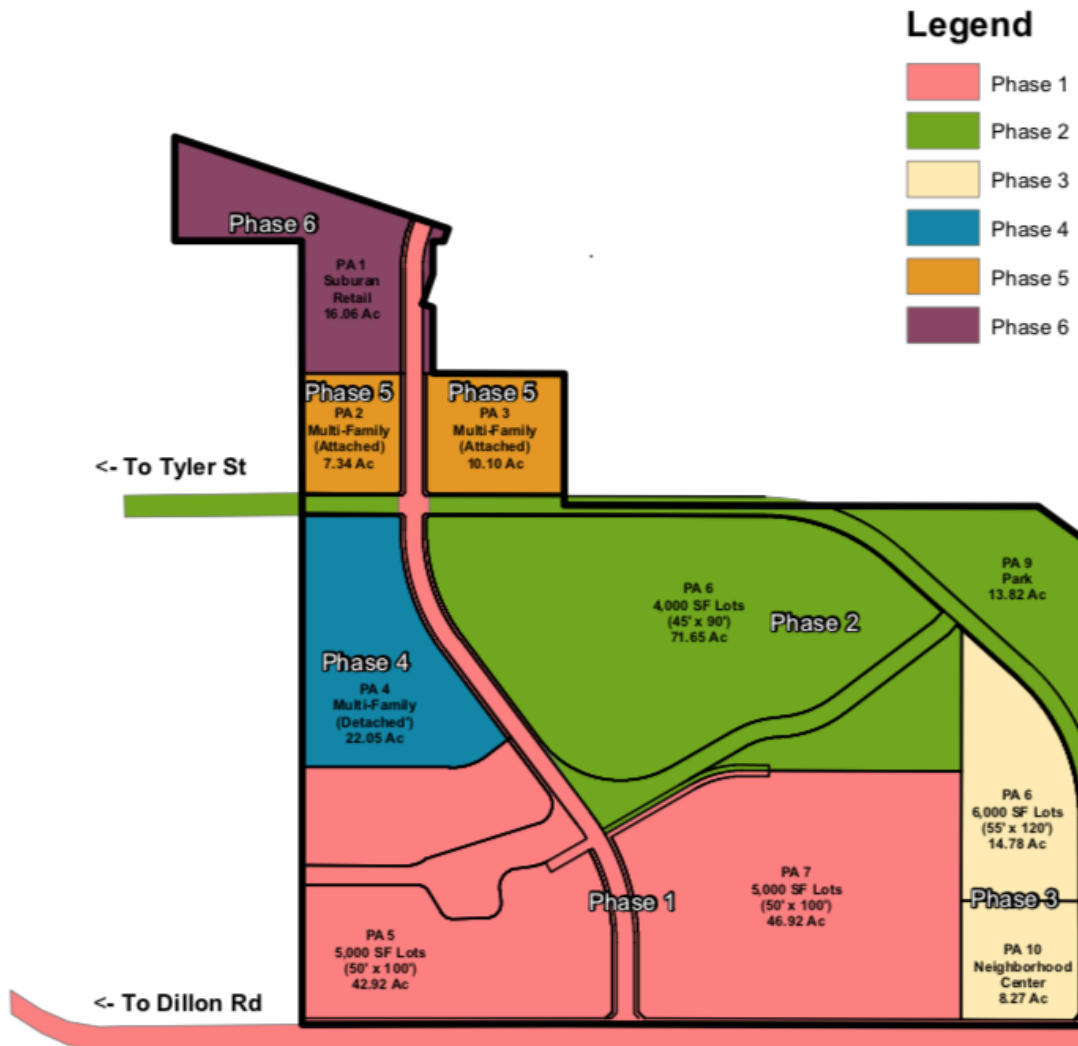
TRAIL HEAD FEATURE

Drainage/Hydrology

The Project will provide flood control facilities to intercept and convey off-site and on-site drainage areas that will revert to natural conditions as illustrated on the above exhibit. Most of the drainage for the site will be conveyed along the paseo areas with excess storm water released into a proposed detention basin in the southwest portion of the site. The runoff will be conveyed to the existing watercourse that discharges into the Coachella Valley Storm Channel.

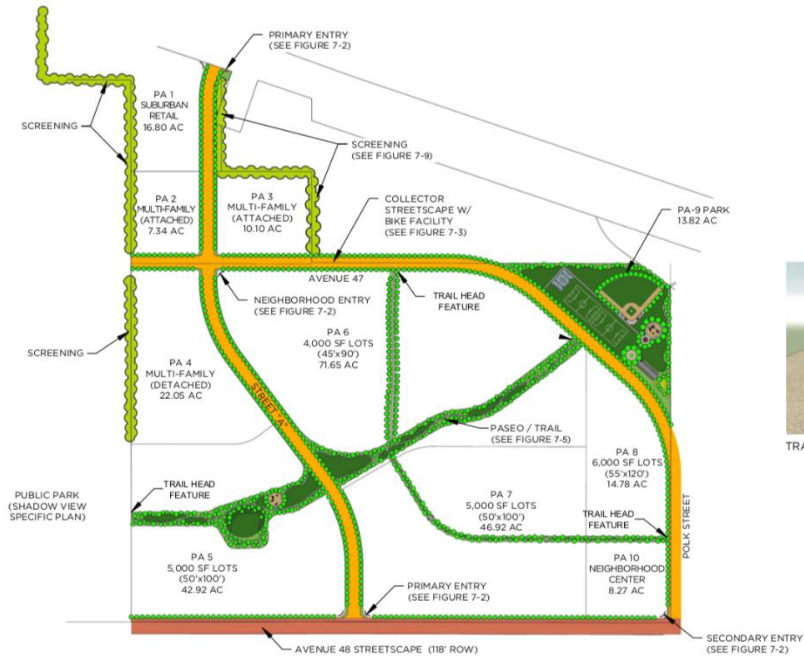
Phasing

The Specific Plan phasing plan proposes that the specific plan be developed over 6 phases as illustrated on the exhibit below. Phase 1 includes Planning Areas 5 and 7, both of which are proposed for 236 and 258 single-family homes. Phase 2 includes Planning Area 6 that includes 466 single-family homes and includes construction of the 14-acre public park. Phase 3 includes PA 8 that is proposed for 67 single-family homes and PA 10 is proposed for an 8-acre Neighborhood Center. However, in the event PA 8 is not developed as neighborhood commercial by the 800th certificate of occupancy, PA 10 may be developed with up to 41 single family homes. Phase 4 is located on the west side of the project and includes PA 4 that is proposed for 265 single-family homes. Phase 5 is located north of Avenue 47 on either side of “A” Street and includes PA 2 and PA 3. PA 2 proposes 147 dwelling units and PA 3 includes 202 dwelling units, both at a density of 20 dwelling units per acre. The last phase, phase 6 includes PA 1 the 16.80-acre Suburban retail center.



SPECIFIC PLAN DESIGN GUIDELINES

As stated earlier, the Specific Plan includes a total of 10 planning areas including 4 planning areas that are proposed for single-family homes and 3 planning areas that are proposed for multi-family detached homes. A 16-acre suburban retail planning area is proposed at the northwest portion of the site and an 8-acre neighborhood commercial center is proposed at the southeastern portion of the project site. A 13-acre public park is proposed at the eastern end of the site across Polk Street and a primary and secondary paseo system is proposed within the project to connect the proposed park to a future regional park proposed adjacent to the western side of the project as illustrated below:



TRAIL HEAD FEATURE

The specific plan includes primary, secondary and neighborhood entry treatments located at major project intersections along with landscape buffers that will be used for screening between existing and future land uses within the specific plan.

Examples of the three types of entry treatments are provided below:



PRIMARY ENTRY



SECONDARY ENTRY

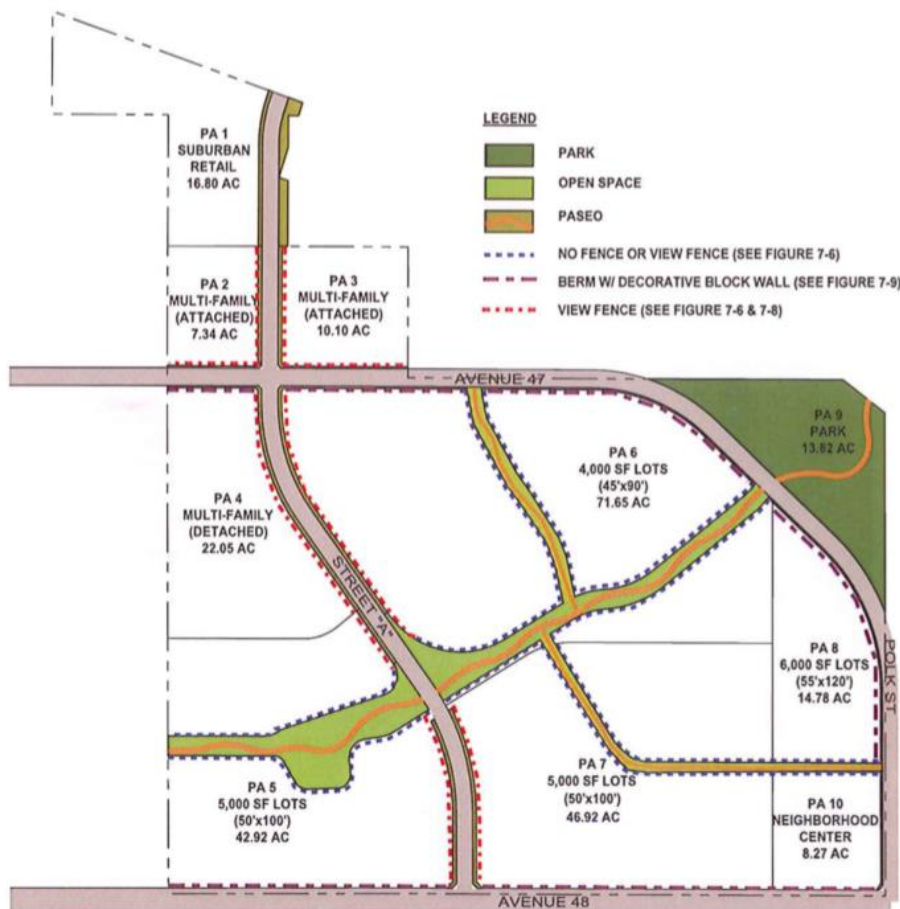


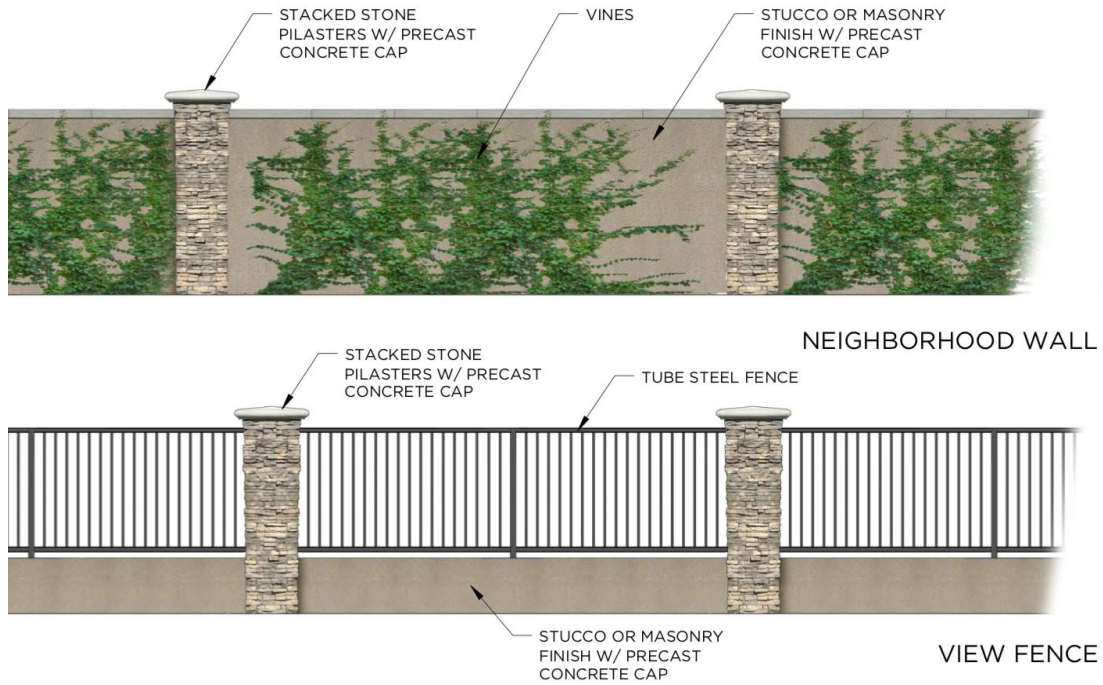
NEIGHBORHOOD ENTRY

A specific plan wall and fence plan, as illustrated on the exhibits below illustrate both the location and types of fencing that are proposed within the specific plan.

Vista del Agua

Wall / Fence Plan Figure 7-7





A conceptual plan for the proposed public park located in PA 9 is presented below. Plans include sports fields, a tot lot and open play areas.



The Specific Plan includes conceptual illustrations of both the proposed single family and multi-family housing types as illustrated on the exhibits below:



Typical Cluster Layout
NTS



Conceptual Apartment Layouts
NTS



A DEIR was prepared for the Vista Del Agua project in accordance with the California Quality Act (CEQA) and Sections 15120 through 15131 and 15161 of the CEQA Guidelines.

The DEIR was circulated to the State Clearinghouse and Interested Parties for two 45-day review periods from June 8, 2018 to July 23, 2018 and from August 10 to September 24, 2018. Twelve comment letters were received during the first public review period and four comment letters were received on the re-distributed DEIR. The City, in accordance with CEQA requirements, has responded to public comments that were received during the DEIR review periods. (See Comments and Responses in Attachment No. 7: Volume IV of the Environmental Impact Report).

The DEIR identified seven significant unavoidable significant adverse impacts that would result from the proposed project in the following four areas:

1. Aesthetics-Visual Character
2. Agricultural and Forest Resources
3. Air Quality/Greenhouse Gas
4. Transportation/Traffic

For a complete discussion and analysis of the significant impacts please reference the attached CEQA Findings of Fact. The Findings of Fact have been prepared for the Project and are included as Exhibit A within Attachment No. 2. The California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) requires that public agencies shall not approve or carry out a project for which an environmental impact report (EIR) has been certified that identifies one or more significant adverse environmental effects of a project unless the public agency makes one or more written Findings for each of those significant effects, accompanied by a brief explanation of the rationale for each Finding (State CEQA Guidelines [Cal. Code Regs., tit. 14, § 15000 et seq.], § 15091). This document presents the CEQA Findings of Fact and Statement of Overriding Considerations made by the City of Coachella (City), in its capacity as the CEQA lead agency, regarding the Vista Del Agua Project (Project), evaluated in the Draft Environmental Impact Report (“Draft EIR”) and Final Environmental Impact Report (Final EIR) for the Project.

Also included within Attachment No. 2 is the proposed Mitigation Monitoring and Reporting Program for the Vista Del Agua Project that contain all of the proposed mitigation measures along with the timing for implementation of each mitigation measure.

ALTERNATIVES:

1. Approve the Vista Del Agua project applications with the findings and conditions of approval as recommended by the Planning Commission and Staff.
2. Deny the Vista Del Agua project applications
3. Continue these items and provide staff and the applicant with direction.

FISCAL IMPACT:

There are no fiscal impacts expected to the City from the Vista Del Agua Project.

RECOMMENDED ALTERNATIVE(S):

Staff has analyzed all of the components of the proposed project, including the Draft and Final Environmental Impact Report that have been prepared to analyze expected project impacts. Staff believes the Environmental Impact Report has been prepared in accordance with the California Environmental Quality Act and recommends that the City Council certify the Environmental Impact Report and approve the Water Supply Assessment, General Plan Amendment, Specific Plan, Change of Zone and Tentative Parcel Map.

Attachments:

1. Attachment No. 1: Resolution No. WA 2020-03 approving the Water Supply Assessment
2. Attachment No. 2: Resolution 2020-02 including CEQA Findings (Exhibit A) and MMRP (Exhibit B) certifying the EIR for the Vista Del Agua Project (SCH2015031003)
3. Attachment No. 3: Resolution 2020-03 for GPA 14-01
4. Attachment No. 4: Resolution 2020-04 for PM 36872
5. Attachment No. 5: Ordinance No. 1156 for Change of Zone 14-01
6. Attachment No. 6: Ordinance No. 1157 for Specific Plan 14-01
7. Attachment No. 7: Volume IV (FEIR) of the Environmental Impact Report
8. Attachment No. 8: Volume IV (A) Supplement to FEIR) containing the following:
 - Response to Rutan February 2020 letter and June 2019 letter
 - Response to Carpenter's Union letter and attachments
 - Supplemental EIR Errata
9. Attachment No. 9: CEQA Alternatives Memorandums dated 1/21/20 and 4/24/20
10. Attachment No. 10: Specific Plan Conditions of Approval
11. Attachment No. 11: PM 36872 Conditions of Approval
12. Attachment No. 12: Correspondence (None Received after February 26, 2020)
13. Attachment No. 13: Vista Del Agua Specific Plan Document
14. Attachment No. 14: Water Supply Assessment for Vista Del Agua

RESOLUTION NO. WA-2020-03**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COACHELLA WATER AUTHORITY, APPROVING THE WATER SUPPLY ASSESSMENT DATED NOVEMBER 2017 FOR THE VISTA DEL AGUA PROJECT, APPLICANT: CVC PALM SPRINGS LLC.**

WHEREAS, as part of the City of Coachella (the “City”), the Coachella Water Authority (the “Authority”) is a public water system for purposes of California Water Code section 10910 et seq., commonly referred to as California Senate Bill 610 (“SB 610”); and

WHEREAS, SB 610 and related provisions of the California Environmental Quality Act (“CEQA”) require the preparation and approval of a water supply assessment (“WSA”) in connection with certain proposed development projects (as defined in Water Code section 10912); and

WHEREAS, the proposed Vista Del Agua (“Project”) would allow a maximum of 1640 dwelling units, approximately 25 acres of commercial land uses, approximately 30 acres of open space, including a 14-acre community park, thus qualifying as a project for which a WSA is required; and

WHEREAS, the Authority is the public water system that would provide retail water service to the Project; and

WHEREAS, in accordance with applicable provisions of law, specifically including the requirements of SB 610, City and Authority staff have caused a WSA to be prepared for the Project, which evaluates and concludes, among other things, that the total projected water supplies available to the City during normal, single-dry and multiple-dry years during a 20-year projection will be sufficient to meet the projected water demands associated with the Project, in addition to the City’s other current and planned future uses, including agricultural and manufacturing uses; and

WHEREAS, the WSA utilized and relied in part upon the information, analyses and conclusions set forth in other local and regional water supply planning documents that have been prepared and duly adopted by agencies such as the City, the Authority, the Coachella Valley Water District (“CVWD”) and the California Department of Water Resources, which documents include, without limitation, the City’s 2015 Urban Water Management Plan, CVWD’s 2015 Urban Water Management Plan, CVWD’s 2015 Water Management Plan Update, CVWD’s 2015 Subsequent Programmatic Environmental Impact Report for the 2015 Water Management Plan, and other water supply planning documents; and

WHEREAS, pursuant to the 2013 Memorandum of Understanding between the City and CVWD, the WSA has been reviewed by CVWD staff and all comments received during that process have been incorporated in the WSA, wherein as part of its review CVWD has concluded it has the ability to provide sufficient supplemental water supplies to meet Project demands as set forth by the WSA; and

WHEREAS, in accordance with Water Code section 10911 and related provisions of CEQA, the WSA has been included in the CEQA review undertaken for the Project, wherein the final WSA was included as an Appendix to the Draft Environmental Impact Report that was prepared for the Project and noticed and circulated for public comment in accordance with CEQA, and where no public comments were received regarding the analyses or conclusions of the WSA; and

WHEREAS, the Board of Directors wishes to adopt this Resolution to approve the WSA for the Vista Del Agua Project;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Coachella Water Authority, as follows:

SECTION 1. The Board of Directors finds that the foregoing recitals are true and correct, and are hereby incorporated into this Resolution.

SECTION 2. The Board of Directors finds that analyses and conclusions set forth in the WSA prepared for the proposed Vista Del Agua Project, a copy of which, without attachments and exhibits, is attached hereto as Exhibit “A” and incorporated herein by reference, are supported by substantial evidence and reasonable analysis, and are consistent with policies, plans, documents and operations of the City and the Authority.

SECTION 3. Pursuant to the requirements of Water Code sections 10910 et. seq., the Board of Directors hereby approves the WSA prepared for the proposed Vista Del Agua Project.

SECTION 4. In accordance with Water Code section 10914, the WSA does not create a right or entitlement to water service or any specific level of water service, nor does the WSA impose, expand or limit any duty concerning the obligation of the Authority to provide certain services. Water service shall also be subject to applicable fees and charges as they become due, completion of such improvements as may be needed to provide service, and compliance with such water conservation requirements and other conditions of service which may apply to the Project.

PASSED, APPROVED and ADOPTED this 13th day of May 2020.

Steven A Hernandez
President

ATTEST:

Angela M. Zepeda
Secretary

APPROVED AS TO FORM:

Carlos Campos
Authority Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CEERTIFY that the foregoing Resolution No. WA-2020-03 was duly adopted by the Board of the Authority of the Coachella Water Authority at a regular meeting thereof held on the 13th day of May 2020, by the following vote of the Authority:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk

EXHIBIT “A”

WATER SUPPLY ASSESSMENT (WITHOUT ATTACHMENTS AND EXHIBITS)

[ATTACHED ON FOLLOWING PAGES]

RESOLUTION NO. 2020-02**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH# 2015031003) PREPARED FOR THE VISTA DEL AGUA SPECIFIC PLAN PROJECT, THE ADOPTION OF ENVIRONMENTAL FINDINGS (EXHIBIT A), AND A MITIGATION MONITORING AND REPORTING PROGRAM (EXHIBIT B), PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING THE VISTA DEL AGUA SPECIFIC PLAN PROJECT**

WHEREAS, the Vista Del Agua Specific Plan Project proposes a master-planned residential community in the City of Coachella (the "City") that would consist of a mix of residential, commercial, recreation, open-space, and other uses on approximately 275 acres, as well as approximately 29 acres of off-site infrastructure improvements (the "Project" or "Proposed Project"); and

WHEREAS, the Project site is located in the City of Coachella south of Interstate 10 and Vista Del Sur, east of Tyler Street and North of Avenue 48; and

WHEREAS, the Project applicant is seeking approval of General Plan Amendment No. 14-01, Specific Plan No. 14-01, Change of Zone No. 14-01 and Tentative Parcel Map No. 36872 to implement the Proposed Project; and

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the State CEQA Guidelines, the City is the lead agency for the Project; and

WHEREAS, pursuant to the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.), the State California Environmental Quality Act Guidelines (14 Cal. Code Regs. §§ 15000 et seq.), and the City's Local CEQA Guidelines (collectively, "CEQA"), the City has determined that an Environmental Impact Report ("EIR") should be prepared pursuant to CEQA in order to analyze the potential adverse environmental impacts of the Proposed Project; and

WHEREAS, in accordance with State CEQA Guidelines section 15082, on or about March 12, 2015 the City sent to the Office of Planning and each responsible and trustee agency a Notice of Preparation ("NOP") stating that an Environmental Impact Report (State Clearinghouse Number 2015031003) would be prepared; and

WHEREAS, the City held a duly noticed public scoping meeting on March 12, 2015, to gather public comments on the Proposed Project and its potential impacts on the physical environment; and

WHEREAS, a Draft Environmental Impact Report ("Draft EIR") was prepared, incorporating comments received in response to the NOP; and

WHEREAS, in accordance with State CEQA Guidelines section 15085, on or about June 7, 2018 the City initiated a 45-day public review period by filing Notices of Completion and Availability with the Office of Planning and Research and the Riverside County Clerk and

releasing the Draft EIR for public review and comment in the manner required by CEQA; and

WHEREAS, on or about August 10, 2018 the City initiated a re-circulated 45-day public review period by filing a Notice of Completion and Availability with the Office of Planning and Research and the Riverside County Clerk for an additional 45 day public review period; and

WHEREAS, during the public comment period, copies of the Draft EIR and technical appendices were available for review and inspection at City Hall, on the City's website, and at the Coachella Library; and

WHEREAS, pursuant to CEQA Guidelines section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and the public during the two 45-day comment periods; and

WHEREAS, during the first public comment period, the City received twelve (12) written comments for the Draft EIR and four (4) written comments during the second public review period; and

WHEREAS, pursuant to Public Resources Code section 21092.5, the City provided copies of its responses to commenting public agencies at least ten (10) days prior to the Planning Commission's consideration of the Final EIR on June 6, 2019; and

WHEREAS, on June 19, 2019, the Planning Commission conducted a duly noticed public hearing on the Vista Del Agua Project, at which time all persons wishing to testify were heard and the Project was fully considered and the Planning Commission has recommended certification of the EIR and approval of the Vista Del Agua Project; and

WHEREAS, on February 10, 2020 the City gave public notice as required by mailing notices to property owners within at least 300 feet of the Project and on February 16, 2020 published a public notice in the Desert Sun of the holding of a public hearing at which the Vista Del Agua Project and the General Plan Amendment would be considered; and

WHEREAS, the City Council continued the February 26, 2020 public hearing to the April 8, 2020 City Council meeting and again to the May 13, 2020 City Council meeting in order to respond to two written comments received; and

WHEREAS, the City has prepared a Final EIR, consisting of the Draft EIR, all technical appendices prepared in support of the Draft EIR, all written comments received during the two 45-day public review and comment periods on the Draft EIR, written responses to those comments, and revisions and errata to the Draft EIR and technical appendices. For the purposes of this Resolution, the "EIR" shall refer to the Draft EIR and its attachments and appendices, as revised by the Final EIR's errata and supplemental errata section, together with the other sections of the Final EIR; and

WHEREAS, all potentially significant adverse environmental impacts were sufficiently analyzed in the EIR; and

WHEREAS, all of the findings and conclusions made by the City pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record for the Project, which are incorporated herein by this reference, and not based solely on the information provided in this Resolution; and

WHEREAS, the City has made certain findings of fact, as set forth in **Exhibit A** to this Resolution, attached hereto and incorporated herein, based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record for the Project, which are incorporated herein by this reference; and

WHEREAS, the City finds that environmental impacts that are identified in the EIR as less than significant and do not require mitigation are set forth in Section 2 of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the City finds that environmental impacts that are identified in the EIR that are less than significant with incorporation of mitigation measures are set forth in Section 3 of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the City finds that even with the incorporation of all feasible mitigation measures, the environmental impacts that are identified in the EIR that are significant and unavoidable are set forth in Section 4 of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the cumulative impacts of the Project identified in the EIR are set forth in Section 5 of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the potential significant and irreversible environmental changes that would result from the proposed Project identified in the EIR are set forth in Section 6 of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the existence of any growth-inducing impacts resulting from the proposed Project identified in the EIR are set forth in Section 7 of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, alternatives to the proposed Project identified for their potential to possibility reduce the significant and unavoidable impacts of the Proposed Project are set forth in Section 8 of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, because the Final EIR identified significant and unavoidable impacts, the City Council explains its reasoning for recommending the adoption of the Project despite those impacts in the Statement of Overriding Considerations, as set forth in Section 9 of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, all the mitigation measures identified in the EIR and necessary to reduce the potentially significant impacts of the proposed Project to a level of less than significant are set forth in the Mitigation Monitoring and Reporting Program (MMRP) in Exhibit B to this Resolution, attached hereto and incorporated herein; and

WHEREAS, as contained herein, the City Council has endeavored in good faith to set forth the basis for its recommendation on the Proposed Project; and

WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been satisfied by the City in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Proposed Project have been adequately evaluated; and

WHEREAS, all of the findings, recommendations and conclusions made by the City Council pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, prior to taking action, the has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the Final EIR, and all oral and written evidence presented to it during all meetings and hearings, all of which is incorporated herein by this reference; and

WHEREAS, the Final EIR reflects the independent judgment of the City Council and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, on February 26, 2020, the City Council conducted a duly noticed public hearing on this Resolution, at which time all persons wishing to testify were heard and the City Council continued the public hearing in order to address two written comments received; and

WHEREAS, the City Council has not received any comments or additional information that produced substantial new information requiring recirculation or additional environmental review under Public Resources Code sections 21166 and 21092.1 and State CEQA Guidelines section 15088.5; and

WHEREAS, on May 13, 2020, the City Council conducted a duly noticed public hearing on this Resolution, at which time all persons wishing to testify were heard and the Project was fully considered; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY COACHELLA:

SECTION 1. The City Council finds that it has reviewed and considered the Draft EIR and Final EIR (including the comment letters, responses to comments, and errata) in evaluating the Project, that the Final EIR fully complies with CEQA, and that the Final EIR reflects the independent judgment of the City Council. The City Council declares that no evidence of new significant impacts or any new information of “substantial importance” as defined by State CEQA Guidelines section 15088.5, has been received by the City after circulation of the Draft EIR that would require recirculation. Therefore, the City Council hereby certifies the EIR based on the entirety of the record of proceedings.

SECTION 2. Based on the entire record before the City Council, and all written and oral evidence presented, the City Council of the City of Coachella certifies the Final EIR, and adopts

Resolution No. 2020-02

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the CEQA Findings of Fact, including the Statement of Overriding Considerations, attached as **Exhibit A** to this Resolution.

SECTION 3. Pursuant to Public Resources Code section 21081.6, the City Council of the City of Coachella adopts the Mitigation Monitoring and Reporting Plan attached to this Resolution as **Exhibit B**. The City Council determines that - in the event of any inconsistencies between the mitigation measures as set forth in the Draft EIR or the CEQA Findings in Exhibit A and the Mitigation Monitoring and Reporting Plan, the Mitigation Monitoring and Reporting Plan shall control.

SECTION 4. Based on the entire record before the City Council, all written and oral evidence presented, the CEQA Findings, the Statement of Overriding Considerations, and Mitigation Monitoring Reporting Plan, and all other evidence, the City Council of the City of Coachella approves the Vista Del Agua Specific Plan Project.

SECTION 5. The documents and materials that constitute the record of proceedings on which this Resolution is based are located at the City of Coachella, Development Services Department, 53-990 Enterprise Way, Coachella, California 92236. The custodian for these records is Luis Lopez, Development Services Director. This information is provided in compliance with Public Resources Code section 21081.6.

SECTION 6. The City Council of the City of Coachella directs staff to file a Notice of Determination with the Riverside County Clerk within five (5) working days of the Project approval by the City Council.

PASSED, APPROVED, and ADOPTED this 13th day of May 2020.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2020-02 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on this 13th day of May 2020 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk

EXHIBIT A**CEQA FINDINGS OF FACT**

The California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) requires that public agencies shall not approve or carry out a project for which an environmental impact report (EIR) has been certified that identifies one or more significant adverse environmental effects of a project unless the public agency makes one or more written Findings for each of those significant effects, accompanied by a brief explanation of the rationale for each Finding (State CEQA Guidelines [Cal. Code Regs., tit. 14, § 15000 et seq.], § 15091). This document presents the CEQA Findings of Fact made by the City of Coachella (City), in its capacity as the CEQA lead agency, regarding the Vista del Agua Project (Project), evaluated in the Draft Environmental Impact Report (Draft EIR) and Final Environmental Impact Report (Final EIR) for the Project.

SECTION I
INTRODUCTION

Public Resources Code section 21002 states that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Section 21002 further states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

Pursuant to section 21081 of the Public Resources Code, the City may only approve or carry out a project for which an EIR has been completed that identifies any significant environmental effects if the City makes one or more of the following written finding(s) for each of those significant effects accompanied by a brief explanation of the rationale for each finding:

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.

As indicated above, section 21002 requires an agency to “avoid or substantially lessen” significant adverse environmental impacts. Thus, mitigation measures that “substantially lessen” significant environmental impacts, even if not completely avoided, satisfy section 21002’s mandate. (*Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 521 [“CEQA does not mandate the choice of the environmentally best feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced

environmental damage from a project to an acceptable level”]; *Las Virgenes Homeowners Fed., Inc. v. County of Los Angeles* (1986) 177 Cal. App. 3d 300, 309 [“[t]here is no requirement that adverse impacts of a project be avoided completely or reduced to a level of insignificance . . . if such would render the project unfeasible”].)

While CEQA requires that lead agencies adopt feasible mitigation measures or alternatives to substantially lessen or avoid significant environmental impacts, an agency need not adopt infeasible mitigation measures or alternatives. (Pub. Resources Code, § 21002.1(c) [if “economic, social, or other conditions make it infeasible to mitigate one or more significant effects on the environment of a project, the project may nonetheless be carried out or approved at the discretion of a public agency”]; see also State CEQA Guidelines, § 15126.6(a) [an “EIR is not required to consider alternatives which are infeasible”].) CEQA defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” (Pub. Resources Code, § 21061.1.) The State CEQA Guidelines add “legal” considerations as another indicia of feasibility. (State CEQA Guidelines, § 15364.) Project objectives also inform the determination of “feasibility.” (*Jones v. U.C. Regents* (2010) 183 Cal. App. 4th 818, 828-829.) “[F]easibility” under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) “Broader considerations of policy thus come into play when the decision making body is considering actual feasibility[.]” (*Cal. Native Plant Soc’y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000 (“*Native Plant*”); see also Pub. Resources Code, § 21081(a)(3) [“economic, legal, social, technological, or other considerations” may justify rejecting mitigation and alternatives as infeasible] (emphasis added).)

Environmental impacts that are less than significant do not require the imposition of mitigation measures. (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1347.)

The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.) In addition, perfection in a project or a project’s environmental alternatives is not required; rather, the requirement is that sufficient information be produced “to permit a reasonable choice of alternatives so far as environmental aspects are concerned.” Outside agencies (including courts) are not to “impose unreasonable extremes or to interject [themselves] within the area of discretion as to the choice of the action to be taken.” (*Residents Ad Hoc Stadium Com. v. Board of Trustees* (1979) 89 Cal.App.3d 274, 287.)

SECTION II
FINDINGS REGARDING ENVIRONMENTAL
IMPACTS NOT REQUIRING MITIGATION

The City Council hereby finds that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of Mitigation Measures.

A. AESTHETICS

1. Scenic Vistas

Threshold: Would the Project have a substantial adverse effect on a scenic vista?

Finding: Less than significant. (Draft EIR, p. 4.2-5.)

Explanation: According to p. 4.1-5 of the City of Coachella General Plan Update Final EIR (2015):

“An adverse effect under CEQA could occur if new development would block or substantially change views of scenic vistas.

Within the Planning Area, scenic vistas provide valuable aesthetic resources, including expansive landscape views of the Coachella Valley, to the residents and patrons of the City and Sphere of Influence. Scenic vistas within the Planning Area include the sweeping views of the Mecca Hills in the eastern portion of the Planning Area. Additional scenic vistas that are not within the Planning Area, but can be seen from within the Planning Area, include the Santa Rosa and San Jacinto Mountains, which can be viewed to the west and southwest of the Planning Area, and Little San Bernardino Mountains, which can be viewed to the north and northwest of the Planning Area. Existing views of Coachella Valley mountain ranges as shown by in Figure 4.1-1 and 4.1-2.

Under the development of the CGPU, scenic vistas within the Planning Area are to remain largely undeveloped, or only have very minimal residential development. Scenic resources are located within subarea 13, 14, 16 and 17, and are planned for minimal impact development of preserved land under the CGPU subarea designations. Development under the CGPU would occur mostly in the western portion of the City where the majority of population and development exists today.”

The Project site is located an area where there are no “scenic resources” present on-site, as defined in the City of Coachella General Plan Update Final EIR (2015).

Pp. 4.1-5 and 4.1-6 of the City of Coachella General Plan Update Final EIR (2015) continues:

“In order to protect scenic resources, the CGPU includes several policies to guide future development so as to limit impacts to views of scenic resources, such as adding design restrictions for billboards along freeways, and preserving important aesthetic resources including agriculture land uses, open space, rock outcroppings, and important landmarks. These policies would protect aesthetic resources in the Planning Area by restricting large structures from obstructing views and by preserving aesthetically important landscape features. These policies would prevent unsightly billboards and development on, or blocking views of, landmarks and other aesthetics features in the region and Planning Area. Additionally, the CGPU includes policies that will limit the magnitude of change that could occur through development of the Mecca Hills. Specifically, the CGPU requires the protection and preservation of important views of the hills and mountains surrounding the City. As shown on the General Plan Designation Map in the Land Use and Community Form Element, the City is planning for lower density housing in the north and east portions of the City with ample areas set aside for open space. Lower density housing and open space will prevent impacts from occurring because this pattern would result in a less intense use of land, which would only cause minimal change to the views of the existing open space. This land use program is further supported by policies that encourage the preservation of the natural topography and features of undeveloped and working lands in the Planning Area. Finally, the CGPU limits the impact of views from roadways by restricting new billboards along the City’s roads and highways, helping to preserve transportation corridors as view corridors of the scenic vistas.”

The policies that will ensure the protection of scenic vistas in the Planning Area, which can be found in the Sustainability + Natural Environment Element, from the City of Coachella General Plan Update Final EIR (2015) are listed below. The Project is consistent with these policies.

- Policy 6.1 View corridor preservation. Protect and preserve existing, signature views of the hills and mountains from the City.

The Project is consistent with the General Plan Land Use designations and will result in a development fabric, as anticipated in the City of Coachella General Plan Update Final EIR (2015). The Project site is not located within subareas 13, 14, or 16 where the City of Coachella General Plan Update Final EIR (2015) identified scenic resources.

- Policy 6.2 Scenic roadways. Minimize the impact on views by restricting new billboards along the City's roads and highways. Electronic and animated billboards should be prohibited except in rare and special circumstances.

The Project is consistent. Billboards are not permitted in the Specific Plan.

- Policy 10.8 Preservation of natural land features. Preserve significant natural features and incorporate into all developments. Such features may include ridges, rock outcroppings, natural drainage courses, wetland and riparian areas, steep topography, important or landmark trees and views.

The Project is consistent. The Project does not contain any significant natural features, which may include ridges, rock outcroppings, natural drainage courses, wetland and riparian areas, steep topography, important or landmark trees and views.

- Policy 10.9 Working lands. Encourage the preservation of agricultural and other working lands as important aesthetic and open space resources of Coachella.

The Project is consistent. The Project, as proposed, does not contain any agricultural/other working lands General Plan Land Use designations

Based on this analysis, implementation of the Project will not result in a substantial adverse effect on a scenic vista. Any impacts are considered less than significant. (Draft EIR, pp. 4.2-5--4.2-7.)

2. Scenic Resources

Threshold: Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Finding: Less than significant. (Draft EIR, 4.2-8.)

Explanation: According to pp. 4.1-6 and 4.1-7 of the City of Coachella General Plan Update Final EIR (2015):

“Currently there are no designated, or eligible, State Scenic Highways within the Planning Area. Major historic highways within the Planning Area include old Highway 99 (now Dillon Road between Grapefruit Blvd. and Interstate 10), Old Highway 86

(Harrison Street south of Grapefruit Blvd), and Old Highway 111 (Grapefruit Boulevard), and Highway 86-S Expressway south of Interstate 10. Though there are no designated State Scenic Highways, the listed policies outlined below are from the Sustainability and Natural Environment Element of the CGPU are proposed to preserve and protect corridor preservation and minimize aesthetic obstruction of billboards along these highways.”

A Project consistency analysis is provided below.

- Policy 6.2 Scenic roadways. Minimize the impact on views by restricting new billboards along the City’s roads and highways. Electronic and animated billboards should be prohibited except in rare and special circumstances.

Consistent. Billboards are not permitted in the Specific Plan.

- Policy 10.9 Working lands. Encourage the preservation of agricultural and other working lands as important aesthetic and open space resources of Coachella.

Consistent. The Project, as proposed, does not contain any agricultural/other working lands General Plan Land Use designations. This is not applicable.

- Policy 13.16 Unique features. Encourage parks and trails to be designed to conserve scenic and natural features and encourage public awareness of Coachella’s unique geography.

Consistent. Project trails will be designed as part of the Specific Plan’s vehicular and non-vehicular circulation systems. Trails will be developed as paseos that utilize Project drainage features. With the exception of the San Andreas Fault, no scenic and natural features are present on the Project site.

Based on this analysis, implementation of the Project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. Any impacts are considered less than significant. (Draft EIR, pp. 4.2-8--4.2-9.)

3. Light and Glare

Threshold: Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Finding: Less than significant. (Draft EIR, p. 4.2-9.)

Explanation: Currently, there are no existing sources of light or glare on site. In addition, there are no existing street lights or signalized intersections immediately adjacent to the Project site. I-10 is located to the north of the Project site; however, it is immediately adjacent to the commercial portion of the Project. I-10 is not located in proximity to the residential portion of Project site. I-10 is not a lighted highway adjacent to the project site.

Short-Term Construction Impacts

During construction on the Specific Plan site, travelers in the area will have views of the site which include construction fencing, equipment, grading areas, building pads, partially constructed structures, and other related facilities and activities. These views would be temporary and, therefore, would not represent a permanent change in views of construction equipment and activities from outside the Project site.

Consistent with Section 7.04.070, Construction Activities, in the City of Coachella Municipal Code, construction activities will be limited to the daytime hours. As a result, there would be no night lighting on the site for construction equipment or activities. However, there would be limited security lighting provided at the Site Manager's trailer and other locations in the construction areas. That lighting would comply with the applicable requirements in the City Municipal Code.

The construction activities and equipment would not represent substantial potential sources of glare on the Project site.

As a result, the construction activities and equipment on the Project site would result in less than significant temporary impacts related to aesthetics and light and glare. (Draft EIR, pp. 4.2-9—4.2-10.)

B. AGRICULTURE AND FOREST RESOURCES

1. Agricultural Zoning

Threshold: Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Finding: Less than significant. (Draft EIR, Ch. 8 Appendices-Initial Study, p. 11.)

Explanation: Williamson Act contract lands do not exist with the Coachella City limits. Therefore, implementation of the Project (on-site and off-site components) will not conflict with existing zoning for agricultural use, or a Williamson Act Contract.

The current zoning on the Project site is:

- Manufacturing Services (M-S);
- Residential Single Family (R-S); and
- General Commercial (C-G)

Therefore, implementation of the Project will not conflict with existing zoning for agricultural use. No impacts are anticipated and thus no mitigation is required. (Draft EIR, Ch. 8 Appendices-Initial Study, pp. 11-12.)

2. Forestland Zoning

Threshold: Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

Finding: Less than significant. (Draft EIR, Ch. 8 Appendices-Initial Study, p. 11.)

Explanation: There are no forest lands on or near the on-site or off-site Project components. Therefore, implementation of the Project (on-site and off-site components) will not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526) or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). No impacts are anticipated and thus no mitigation is required. (Draft EIR, Ch. 8 Appendices-Initial Study, pp. 11-12.)

3. Loss of Forest Land

Threshold: Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

Finding: Less than significant. (Draft EIR, Ch. 8 Appendices-Initial Study, p. 11.)

Explanation: There are no forest lands on or near the on-site or off-site Project components; therefore, the Project would not impact any forest or timberlands. No impacts are anticipated, and no mitigation is required. (Draft EIR, Ch. 8 Appendices-Initial Study, pp. 11-12.)

C. AIR QUALITY

1. Air Quality Plans and Air Quality Standards

Threshold: Would the Project conflict with or obstruct implementation of the applicable air quality plan; violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Finding: Less than significant. (Draft EIR, pp. 4.4-42—4.4-43.)

Explanation:

Construction Air Quality Impacts

Localized Construction Emissions

Table 4.4.4-7, Construction Localized Significance of the Draft EIR, illustrates the construction related LSTs for the Project area. The emissions will be below the SCAQMD thresholds of significance for localized construction emissions. (Draft EIR, pp. 4.4-42—4.4-43.)

Fugitive Dust

Fugitive dust emissions are generally associated with land clearing and exposure of soils to the air and wind and cut-and-fill grading operations. Dust generated during construction varies substantially on a project-by-project basis, depending on the level of activity, the specific operations, and weather conditions at the time of construction.

Construction emissions can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions, and other factors. The proposed Project will be required to comply with SCAQMD Rules 402, 403 and 403.1 to control fugitive dust. **Table 4.4.4-6, Regional Significance—Construction Emissions** of the Draft EIR illustrates total construction emissions, i.e., fugitive-dust emissions and construction equipment exhausts that have incorporated a number of feasible control measures that can be reasonably implemented to significantly reduce PM₁₀ emissions from construction. **Table 4.4.4-6** illustrates that all construction phases, the daily total construction emissions with standard control measures, would be below the daily thresholds established by the SCAQMD. Therefore, the Project will not result in significant fugitive dust emissions. (Draft EIR, p. 4.4-43.)

Naturally Occurring Asbestos

The proposed Project is located in Riverside County which is not among the counties that are found to have serpentine and ultramafic rock in their soils. Therefore, the potential risk for naturally occurring asbestos (NOA) during Project construction is small and less than significant. (Draft EIR, p. 4.4-43.)

Construction-Related Toxic Air Contaminant

The greatest potential for toxic air contaminant emissions would be related to diesel particulate emissions associated with heavy equipment operations during construction of the proposed Project. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of “individual cancer risk.” “Individual cancer risk” is the likelihood that a person exposed to concentrations of toxic air contaminants over a 70-year lifetime will contract cancer, based on the use of standard risk-assessment methodology. Given the relatively limited number of heavy-duty construction equipment and the short-term construction schedule, the proposed Project would not result in a long-term (i.e., 70 years) substantial source of toxic air contaminant emissions and corresponding individual cancer risk. Therefore, no significant short-term toxic air contaminant impacts would occur during construction of the proposed Project. (Draft EIR, p. 4.4-44.)

Health Risk Assessment

The SCAQMD has prepared a guidance document, “Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, (A Reference for Local Governments Within the South Coast Air Quality Management District)” for addressing health risks for new developments (where sensitive receptors are of a concern) that occur along or near freeways. Appendix C of the AQ/GHG Analysis contains the quoted document; however, the full document is available on SCAQMD’s website.

The guidance document discusses that busy traffic corridors in urban areas are defined as Freeways with an average daily traffic (ADT) above 100,000 and roadways with an ADT above 50,000. In addition, the document demonstrates the drop off rate at which air pollution levels decrease as the separation distances increases from the edge of the freeway. The busiest roadway segment near the Project site is Interstate 10, which will have an estimated 40,855 ADT in Year 2035. According to the guidance document the ADT volume is below the definition of a busy corridor.

Figure 2-1 and Table 2-2 within Appendix B of the AQ/GHG Analysis demonstrates the drop off rate at which the pollution concentration is reduced as the separation distance increases. The data demonstrates that a minimum distance that separates sources of diesel emissions from nearby receptors is effective in reducing potential cancer risk.

The Health Risk Assessment impact would be considered less than significant. (Draft EIR, pp. 4.4-46—4.4-47.)

Localized Operational Emissions

Per SCAQMD methodology, LST analysis is not warranted. Thus, there is no impact. (Draft EIR, p. 4.4-45.)

CO Hot Spot Emissions

The SCAQMD recommends that a local CO hot spot analysis be conducted if the intersection meets one of the following criteria:

- 1) The intersection is at level of service (LOS) D or worse and where the project increases the volume to capacity ratio by 2 percent; or
- 2) The project decreases at an intersection from C to D.

Micro-scale air quality emissions have traditionally been analyzed in environmental documents where the air basin was a non-attainment area for CO. However, the SCAQMD has demonstrated in the CO attainment redesignation request to EPA that there are no “hot spots” anywhere in the air basin, even at intersections with much higher volumes, much worse congestion, and much higher background CO levels than anywhere in Riverside County. If the worst-case intersections in the air basin have no “hot spot” potential, any local impacts will be below thresholds. Therefore, there is no impact. (Draft EIR, pp. 4.4-45—4.4-46.)

D. BIOLOGICAL RESOURCES

1. Sensitive Species

Threshold: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Finding: Less than significant. (Draft EIR, p. 4.5-24.)

Explanation:

Sensitive Elements

Plant or animal taxa may be considered "sensitive" due to declining populations, vulnerability to habitat change or loss, or because of restricted distributions. Certain sensitive species have been listed as Threatened or Endangered by the United States Fish and Wildlife Service (USFWS) or by the CDFW and are protected by the federal and state Endangered Species Acts and the California Native Plant Protection Act. Other species have been identified as sensitive by the USFWS, the CDFW, or by private conservation organizations, including the CNPS, but have not been formally listed as Threatened or Endangered. Such species can still be considered significant under CEQA.

The literature review and the Project biologists' knowledge of the Project vicinity indicated that as many as 18 sensitive biological resources potentially occur in the vicinity of the Project site, however only one sensitive species was actually observed on the site during site surveys. For a summary of sensitive species and habitats known to occur or potentially occurring in the vicinity of the Project site, see **Tables 4.5.4-1 through 4.5.4-6**. As shown in these Tables, 1 of 5 sensitive plant species is covered by the CVMSHCP; both (2) sensitive reptile species are covered by the CVMSHCP; 3 of 5 sensitive bird species are covered by the CVMSHCP; 3 of 5 sensitive mammal species are covered by the CVMSHCP; and 1 (of 1) sensitive insect species is covered by the CVMSHCP. (Draft EIR, pp. 4.5-23—4.5-24.)

Sensitive Plants

Table 4.5.4-2, *Sensitive Plants: Vista Del Agua Project Site*, of the Draft EIR lists five sensitive plants known to occur in the general Project vicinity, and none of these species are expected to occur on the Project site due to lack of habitat, incorrect elevational range, or because the site is out of the currently understood range of the species. These include chaparral sand-verbena (*Abronia villosa* var. *aurita*), Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*), Lancaster milk-vetch (*Astragalus preussi* var. *laxiflorus*), gravel milk-vetch (*Astragalus sabulonum*), and glandular ditaxis (*Ditaxis claryana*).

In the case of the Lancaster and gravel milk-vetches, the single California Natural Diversity Database (CNDDDB) records for each of these species are both very old (1928 and 1906 respectively) and are both thought to represent “best guesses” concerning the locality data.

According to the California Native Plant Society (CNPS) online Inventory of Rare and Endangered Plants – 7th edition interface: “Lancaster milk-vetch is known in CA only from near Lancaster and Edwards Airforce Base, where extremely rare; only reported once in recent years.”

Concerning the three remaining sensitive plants, there is very limited potential habitat for Coachella Valley milk-vetch on the site, and much of what is present is degraded by a variety of human impacts. No *Astragalus* species were observed on the Project site during the surveys, including dead remains from last year. The site is too low in elevation (apart from the northeast corner the entire site is below sea level, and much of the northeast corner is currently grapes) to support either chaparral sand-verbena or glandular ditaxis. No sand-verbena or ditaxis were observed on the site, including dead remains from a previous season. Thus, none of the aforementioned sensitive plant species are likely to occur on the Project site. (Draft EIR, pp. 4.5-24—4.5-25.)

Sensitive Reptiles

Table 4.5.4-3, *Sensitive Reptiles: Vista Del Agua Project Site*, lists two sensitive reptile species (Federal threatened and State endangered) that have a potential of occurring on the site: Coachella Valley fringe-toed (*Uma inornata*) and flat-tailed horned lizard (*Phrynosoma mcallii*).

According to p. 4.3-2 of the General Plan Update Final EIR (2015), the fringe-toed lizard is dependent upon Sand Fields habitat. Table 4.3-2: Special Status Wildlife Species Observed or Potentially Occurring in the City of Coachella Planning Area, of the General Plan Update Final EIR (2015) (p. 4.3-6) indicates a moderate potential for the fringe-toed lizard, and that it may be present in “undisturbed, wind-blown sand habitats.”

The Colorado Saltbush Scrub community occurs in low-lying basins and areas of periodic flooding within the Coachella Valley. The Colorado Saltbush Scrub community is characterized by moist sandy loam and relatively high soil salinity. The flat-tailed horned lizard is a Special status species associated with the Colorado Saltbush Scrub community.

Table 4.3-2: Special Status Wildlife Species Observed or Potentially Occurring in the City of Coachella Planning Area, of the General Plan Update Final EIR (2015) (p. 4.3-6) indicates a moderate potential for the fringe-toed lizard, and that it is patchily distributed throughout the Coachella Valley, and is presently described from undisturbed natural habitats near Thousand Palms to the north, southward to Mecca.

Both of these species have been recorded within two miles of the Project site. A search of the current CNDDDB online database revealed that Coachella Valley fringe-toed lizard had been recorded from approximately 440 feet north of the northeast corner of the Project site in 1975. Flat-tailed horned lizard has been recorded within approximately 2.0 miles northwest of the site in 1997 (CNDDDB 2014).

The current surveys of the Project site did not result in observations of these species, although the timing of the surveys was during the season when these species become active. Temperatures during the surveys were favorable for lizard activity (other common lizards were observed active on the surface), although even warmer temperatures would have been preferable. Thus, these species have a low probability of occurring on the site due to the poor quality of the majority of the remaining habitat, proximity to agricultural and residential development, and ongoing negative impacts such as trash deposition and a former history of agricultural use. Both of these reptiles are “covered species” under the CVMSHCP, and potential impacts to these lizards would be mitigated through payment of the CVMSHCP mitigation fee.

Payment of the CVMSHCP fee is a standard condition (see **SC-BIO-1**) and is not considered unique mitigation under CEQA. (Draft EIR, pp. 4.5-25--4.5-26.)

SC-BIO-1 CVMSHCP Mitigation Fee: The Project will be required to pay the appropriate Multiple Species Habitat Conservation Plan Mitigation Fee prior to issuance of a building permit, per Chapter 4.48 of the City's Municipal Code. The fees are assessed based on the particular type of development. (Draft EIR, p. 4.5-35.)

Sensitive Mammal Species

No sensitive mammal species were observed on the Project site during the surveys. The five mammals listed in **Table 4.5.4-5, Sensitive Mammals: Vista Del Agua Project Site**, of the Draft EIR are thought to have a low probability of occurrence on the Project site, although none were observed during the field surveys. The Palm Springs roundtailed ground squirrel (*Xerospermophilus tereticaudus chlorus*), western yellow bat (*Lasiurus xanthinus* or *L. ega*), and Palm Springs pocket mouse (*Perognathus longimembris bangsi*) are all "covered" species under the CVMSHCP, so any potential impacts to these species would be mitigated through payment of the CVMSHCP fee. None of these three mammals are listed as threatened or endangered but are considered CDFW CSC's. The remaining two mammals listed on **Table 4.5.4-5**, western mastiff bat (*Eumops perotis californicus*) and American badger (*Taxidea taxus*) are not covered species under the CVMSHCP. These are also not listed as threatened or endangered but considered CDFW CSC's. Western mastiff bat could potentially periodically forage over the site, but suitable roosting sites are not present. Similarly, American badgers are known to wander widely when foraging, and would have a low potential to wander onto the site (badgers are not common anywhere in the Coachella Valley). Due to the low probability/potential for these species on the site, any impacts are considered less than significant. (Draft EIR, p. 4.5-31.)

Sensitive Insects

Table 4.5.4-6, Sensitive Insects: Vista Del Agua Project Site, in the Draft EIR, lists one species of sensitive insect known to occur in the greater Coachella Valley area: Coachella giant sand treater cricket (*Macrobaenetes valgum*). The Project site is located east of the currently known range of the Coachella giant sand treater cricket, and most of the habitat on the Project site is not suitable for this species (very limited areas of "dune" habitat).

The closest CNDDDB record is approximately 6 miles west of the Project site, in an area that has since been developed. **Table 4.5.4-6** indicates that the Coachella giant sand treater cricket is absent from the Project site. This insect is not listed as threatened or endangered by the state and federal

agencies and is covered under the CVMSHCP. Potential impacts to this species would be mitigated through payment of the CVMSHCP fee. Payment of the CVMSHCP fee is a standard condition and is not considered unique mitigation under CEQA. (Draft EIR, p. 4.5-32.)

2. Riparian Habitat

Threshold: Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Finding: Less than significant. (Draft EIR, p. 4.5-33.)

Explanation: Implementation of the proposed Project will not have a substantial adverse effect on any riparian habitat. There is no desert wash, or desert riparian habitat present on the Project site. No reference to an unnamed wash is included in the On-Site and Off-Site Bio Report, or within the information below. The On-Site and Off-Site Bio Report did not locate this wash. It was not present on the Project site.

Species

As discussed above and demonstrated in **Table 4.5-4.4**, a single loggerhead shrike (*Lanius ludovicianus*) was observed on the Project site on the second day of the survey. Loggerhead shrikes are not listed as threatened or endangered and are not a covered species under the CVMSHCP. They are considered a CDFW “California Special Concern Species” (CSC).

Vermilion flycatcher (*Pyrocephalus rubinus*) is not expected to occur on the Project site due to a lack of both foraging and nesting (desert riparian) habitat. This distinctive and unmistakable flycatcher was not observed on the site during the surveys. Both Le Conte’s (*Toxostoma lecontei*) and crissal thrasher (*Toxostoma crissale*) are thought to have a low probability of occurring on the Project site, although neither species was observed during the field surveys. The few mesquite thickets present on the site provide potential habitat for both thrashers, and Le Conte’s thrasher is known to occur in alkali scrub habitats. Both thrasher species are CDFW CSC’s, and are “covered” species under the CVMSHCP, meaning that potential impacts to these two species would be mitigated through payment of the CVMSHCP fee. Payment of the CVMSHCP fee (see SC-BIO-1), is a standard condition and is not considered unique mitigation under CEQA.

No riparian habitat, or other sensitive natural communities are located within the on-site or off-site Project components. Any impacts would be considered less than significant. (Draft EIR, p. 4.5-33.)

3. Wetlands

Threshold: Would the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Finding: No impact. (Draft EIR, p. 4.5-34.)

Explanation: Implementation of the proposed Project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. None of these resources are present within the on-site or off-site Project components. No impacts will occur. (Draft EIR, p. 4.5-34.)

4. Local Policies and Ordinances

Threshold: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Finding: No impact. (Draft EIR, p. 4.5-35.)

Explanation: The City does not currently have a tree preservation policy or ordinance preventing or restricting the removal of trees on site. Please see the discussion in Draft EIR 4.5.4.1, as it pertains to sensitive vegetation. No impacts will occur. (Draft EIR, p. 4.5-35.)

5. Habitat Conservation Plans

Threshold: Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Finding: Less than significant. (Draft EIR, p. 4.5-35.)

Explanation: As discussed above, the Project may impact sensitive birds, sensitive reptiles, sensitive mammals and sensitive insects, which covered under the CVMSHCP and the Coachella Valley Fringe-Toed Lizard Habitat Conservation Plan (HCP). Potential impacts to these species would be mitigated through payment of the CVMSHCP fee and the HCP fee. Payments of these fees are considered a standard condition and are not considered unique mitigation under CEQA. No other adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan applies to the Project. Any impacts are considered less than significant.

E. GEOLOGY AND SOILS

1. Faults, Ground Shaking, Liquefaction, and Landslides

Threshold: Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death due to landslides?

Finding: No impact. (Draft EIR, p. 4.7-14.)

Explanation: According to Chapter 4.5, Geology and Soils, of the City of Coachella General Plan Update Final EIR (2015) (p. 4.5-11), slope instability is a condition that can be pre-existing and can present conditions that pose constraints and challenges from a development perspective for a project. Landslides often occur along pre-existing zones of weakness within bedrock (i.e. previous failure surfaces). Additionally, landslides have the potential to occur on over-steepened slopes, especially where weak layers, such as thin clay layers, are present and dip out-of-slope. Landslides can also occur on anti-dip slopes, along other planes of weakness such as faults or joints. Local folding of bedrock or fracturing due to faulting can add to the potential for slope failure. Groundwater is very important in contributing to slope instability and landsliding. In addition, other factors that contribute to slope failure include undercutting by stream action and subsequent erosion as well as the mass movement of slopes caused by seepage or cyclical wetting and drying.

The majority of the Project site is relatively level with a low potential for landslides (refer to City of Coachella General Plan Update Final EIR (2015) Figure 4.5-6: Landslide Risk). The Project site is not located in an area that contains any landslide risk. No impacts will occur. (Draft EIR, p. 4.7-14.)

2. Unstable Soils

Threshold: Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Finding: No impact. (Draft EIR, p. 4.7-16.)

Explanation: *On- or Off-Site Landslide*

According to Chapter 4.5, Geology and Soils, of the City of Coachella General Plan Update Final EIR (2015) (p. 4.5-11), slope instability is a condition that can be pre-existing and can pose a negative condition for a project. Landslides often occur along pre-existing zones of weakness within bedrock (i.e. previous failure surfaces). Additionally, landslides have the potential to occur on over-steepened slopes, especially where weak layers, such as thin clay layers, are present and dip out-of-slope. Landslides can also occur on anti-dip slopes, along other planes of weakness such as faults

or joints. Local folding of bedrock or fracturing due to faulting can add to the potential for slope failure. Groundwater is very important in contributing to slope instability and landsliding. In addition, other factors that contribute to slope failure include undercutting by stream action and subsequent erosion as well as the mass movement of slopes caused by seepage or cyclical wetting and drying.

The majority of the Project site is relatively level with a low potential for landslides (refer to City of Coachella General Plan Update Final EIR (2015) Figure 4.5-6: Landslide Risk). The Project site is not located in an area that contains any landslide risk. No impacts will occur. (Draft EIR, p. 4.7-16.)

3. **Septic Tanks**

Threshold: Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Finding: No impact. (Draft EIR, Ch. 8 Appendices Initial Study, p. 19.)

Explanation: No portions of the proposed Project will include the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. Therefore, implementation of the Project (on-site and off-site components) will not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. No impacts are anticipated. No mitigation is required. (Draft EIR, Ch. 8 Appendices Initial Study, p. 19.)

F. **GREENHOUSE GAS EMISSIONS**

1. **Emissions Generation**

Threshold: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Finding: Less than significant. (Draft EIR, p. 4.4-50.)

Explanation: *Construction Greenhouse Gas Emissions Impact*

The Project's emissions were compared to the SCAQMD draft threshold of 3,000 metric tons CO per year for all land uses. CalEEMod was used to estimate the onsite and offsite construction emissions. The total construction emissions amortized over a period of 30 years are estimated to be 653.85 MTCO_{2e} per year. (Draft EIR, p. 4.4-50.)

2. **Emission Reduction Plans**

Threshold: Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?

Finding: Less than significant. (Draft EIR, p. 4.4-51.)

Explanation: Emission reductions in California alone would not be able to stabilize the concentration of greenhouse gases in the earth's atmosphere. However, California's actions set an example and drive progress towards a reduction in greenhouse gases elsewhere. If other states and countries were to follow California's emission reduction targets, this could avoid medium or higher ranges of global temperature increases. Thus, severe consequences of climate change could also be avoided.

The ARB Board approved a Climate Change Scoping Plan in December 2008. The Scoping Plan outlines the State's strategy to achieve the 2020 greenhouse gas emissions limit. The Scoping Plan "proposes a comprehensive set of actions designed to reduce overall greenhouse gas emissions in California, improve our environment, reduce our dependence on oil, diversify our energy sources, save energy, create new jobs, and enhance public health". The measures in the Scoping Plan have been in place since 2012.

In May 2014, CARB released its First Update to the Climate Change Scoping Plan. This Update identifies the next steps for California's leadership on climate change. While California continues on its path to meet the near-term 2020 greenhouse gas limit, it must also set a clear path toward long-term, deep GHG emission reductions. This report highlights California's success to date in reducing its GHG emissions and lays the foundation for establishing a broad framework for continued emission reductions beyond 2020, on the path to 80 percent below 1990 levels by 2050.

The 2008 Scoping Plan calls for an "ambitious but achievable" reduction in California's greenhouse gas emissions, cutting approximately 30 percent from business-as-usual emission levels projected for 2020, or about 15 percent from today's (2010) levels. On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide for every man, woman and child in California down to about 10 tons per person by 2020.

Project consistency with applicable strategies in the Plan is assessed as well as the City's CAP. The project's Year 2020 emissions were compared to the SCAQMD's and the City's CAP target service population of 4.8 MTCO₂e/SP/year and to the City's CAP 7.0 MTCO₂e/SP/year, respectively. As shown in **Table 4.4.4-11, Project Consistency with CARB Scoping Measures**, the Project is consistent with the applicable strategies and would result in a less than significant impact. The Project will be subject to the policies and ordinances pertaining to air quality and

climate change stated in the City's/County's General Plan Update (2015). Although the Project would generate greenhouse gas emissions, either directly or indirectly, these emissions are not considered to have a significant impact on the environment. (Draft EIR, p. 4.4-52.)

G. HAZARDS AND HAZARDOUS MATERIALS

1. Hazardous Materials

Threshold: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or, create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ?

Finding: No impact. (Draft EIR, pp. 4.8-14, 4.8-16.)

Explanation: **Possible Septic System or Cesspool on The Property**

Several structures appear to have once been developed along the north Property border, south of the adjacent scrap metal yard. These appear to have been single family residences. A septic system or cesspool may have been associated with this former development and may still exist on the Property. A septic system or cesspool on the Property is not considered a recognized environmental condition when used in association with a residential property (in this case, a historic use). No further investigation in regard to this condition is deemed necessary at this time. No impacts will occur. (Draft EIR, pp. 4.8-14—4.8-15.)

Paintball Use on the Property

The paint used for paintballs is soluble in water, so that it washes easily out of players' clothes. It is nontoxic, as well, in case a player is hit in the mouth and accidentally swallows the paint. The basic materials for the paint are mineral oils, food coloring, calcium, ethylene glycol, and iodine. The paint is encapsulated in a bubble made from gelatin. This is the same material used in encapsulated medicines, such as many pain killers and cold treatments, and in liquid vitamins, such as vitamin E. Therefore, no impacts will occur. (Draft EIR, p. 4.8-16.)

2. Hazards Near Schools

Threshold: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Finding: No impact. (Draft EIR, Ch. 8 Appendices, Initial Study, pp. 21-22.)

Explanation: According to a review of the Desert Sands Unified School District web site (<https://www.dsusd.us>) and the Coachella Valley Unified School District web site (<http://www.coachella.k12.ca.us>), the Project site is not located within one-quarter mile of an existing, or proposed school. Therefore, implementation of the Project (on-site and off-site components) will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impacts are anticipated. No mitigation is required. This issue will not require any additional analysis in the EIR. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 22.)

3. Waste Sites

Threshold: Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Finding: No impact. (Draft EIR, p. 4.8-16.)

Explanation: The CORTESE and HIST CORTESE lists are composed of sites that have had releases designated by the State Water Resource Control Board (LUST), the Integrated Waste Board (SWF/LS) and the Department of Toxic Substances Control (Cal-Sites). The source is the California Environmental Protection Agency/Office of Emergency Information. This database identifies public drinking water wells with detectable levels of contamination, hazardous substance sites selected for remedial action, sites with known toxic material identified through the abandoned site assessment program, sites with USTs having a reportable release and all solid waste disposal facilities from which there is known migration.

The Project site was not listed in the search of this database. One (1) site was found in the State database search (1.0-mile radius) under this listing. No impacts will occur. (Draft EIR, p. 4.8-16.)

4. Public Airports

Threshold: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

Finding: No impact. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 22.)

Explanation: The Project site is not located within two miles of a public airport or public use airport. The closest public airport, or public use airports are Thermal Airport (Jacqueline Cochran Regional Airport), located approximately 5

miles to the south, and the Bermuda Dunes Airport; located over 5 miles to the north-northwest. The southwest corner of the Project is about 2 miles northeast of Compatibility Zone E of the Thermal Airport. The Project is not located in a flight path. Therefore, implementation of the Project (on-site and off-site components) will not result in a safety hazard for people residing or working in the project area since the Project site is not located within an airport land use plan or, where such a plan has not been adopted within two miles of a public airport or public use airport. No impacts are anticipated. No mitigation is required. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 22.)

5. Private Airports

Threshold: For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

Finding: No impact. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 22.)

Explanation: According to the Riverside County Land Information System (<http://tlmabld5.agency.tlma.co.riverside.ca.us/website/rclis/>), the Project site is not located within the vicinity of a private airstrip. Therefore, implementation of the Project (on-site and off-site components) will not result in a safety hazard for people residing or working in the project area, since the Project site is not located within the vicinity of a private airstrip. No impacts are anticipated. No mitigation is required. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 22.)

6. Emergency Plans

Threshold: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Finding: No impact. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 22.)

Explanation: It is not anticipated that implementation of the Project (on-site and off-site components) will impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. All Project components will be required to be installed per City standard requirements, which ensure that there will be no conflicts. No impacts are anticipated. No mitigation beyond standard conditions shall be required. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 22.)

7. Wildland Fires

Threshold: Would the Project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are

adjacent to urbanized areas or where residences are intermixed with wildlands?

Finding: No impact. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 22.)

Explanation: According to Plate 4-1, *High Fire Hazard Areas*, of the Technical Background Report to the Safety Element, the Project site (on-site and off-site components) are not located in a High Fire Hazard Area. Therefore, implementation of the Project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas of where residences are intermixed with wildlands. No impacts are anticipated. No mitigation is required. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 22.)

H. HYDROLOGY AND WATER QUALITY

1. Water Quality Standards

Threshold: Would the Project violate any water quality standards or waste discharge requirements?

Finding: Less than significant. (Draft EIR, p. 4.9-13.)

Explanation: This Project has the potential for discharge of surface runoff into the regional drainage system, which eventually flows into the Whitewater River, the Coachella Valley Stormwater Channel, and the Salton Sea. **Table 4.9.4-1, Receiving Waters for Urban Runoff from Site** lists the Project's receiving water, EPA approved 303(d) list impairments, and proximity to Threatened, or Endangered Species (RARE) beneficial use designated receiving waters (includes uses of water that support habitats necessary, at least in part, for the survival and successful maintenance of plant or animal species established under state or federal law as rare, threatened or endangered).

As listed in Table 4.9.4-1, above, beneficial uses include the following:

Beneficial uses of water are defined in the Basin Plan as the uses necessary for the survival or well-being of humans, plants, and wildlife. The existing beneficial uses for both the Coachella Valley Storm Water Channel and the Salton Sea, as designated by the RWQCB in the Basin Plan, include the following:

- Freshwater Replenishment (FRSH) – Uses of water for natural or artificial maintenance of surface water quality or quantity.
- Water Contact Recreation (REC-1) – Uses of water for recreational activities involving body contact with water, where ingestion of water

is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, whitewater activities, fishing, or use of natural hot springs.

- Non-Contact Water Recreation (REC-2) – Uses of water for recreational activities involving proximity to water, but not normally involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tide pool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.
- Warm Freshwater Habitat (WARM) – Includes uses of water that support warm water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish or wildlife, including invertebrates.
- Wildlife Habitat (WILD) – Uses of water that support terrestrial ecosystems including, but not limited to, preservation and enhancement of terrestrial habitats, vegetation, wildlife (e.g., mammals, birds, reptiles, amphibians, invertebrates), or wildlife water and food sources.
- Rare, Threatened, or Endangered Species (RARE) – Includes uses of water that support habitats necessary, at least in part, for the survival and successful maintenance of plant or animal species established under state or federal law as rare, threatened or endangered.
- Aquaculture (AQUA) – Aquaculture or mariculture operations including, but not limited to, propagation, cultivation, maintenance, or harvesting of aquatic plants and animals for human consumption or bait purposes.
- Industrial Service Supply (IND) – Includes uses of water for industrial activities that do not depend primarily on water quality including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, or oil well re-pressurization.

Project Design Features related to hydrology and water quality are:

- The Specific Plan development areas shall conform to all of the requirements imposed by the Coachella Valley Water District Development Design Manual, the requirements of the City of Coachella's adopted Stormwater Management Ordinance (Title 13.16 of the Municipal Code), the requirements of the Whitewater River Watershed Stormwater Management Plan, and the National Pollutant Discharge Elimination System (NPDES) Construction General Permit.

- The Project has incorporated a comprehensive drainage and water quality program into the site, consisting of the surface drainage system and water quality features. This will reduce storm water runoff volume and velocity, improve storm water runoff water quality during storm events and low-flow irrigation volumes, and create biological resource habitat. Key system features are summarized in the WQMP, on file at the City.
- The proposed Specific Plan includes multiple basins and a paseo which will provide soft-bottomed drainages.

Without Project design features and/or standard conditions (discussed below), varying amounts of urban pollutants, such as motor oil, antifreeze, gasoline, pesticides, detergents, trash, domestic animal waste and fertilizers, can degrade storm water flows. Table 4.9.4-2, Pollutant of Concern Summary, below, lists the pollutant category, potential for pollutant for Project (and/or existing site), and causing receiving water impairment.

The Project requires the preparation of a SWPPP for control of pollutants during construction and a Water Quality Management Plan (WQMP) for control of pollutants during occupancy of the Project site. The SWPPP shall be prepared and implemented for each phase of the project in compliance with the requirements of the Construction General Permit. The City has adopted BMPs designed to control discharges of pollution during construction and occupancy that could cause a significant adverse impact to surface water quality. The SWPPP and WQMP must address the hydrologic conditions of concern by maintaining pre-development flows once the Project is developed and treatment of the surface runoff from the site before discharge to the Whitewater River. The protection of water quality and future runoff volumes will be accomplished by reducing, to the extent feasible, the amount of impervious surface and through on-site retention.

The BMPs for this Project, which will be included in either the SWPPP, or WQMP (as applicable), may include a combination of the following, as depicted on **Table 4.9.4-3, BMP Selection Matrix Based upon Pollutant of Concern Removal Efficiency**:

- Landscape swale;
- Landscape strip;
- Biofiltration (with underdrain);
- Extended Detention Basin;
- Sand Filter Basin;
- Infiltration Basin;
- Permeable Pavement;
- Bioretention (w/o underdrain); and/or
- Other BMPs, including Proprietary BMPs.

These treatment BMPs reduce potential Project pollutants (e.g. sediment/turbidity, nutrients, trash and debris, oxygen demanding substances, bacteria and viruses, oil and grease, pesticides, organic compounds, and metals) to meet water quality requirements. Finally, prior to site development, the City will require the submittal and approval of the Final Water Quality Management Plan. The WQMP and SWPPP are standard conditions and are not considered unique mitigation under CEQA.

The Project design features, WQMP and the SWPPP will be standard requirements for subsequent Tract Maps and/or implementing projects. These requirements are reflected in **Standard Conditions SC-HYD-1, SC-HYD-2 and SC-HYD-3** (construction general permit, water quality management plans and BMPs, respectively).

With the implementation of the Project design features, SWPPP and WQMP, impacts to water quality are expected to be less than significant, and no mitigation is required. (Draft EIR, pp. 4.9-13--4.9-18.)

SC-HYD-1 **Construction General Permit.** Prior to issuance of a grading permit, the applicant shall obtain coverage for each phase of the project under the State Water Resources Control Board National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, Permit No. CAS000002) (Construction General Permit), or subsequent issuance. The applicant shall provide the Waste Discharge Identification Numbers to the City of Coachella Director of Public Works to demonstrate proof of coverage under the Construction General Permit, per Chapter 13.16 of the City's Municipal Code. A SWPPP shall be prepared and implemented for each phase of the project in compliance with the requirements of the Construction General Permit. The SWPPPs shall identify construction BMPs to be implemented to ensure that the potential for soil erosion and sedimentation is minimized and to control the discharge of pollutants in storm water runoff as a result of construction activities. (Draft EIR, p. 4.9-25.)

SC-HYD-2 **Water Quality Management Plans.** Prior to issuance of grading permits, the applicant shall submit a Final Water Quality Management Plan for each phase of the project to the City of Coachella Director of Public Works for review and approval, per Chapter 13.16 of the City's Municipal Code. The Final WQMPs shall be consistent with the requirements of the Whitewater River Region Water Quality Management Plan for Urban Runoff (January 2011 or subsequent issuance). Project-specific Site Design, Source Control, and Treatment Control BMPs contained in the Final WQMPs shall be incorporated into final design. The BMPs shall be properly designed and maintained to target pollutants of concern and reduce runoff from the

project site. The WQMPs shall include an operations and maintenance plan for the prescribed Treatment Control BMPs to ensure their long-term performance.

Site Design BMPs to be considered and incorporated into the Project where feasible include conserving natural areas and minimizing urban runoff, impervious footprint, and directly connected impervious areas. Nonstructural Source Control BMPs to be considered and incorporated into the project where feasible include education/training for property owners, operators, tenants, occupants, or employees; activity restrictions; irrigation system and landscape maintenance; common area litter control; street sweeping of private streets and parking lots; and drainage facility inspection and maintenance.

Structural Source Control BMPs to be considered and incorporated into the Project where feasible include storm drain inlet stenciling and signage; landscape and irrigation system design; protection of slopes and channels; provision of community car wash racks; provision of wash water controls for food preparation areas; and proper design and maintenance of fueling areas, air/water supply area drainage, trash storage areas, loading docks, maintenance bays, vehicle and equipment wash areas, outdoor material storage areas, and outdoor work areas or processing areas.

Treatment Control BMPs to be considered and incorporated into the project where feasible include biofilters (grass swales, grass strips, wetland vegetation swales, and bioretention), detention basins (extended/dry detention basins with grass lining and extended/dry detention basins with impervious lining), infiltration BMPs (infiltration basins, infiltration trenches, and porous pavement), wet ponds or wetlands (permanent pool wet ponds and construction wetlands), filtration systems (sand filters and media filters), water quality inlets, hydrodynamic separator systems (hydrodynamic devices, baffle boxes, swirl concentrators, or cyclone separators), and manufactured or proprietary devices. (Draft EIR, p. 4.9-26.)

SC-HYD-3 Best Management Practices (BMP) Maintenance and Management Program.

Prior to the issuance of a grading permit, a detailed maintenance and management program for construction and post-construction storm water facilities shall be prepared that includes, but is not be limited to: detailed landscaped design criteria, a detailed plan for the control of vectors indigenous to wetlands, a detailed plan for the control of mosquitos (in addition to a separate Vector Control Program for nonstorm water facilities – see below), and a plan to evaluate the overall health of the facility on a regular schedule and implement any corrective actions necessary to maintain the facility’s ability to improve water quality, per Chapter 13.16 of the City’s Municipal Code. (Draft EIR, pp. 4.9-26—4.9-27.)

2. Groundwater Supplies

Threshold: Would the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?)

Finding: Less than significant. (Draft EIR, p. 4.9-18.)

Explanation: Groundwater supplies and recharge are addressed in detail in Subchapter 4.15, Utilities and Service Systems, of the Draft EIR. Construction and operation of the proposed Project would not substantially deplete groundwater or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Any impacts are considered less than significant. (Draft EIR, p. 4.9-18.)

3. Erosion or Siltation

Threshold: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Finding: Less than significant. (Draft EIR, p. 4.9-18.)

Explanation: Construction. During construction activities, the Project site would be graded, and excavated soil would be exposed, and there would be an increased potential for soil erosion compared to existing conditions. During a storm event, soil erosion and sedimentation could occur at an accelerated rate. For example, grading activities generate sediment, which has the potential to be washed into storm drains or tracked off site by construction trucks and heavy equipment. In addition, grading and construction activities would compact soil, and construction of structures would increase the impervious area, which can increase runoff during construction.

As a standard requirement, the City requires preparation of a SWPPP to identify Construction BMPs to be implemented as part of each phase of development to reduce impacts to water quality during construction, including those impacts associated with soil erosion and increased runoff. Erosion Control BMPs would be implemented to prevent erosion. Sediment Control BMPs would be implemented to prevent soil particles from leaving the site should any erosion occur. During construction, short-term alteration of drainage patterns would occur; however, the SWPPP would include measures to divert and convey flows to reduce flooding during construction.

These measures would ensure that temporarily diverted flows associated with construction activity would not result in on-site or off-site downstream flooding.

These requirements are reflected in **Standard Conditions SC-HYD-1, SC-HYD-2 and SC-HYD-3** (construction general permit, water quality management plans and BMPs, respectively).

With the implementation of the SWPPP, which requires compliance with the requirements of the General Construction Permit and implementation of BMPs during construction, would reduce potential construction impacts related to erosion and siltation and flooding to less than significant levels.

Operation. The proposed Project would change on-site drainage patterns and increase storm water runoff by adding impervious surface areas, including buildings and streets. However, the Project would include a comprehensive drainage system to convey on-site storm flows. A detailed hydrology study would be prepared for each phase of the proposed development to ensure that the on-site storm drain facilities are appropriately sized to prevent on-site or off-site flooding. In the proposed condition, the impervious surface areas would not be prone to erosion or siltation. Treatment BMPs, as part of subsequent WQMPs would be incorporated into the Project. These BMPs would be designed to convey storm water and minimize on-site erosion and siltation.

These requirements are reflected in **Standard Conditions SC-HYD-1, SC-HYD-2, SC-HYD-3, and SC-HYD-4** (construction general permit, water quality management plans, BMPs, and hydrology reports, respectively).

With the implementation Project design features, and Project-specific WQMPs, potential operation impacts related to erosion and siltation and flooding would be reduced to less than significant levels. (Draft EIR, pp. 4.9-18--4.9-19.)

SC-HYD-4 **Hydrology Reports.** Prior to issuance of grading permits, the applicant shall submit a final hydrology report for each phase of the Project to the City of Coachella City Engineer-1 for review and approval, per Chapter 13.16 of the City's Municipal Code. The hydrology reports shall demonstrate, based on hydrologic calculations, that the Project's on-site storm conveyance and retention facilities are designed in accordance with the requirement of the Riverside County Flood Control and Water Conservation District Hydrology Manual. (Draft EIR, p. 4.9-27.)

4. Flooding

Threshold: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river,

or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Finding: Less than significant. (Draft EIR, p. 4.9-19.)

Explanation: The proposed Project site's existing drainage pattern will be altered, but the proposed Project engineering plans have taken considerable care to ensure that future runoff patterns (local watersheds) are maintained and that the volume of water discharged will not exceed the current volumes as required by the County and Regional Boards.

In terms of proposed drainage patterns, both off-site and on-site hydrologic and hydraulic drainage conditions were analyzed in the *Pre-Drainage Report* ("PDR").

Offsite flows will be collected at the exiting points of interception with the Project's development limits. Area A will be accepted and routed through Planning Area 3 [Drainage Management Area (DMA) Area A4]. Area B is proposed to be analyzed and controlled with Polk Street and continue southerly. Reference **Figure 4.9.4-1, Proposed Condition DMA Map for the Vista Del Agua Specific Plan**.

As required by the City of Coachella, the Project will retain its full 100-year, 24-hours post development runoff. The Project has been designed with multiple drainage management areas, all with infiltration basins. The Project's infiltration rates were confirmed to be between 1.6 and 2.7 inches per hour. However, for design, an infiltration rate of 0.67 inch/hour was used, as is required by local ordinance. Refer to Appendix D of the *PDR* for Percolation Testing, **Figure 4.9.4-1**, and Appendix B of the *PDR* for detail.

Hydrologic Conditions

1. Methodology

The Synthetic Unit Hydrograph was employed to determine peak runoff volumes. The RCFCWCD Hydrology Manual was used to develop the hydrological parameters for the 100-year 24-hr storm event. Due to the large number of similar DMAs, a representative flow rate yield was identified by studying three DMAs and determining the yield per acre to be applied to the remaining DMAs. Refer to Appendix B of the *PDR* for details. The Rationale Method was employed to determine peak runoff amounts. The RCFCWCD Hydrology Manual was used to develop the hydrological parameters for the 10- and 100-year peak runoff for routing through the proposed project area by the proposed streets. Refer to Appendices B and C of the *PDR* for detail.

2. Off-Site

Local off-site watershed areas will be either passed through the Project or routed by edge condition roads. They are identified in **Figure 4.9.2-2**. The area that will be accepted into the proposed Project's system of drainage is Area A (60 acres). The remaining off-site area, Area B (20 acres), will be routed southerly by the proposed construction of Polk Street. Area A will be accepted into the Project's drainage system and will be routed through the Project. Street capacity will be the primary method, and storm drains will be used at final design when capacity is exceeded, or intersections are desired to be kept dry. Similarly, Polk Street will carry the Area B runoff, and if street capacity is exceeded, storm drains may be used. Additional analysis and design will accompany the Tract Maps.

3. On-Site

The Synthetic Unit Hydrograph method was used to develop and analyze the proposed on-site conditions. Areas A3-A6, A8, and A24 were analyzed independently due to the specific land use (multi-family, park, and commercial). Refer to **Figure 4.9.4-1**.

Hydraulic Conditions

1. Proposed Conditions

As designed, the Project will use infiltration basins for the 100-year 24-hour runoff volume. The primary hydraulic concerns will be the routing of runoff along the proposed streets, and the inlets conveying street runoff into the basins. Primarily the basins will spill over the edges, if any exceedance storm impacts the area. Since the basins hold the full 100 year volume, no outlet design is required. Any overtopping (exceedance storm, i.e., a 500 year event), would spill out of the basins and continue southwesterly in the streets.

2. Roads

Interior roads will consist of pavement thickness in conformance with the Geotechnical Report, when available, and per City Standards. Local roads will have 36' widths measured back of curb to back of curb per City Standards. Streets will be designed to pass the 10-year storm water within the curb, with the 100-year flows contained within the right-of-way. All interior roads will have cross slopes of two (2) percent. Street capacity for the minimum slope roads (0.4%) are calculated in the PDR at 33 cfs for curb capacity and 66 cfs for right-of-way capacity. Most of the streets are designed in excess of the 0.4% minimum, with many over 1%. The worst-case scenario, or largest runoff area is DMA 9 at nearly 27 acres. This areas street capacity was checked to confirm the road can convey runoff as designed. Area A9 yields 28 cfs for the 10-year runoff, and 61 cfs for the 100-year runoff. The road that will convey this flow is set at 1.4% slope and

can carry 62 cfs within the curbs, and 124 cfs within the right of way. As the Project is designed, none of the areas of runoff exceed the back of curb capacity for 100-year runoff. Therefore, the Project will not require storm drain due to street capacity. However, in locations where intersections are desired to be kept dry, storm drain may be used at final design. Refer to **Figure 4.9.4-1**, and Appendix C of the PDR for additional detail.

Based on the information provided above, implementation of the Project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Impacts are considered less than significant with the inclusion of Project Design Features. (Draft EIR, pp. 4.9-19--4.9-21.)

5. Runoff

Threshold: Would the Project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff??

Finding: Less than significant. (Draft EIR, p. 4.9-21.)

Explanation: The Project will provide flood control facilities to intercept and convey off-site and on-site drainage areas and revert to existing conditions as the drainage leaves the Project site. The contours indicate that the general flow direction is in the southwesterly direction. The runoff emanating from the Project ultimately discharges into the Coachella Valley Storm Channel located approximately one mile southwest of the site. The existing flow rates off-site will be maintained with no additional off-site flows as a result of the Project.

Construction. During construction activities, the Project site would be graded, and excavated soil would be exposed, and there would be an increased potential for soil erosion compared to existing conditions. During a storm event, soil erosion and sedimentation could occur at an accelerated rate. For example, grading activities generate sediment, which has the potential to be washed into storm drains or tracked off site by construction trucks and heavy equipment. In addition, grading and construction activities would compact soil, and construction of structures would increase the impervious area, which can increase runoff during construction.

As a standard requirement, the City requires preparation of a SWPPP to identify Construction BMPs to be implemented as part of each phase of development to reduce impacts to water quality during construction, including those impacts associated with soil erosion and increased runoff. Erosion Control BMPs would be implemented to prevent erosion. Sediment

Control BMPs would be implemented to prevent soil particles from leaving the site should any erosion occur. During construction, short-term alteration of drainage patterns would occur; however, the SWPPP would include measures to divert and convey flows to reduce flooding during construction. These measures would ensure that temporarily diverted flows associated with construction activity would not result in on-site or off-site downstream flooding.

These requirements are reflected in **Standard Conditions SC-HYD-1, SC-HYD-2 and SC-HYD-3** (construction general permit, water quality management plans and BMPs, respectively) in Subchapter 4.9.5 of the EIR.

With the implementation of the SWPPP, which requires compliance with the requirements of the General Construction Permit and implementation of BMPs during construction, would reduce potential construction impacts related to erosion and siltation and flooding to less than significant levels.

Operation. The proposed Project would change on-site drainage patterns and increase storm water runoff by adding impervious surface areas, including buildings and streets. However, the Project would include a comprehensive drainage system to convey on-site storm flows. A detailed hydrology study would be prepared for each phase of the proposed development to ensure that the on-site storm drain facilities are appropriately sized to prevent on-site or off-site flooding. In the proposed condition, the impervious surface areas would not be prone to erosion or siltation. Treatment BMPs, as part of subsequent WQMPs would be incorporated into the Project. These BMPs would be designed to convey storm water and minimize on-site erosion and siltation.

These requirements are reflected in **Standard Conditions SC-HYD-1, SC-HYD-2, SC-HYD-3, and SC-HYD-4** (construction general permit, water quality management plans, BMPs, and hydrology reports, respectively) in Subchapter 4.9.5, below.

With the implementation Project design features, and Project-specific WQMPs, potential operation impacts related to erosion and siltation and flooding would be reduced to less than significant levels. (Draft EIR, pp. 4.9-21--4.9-22.)

6. Flooding – Housing and Other Structures

Threshold: Would the Project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; or, place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Finding: Less than significant. (Draft EIR, p. 4.9-24.)

Explanation: According to Figure 3.4.2-7, Flood Insurance Rate Map (FIRM) (Panel 2260G), the majority of the Project site is within Zone X. Zone X is defined as “areas determined to be outside the 0.2% annual chance floodway.” Development within Zone X is acceptable with finished floor elevations 1 foot above the 100-year flood elevation. The Project includes implementation of an integrated storm water collection, implementation of a conveyance system designed to provide 100-year flood protection to flood-prone areas, prohibition of development within on-site floodplains, and integration of setbacks/buffers and passive recreational amenities within these areas into the Specific Plan Land Use Plan. Therefore, structures and housing would be protected from the 100-year flood, and construction or operational impacts related to placement or housing within a 100-year flood hazard area would be less than significant. (Draft EIR, p. 4.9-24.)

7. Levee and Dam Failure

Threshold: Would the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Finding: Less than significant. (Draft EIR, p. 4.9-23.)

Explanation: The Project is not located within a 100-year flood hazard area. There are no dams or reservoirs upslope of the Project site; therefore, the Project site is not in the flood zone of a dam. During a seismic event, there is a possibility that the Coachella Canal levee could fail. The Project site is adjacent to the levee of the canal. The Project site is lower in elevation than the Coachella Canal. Flooding from failure of the levee, while extremely rare, could occur on the Project site.

It is anticipated that any flows would be accepted by the Project drainage and basin system. The City has emergency procedures in place to address such failures, and other catastrophic events that, while rare, must have contingency plans in the event of failure. While the Project site is located in this potential hazard area, these emergency procedures are in place to address any such occurrence. Therefore, any impacts are considered less than significant. (Draft EIR, pp. 4.9-22—4.9-23.)

8. Seiche, Tsunami and Mudflow

Threshold: Would the Project expose people or structures to inundation by seiche, tsunami, or mudflow?

Finding: Less than significant. (Draft EIR, p. 4.9-24.)

Explanation: Seiching is a phenomenon that occurs when seismic groundshaking induces standing waves (seiches) inside water retention facilities such as reservoirs and water tanks. Such waves can cause retention structures to fail and flood downstream properties. There are no water retention facilities located in proximity to the proposed Project site. There is an enclosed water tank located off-site at the southwest corner of the Project site. Since this is an enclosed tank, there is not potential for a seiche.

While the Project site is adjacent to the levee of the Coachella Canal, the Project site will be higher in elevation than the Coachella Canal. Therefore, potential seiches from the levee could occur from the Canal. According to the General Plan EIR, minor seiches may occur within the Planning Area in smaller ponds or lakes, however the water level rise is unlikely to exceed 0.5 m (1.6 ft.) high. Since this is a canal and not a pond or lake, no impacts will occur.

The proposed retention basins are designed to temporarily detain runoff and due to their temporary nature would not constitute a body of water. Therefore, the risk associated with possible seiche waves is not considered a potential constraint or a potentially significant impact of the Project, and no mitigation is necessary.

Tsunamis are generated wave trains generally caused by tectonic displacement of the sea floor associated with shallow earthquakes, sea floor landslides, rock falls, and exploding volcanic islands. The proposed project is not located in a tsunami inundation zone. Therefore, the Project would not result in impacts related to exposure of people or structures to risk of loss, injury, or death involving flooding as a result of inundation by tsunami. No mitigation is required.

Mudslides and slumps are described as a shallower type of slope failure, usually affecting the upper soil mantle or weathered bedrock underlying natural slopes and triggered by surface or shallow subsurface saturation. No debris/mudflows were noted during the geologic mapping for the Project.

Therefore, the risk associated with possible mudflows and mudslides is not considered a potential constraint or a potentially significant impact of the Project, and no mitigation is necessary. Therefore, the Project would result in less than significant impacts related to exposure of people or structures to risk of loss, injury, or death involving flooding as a result of inundation by mudflow. (Draft EIR, pp. 4.9-24—4.9-25.)

I. LAND USE AND PLANNING

1. Established Communities

Threshold: Would the Project physically divide an established community?

Finding: Less than significant. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 25.)

Explanation: The Project (on-site and off-site components) is located in an area that is predominately utilized in an agricultural capacity. The current General Plan designation for the Project (on-site and off-site components) is Suburban Retail District, Urban, General, and Suburban Neighborhood, and Neighborhood Center, therefore; it has been anticipated by the City, that urbanization is planned and will ultimately occur in the Project vicinity. The Project is proposing uses that are different than the current land use designation; however, they are still urban/suburban, not agricultural in nature. Should the Project be developed before any of the surrounding areas are developed, it may physically divide the established community. Since the General Plan anticipates urban/suburban uses, these impacts are considered less than significant. No additional mitigation is required. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 25.)

2. Conflicts With Plans

Threshold: Would the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Finding: Less than significant. (Draft EIR, p. 4.10-15.)

Explanation: As presently proposed, the Project proponent has prepared a draft specific plan (Vista Del Agua Specific Plan No. 14-01), that would allow conversion of this property to residential, commercial (suburban retail and neighborhood commercial) and open space (neighborhood park and paseo) uses. To accomplish this, the Project proponent has submitted applications seeking approval from the City for a General Plan Amendment (GPA), a Specific Plan (SP), a Change of Zone (CZ), a Tentative Parcel Map (TPM), and a Development Agreement (DA).

The City's formal case numbers are:

- General Plan Amendment No. 14-01;
- Specific Plan No. 14-01;
- Change of Zone No. 14-01;
- Tentative Parcel Map No. 36872;
- Development Agreement; and

- Environmental Impact Report (EA No. 14-04)

Any improvements described in the DA must be consistent with the description of the Project in the EIR.

The City's General Plan contains goals and policies that are applicable to the proposed Project.

These goals and policies, which were extrapolated from the General Plan Update Final EIR (2015) (pp. 4.8-14 through 4.8-19) are listed in **Table 4.10-2, General Plan Land Use Policy Consistency Analysis**, along with a consistency analysis for each relevant goal and policy. The purpose of this discussion is to provide a guide to the decision-makers' policy interpretation and should be considered preliminary; a final determination of consistency with plans and policies would be made by City decision-makers. As identified through this consistency analysis, the proposed Project would be consistent with all applicable policies in the General Plan Update (2015). In addition, the approval of a GPA and Zone Change would enable the Specific Plan to serve as the guiding land use and zoning document for the Project site. Therefore, the proposed Project would be consistent with the General Plan Update (2015). Impacts related to inconsistencies between the proposed Project and the General Plan Update (2015) would be less than significant, and no mitigation would be required. The same conclusions would apply to the proposed Project.

City Zoning Code. The Project site is zoned General Commercial (C-G), Residential Single-Family (R-S), and Residential Multiple Family (R-M).

The proposed Project would include Residential, Commercial, Parks/Recreation, and Open Space uses. The overall zoning of the Project site would become "Specific Plan," and a Zone Change would be required prior to approval of the proposed Project to change the current zoning designations to reflect the proposed uses included as part of the Specific Plan. Therefore, approval of a Zone Change would ensure that the proposed project would be consistent with the City's Zoning Ordinance.

The General Plan Update (2015) proposes multiple policies that require development to comply with applicable regulations, and prevents conflicts with federal, state, or local plans. From airport land use compatibility compliance, to requiring development to work with utilities services before project approval, the General Plan Update (2015) ensures development of any new plans are consistent in the existing regulatory framework. Specific plan compliance can also be sited in Section 4.3 of the General Plan Update Final EIR (2015), for an assessment of the Coachella Valley Multiple Species Habitat Conservation Plan compliance.

The combined policies that address plan, policy, or regulation compliance occur throughout the General Plan Update (2015), and ensure development compliance with related local, state, or federal regulations. The policies guide growth to meet the goals, visions, and plans that affect the Planning Area, and help reduce plan conflicts or non-compliance with any regulations. Additionally, the General Plan Update (2015) proposes a development program that complies with the growth forecasts of all of the regional planning documents. The General Plan Update (2015) concluded that based on the Shadow View revision requirements, and all policies regarding plan, policy, or regulation compliance, no conflicts with existing plans have been identified and impacts would be less than significant. No mitigation is required. (Draft EIR, pp. 4.10-15—4.10-24.)

3. Habitat Conservation Plans

Threshold: Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?

Finding: No impact. (Draft EIR, p. 4.10-24.)

Explanation: The Coachella Valley Multi-Species Habitat Conservation Plan (CVMSHCP) calls for the protection of open space, as well as plant and animal species, throughout the Coachella Valley region. As described further in Subchapter 4.5, Biological Resources, the proposed Project is within the planning area of the CVMSHCP, which encompasses over 1 million acres in the Coachella Valley Region. Although the Project site is located within the planning area of the CVMSHCP, the Project site is not located in one of the 27 designated conservation areas intended to preserve natural communities in the Coachella Valley Region.

The City's General Plan contains goals and policies that are applicable to the proposed Project. These goals and policies, which were extrapolated from the General Plan Update Final EIR (2015) (pp. 4.8-20 and 4.8-21) are listed in **Table 4.10-3, General Plan Land Use Policy Consistency Analysis – Habitat Conservation Plans**, along with a consistency analysis for each relevant goal and/or policy.

The Project may impact sensitive birds, sensitive reptiles, sensitive mammals and sensitive insects, which are covered under the CVMSHCP. Potential impacts to these species would be mitigated through payment of the CVMSHCP fee (see **SC-BIO-1**). Payments of these fees are considered a standard condition and are not considered unique mitigation under CEQA. No other adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan applies to the Project. Any impacts are considered less than significant. (Draft EIR, pp. 4.10-24--4.10-25.)

J. MINERAL RESOURCES

1. Regional and Statewide Mineral Resources

Threshold: Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Finding: Less than significant. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 26.)

Explanation: The geotechnical section of the City of Coachella General Plan EIR notes that the buildout of the General Plan would contribute to potential cumulative impacts with regard to the loss of mineral resources, but note that cumulative impacts to mineral resources would be able to be mitigated through the widespread implementation of regional preservation production quotas as identified by the California Division of Mines and Geology. The Project site (on-site and off-site components) has been utilized currently and historically for agricultural activities. They have not been utilized currently and historically for any mining activities. Therefore, implementation of the Project (on-site and off-site components) will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or, result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impacts are anticipated. No mitigation is required. Less than significant. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 26.)

K. NOISE

1. Noise Standards

Threshold: Would the Project result in the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Finding: Less than significant. (Draft EIR, p. 4.11-24.)

Explanation: *Exterior Noise*

Each future noise source related to the Project was analyzed and compared to the California Environmental Quality Act (CEQA) guidelines. The discussion below analyzes the exterior noise levels and provide mitigation measures that would reduce noise levels. This assessment evaluates the potential noise impacts from the proposed Project to the surrounding land uses and compares the results to the City's/County's Noise Standards.

Traffic Source Noise

The potential off-site noise impacts caused by the increase in vehicular traffic from the operation of the proposed Project on the nearby roadways were calculated for the following scenarios and conditions:

1. Existing Year with Project Condition

This scenario refers to existing year traffic noise conditions with (plus) Project generated traffic noise and is demonstrated in **Table 4.11.4-2, Existing (With Project) Exterior Noise Levels Along Roadways (dBA CNEL)**. **Table 4.11.4-3, Change in Existing Noise Levels as a Result of Project (dBA CNEL)** compares the existing without Project to the existing with Project condition and shows the change in noise level as a result of the proposed Project. As demonstrated in **Table 4.11.4-3**, impacts will be less than significant from the implementation of the proposed Project.

2. Project Completion Year 2022 Without Project Condition

This scenario refers to the Project Completion Year 2022 traffic noise conditions consisting of future traffic generated by ambient growth and known development Projects in the Project study areas, without the proposed Project generated traffic noise and is demonstrated in **Table 4.11.4-4, Project Completion Year 2022 (Without Project) Exterior Noise Levels Along Roadways (dBA CNEL)**.

3. Project Completion Year 2022 With Project Condition

This scenario refers to Project Completion Year 2022 traffic noise conditions with (plus) Project generated traffic noise and is demonstrated in **Table 4.11.4-5, Project Completion Year 2022 (With Project) Exterior Noise Levels Along Roadways (dBA CNEL)**. **Table 4.11.4-6, Change in Project Completion Year 2022 Noise Levels as a Result of the Project (dBA CNEL)** compares the Project Completion Year 2022 without Project to the Project Completion Year 2022 with Project condition and shows the change in noise level as a result of the proposed Project. As demonstrated in **Table 4.11.4-6**, impacts will be less than significant from the implementation of the proposed Project.

4. General Plan Buildout Year 2035 Without Project Condition

This scenario refers to the 2035 traffic noise conditions consisting of future traffic generated by ambient growth and known development Projects in the Project study areas, without the proposed Project generated traffic noise and is demonstrated in **Table 4.11.4-7, General Plan Buildout Year 2035 Exterior Noise Levels Along Roadways (dBA CNEL)**.

5. General Plan Buildout Year 2035 With Project Condition

This scenario refers to the 2035 traffic noise conditions consisting of future traffic generated by ambient growth and known development projects in the Project study areas, with (plus) the proposed Project generated traffic noise and is demonstrated in **Table 4.11.4-8, General Plan Buildout Year 2035 (With Project) Exterior Noise Levels Along Roadways (dBA CNEL)**. **Table 4.11.4-9, Change in General Plan Buildout Year 2035 Noise Levels as a Result of the Project (dBA CNEL)** compares the noise level contours for the without and with Project 2035 Project condition and shows the change in noise level as a result of the proposed Project. As demonstrated in Table 4.11.4-9, a less than significant impact will result from the implementation of the proposed Project. (Draft EIR, pp. 4.11-24—4.11-32.)

Off-Site Traffic Noise Impact

The Project-related vehicle trips would be distributed to area roadways. **Table 4.11.4-3, Change in Existing Noise Levels as a Result of Project (dBA CNEL)**, **Table 4.11.4-6, Change in Project Completion Year 2022 Noise Levels as a Result of the Project (dBA CNEL)**, and **Table 4.11.4-9, Change in General Plan Buildout Year 2035 Noise Levels as a Result of the Project (dBA CNEL)** show that the largest increase in noise levels are along Avenue 47 and Avenue 48, between Tyler Street and Polk Street, where there will be an increase of up to 27.7 dBA CNEL. It should be noted these roads are currently unimproved dirt roads with little existing traffic volume and no sensitive receptors.

Due to the existing vacant land condition on the Project site and in the immediate Project vicinity, the vehicular traffic volumes are small and less than 1,000 vehicles a day along roadway segments in the Project vicinity. If all Project-related vehicular traffic is imposed to these roadway segments, the scenarios of Existing Plus Project and 2022 Plus Project traffic conditions would result in substantial increases in traffic noise levels along the majority of the roadway segments leading to the Project site.

For the future (2035) with Project scenarios, the following off-site roadway segments would experience traffic noise level increases exceeding 3 dBA:

- Avenue 47 between Tyler Street and Street A: 2035 (+21.2 dBA)
- Avenue 47 between Street A and Polk Street: 2035 (+17.1 dBA)

However, any existing sensitive receptors along Avenue 47 between Tyler Street and Polk Street are located below the 65 dBA CNEL contour. Therefore, no potential noise impacts would occur along these roadway segments.

There are two (2) sensitive receptors along Tyler Street between Vista Del Sur and Avenue 47 but the structures are located at least 600 feet from the centerline. These existing sensitive receptors are located within 65 to 70 dBA CNEL contour of the I-10 Freeway. These receptors would not be exposed to traffic noise from Tyler Street exceeding 65 dBA CNEL and, therefore, no potential impacts would occur as a result of the proposed Project. No mitigation measures would be required for off-site sensitive land uses.

The projected noise levels at 100' are theoretical and do not take into consideration the effect of topography, any noise barriers (berms, maximum 6' high walls), structures or other factors which will reduce the actual noise level in the outdoor living areas. These factors can reduce the actual noise levels by 5 to 10 dBA or more from what is shown in the projected noise levels at 100'. Therefore, the levels that are shown are for comparative purposes only to show the difference in projected noise levels without and with the Project.

As shown in **Table 4.11.4-3, Change in Existing Noise Levels as a Result of Project (dBA CNEL)**, **Table 4.11.4-6, Change in Project Completion Year 2022 Noise Levels as a Result of the Project (dBA CNEL)**, and **Table 4.11.4-9, Change in General Plan Buildout Year 2035 Noise Levels as a Result of the Project (dBA CNEL)**, the increase in noise levels, as a result of the Project, would result in more than a 3 dBA change; however, noise levels are not expected to increase beyond the normally compatible 70 dBA level for residential uses. Furthermore, the only sensitive receptor within the Project area would not experience an exterior level above the City's acceptable threshold and therefore the impacts are considered less than significant. (Draft EIR, pp. 4.11-32—4.11-33.)

I-10

Based on information contained in Table 4.11.4-7, General Plan Buildout Year 2035 Exterior Noise Levels Along Roadways (dBA CNEL), retail spaces (PA 1) would be located within the 70 to 75 dBA CNEL contour of the I-10 Freeway and would be exposed to traffic noise within the normally compatible standard of 75 dBA CNEL for commercial uses. Commercial spaces and open space are not considered noise-sensitive and would not be required to have any mitigation measures along I-10. Any impacts are considered less than significant. (Draft EIR, pp. 4.11-34-4.11-35.)

2. Vibration

Threshold: Would the Project result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Finding: Less than significant. (Draft EIR, p. 4.11-38.)

Explanation: The effects of vibration on structures have been the subject of extensive research. The Federal Transit Administration has compiled data regarding the vibration levels for various construction equipment and activities and is detailed in **Table 4.11.4-10, Vibration Source Levels for Construction Equipment**. Much of the work orientated in the mining industry, where vibration from blasting is critical. The Transportation and Construction Induced Vibration Guidance Manuel for the California Department of Transportation has various recommended vibration thresholds for various types of projects and land uses. According to the Konan Vibration Criteria for Historic and Sensitive Buildings the criteria for transient vibration sources should not exceed 0.3 peak particle velocity (PPV). 0.035 inches per second is barely perceptive.

Construction activities can produce vibration that may be felt by adjacent land uses. The construction of the proposed Project would not require the use of equipment such as pile drivers, which are known to generate substantial construction vibration levels. The primary source vibration during construction may be from a bull dozer. A large dozer has a vibration impact of 0.089 inches per second PPV at 25 feet. The distance of the construction equipment will be further than 75 feet from any existing building. At a distance of 75 feet the vibration level would be 0.027 VdB, which is within the range of perception but below any risk of architectural damage. It is anticipated that any significant vibration impact will occur to any adjacent buildings due to the distance of construction equipment from buildings.

Any Impacts are considered less than significant. No mitigation is required. (Draft EIR, pp. 4.11-38-4.11-39.)

3. Public Airport Noise

Threshold: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Finding: Less than significant. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 27.)

Explanation: The Project site is not located within two miles of a public airport or public use airport. The closest public airport, or public use airports are Thermal Airport (Jacqueline Cochran Regional Airport), located approximately 5 miles to the south, and the Bermuda Dunes Airport (located over 5 miles to the north-northwest). Therefore, implementation of the Project (on-site and off-site components) will not expose people residing or working in the project area to excessive noise levels, since the Project site is not located within an airport land use plan or, where such a plan has not been adopted within two miles of a public airport or public use airport. Any impacts are

considered less than significant. No additional mitigation is required. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 27.)

4. Private Airstrip Noise

Threshold: For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Finding: Less than significant. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 28.)

Explanation: According to the Riverside County Land Information System (<http://tlmabld5.agency.tlma.co.riverside.ca.us/website/rclis/>), the Project site is not located within the vicinity of a private airstrip. Therefore, implementation of the Project (on-site and off-site components) will not expose people residing or working in the project area to excessive noise levels, since the Project site is not located within the vicinity of a private airstrip. No impacts are anticipated. No mitigation is required. (Draft EIR,, Ch. 8 Appendices, Initial Study, p. 28.)

L. POPULATION AND HOUSING

1. Population Growth

Threshold: Would the Project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure?)

Finding: Less than significant. (Draft EIR, p. 4.12-5.)

Explanation: As stated on p. 4.13-8 of the General Plan Update Final EIR (2015):

“An impact relative to induced population growth in an area might occur if the project would induce population growth in an area not otherwise identified for or expecting growth. This growth could be induced directly by proposing new homes and businesses or indirectly through the provision of new infrastructure. Growth projected under the CGPU timeline would more than double the current Planning Area population. However, the CGPU has been prepared to respond to the growth demand projected for Coachella as described by SCCAG and the Riverside County Center for Demographics Research. It is also the goal of the CGPU to ensure that this new growth will occur in a manner that has less environmental impact than that of recent development occurring under the existing General Plan.”

As stated above, the City is expected to grow to a total population of 143,300, by 2040. The City currently has 9,903 housing units, a population of 40,704, and approximately 5,831 jobs.

According to p. 4.13-9 of the General Plan Update Final EIR (2015), the City has enough undeveloped land to accommodate generations of growth and has long anticipated growing into a mid-sized City. These expectations align with the growth projections for the region as a whole. SCAG's 2016 RTP/SCS forecasts that the City will have a population of 143,300 in 2040.

The City's approach to development as proposed by the General Plan Update (2015) would focus new development in High Priority Development Areas and Growth Expansion Areas and prohibit development of land in Subareas 15 and 16 until the growth areas are at least 60% developed. The Project site is located in Subarea 11 – Commercial-Entertainment District (reference Figure 3.0-4: Proposed Subareas) of the General Plan Update Final EIR (2015). The Commercial Entertainment District will include, but not be wholly limited to: destination retail, hotels and resorts, and entertainment uses. The General Plan Update (2015) states that Subarea 11 must also exhibit strong, fine-grained connections to the surrounding neighborhoods, allowing community members easy access to the shopping and entertainment uses. The Project, as designed, and shown on Figure 2.1.1-1, Specific Plan Land Use Plan, meets these criteria: strong, fine-grained connections to the surrounding neighborhoods, allowing community members easy access to the shopping and entertainment uses.

New growth will be incremental, as development projects continue to be built in the City. The General Plan Update (2015) has been developed in consideration of these growth trends and the resulting goals and policies intend to harness this growth and mitigate any negative externalities associated it. While the entirety of the General Plan Update (2015) is intended to layout the framework for orderly development into a midsize City and mitigate the impacts of growth, the first two goals of the Land Use and Community Character Element present a series of policies specifically focused on establishing the orderly growth of the City (reference pp. 4.13-9 through 4.13-112 of the General Plan Update Final EIR (2015)).

According to current trends and growth projections by SCAG, population growth in the City is imminent and will result in a substantial change of size of the City. As such, development will need to occur in order to accommodate the increase in population. The Project will induce growth relative to economic expansion, population growth, precedent setting action, and encroachment into open space; however, it will be consistent with the General Plan Update (2015). Therefore, impacts will also be consistent with those anticipated in the General Plan Update (2015) and the General Plan Update Final EIR (2015). Impacts related to population and housing would be incremental and considered less than significant.

The following is a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency, or non-applicability of the policy and supportive analysis. The RTP/SCS Strategies – if applicable, refer to these

strategies as guidance for considering the proposed Project within the context of regional goals and policies.

Table 4.12-1, RTP/SCS Goals, lists the 9 Goals contained in the 2016 RTP/SCS and the Project's relationship to these Goals. As demonstrated in **Table 4.12-1**, the Project is consistent with these Goals. Any impacts from the Project are considered less than significant.

Table 4.12-2, RTP/SCS Policies lists the 8 Policies contained in the 2016 RTP/SCS and the Project's relationship to these Goals. As demonstrated in **Table 4.12-2**, the Policies are not applicable to the Project. These Policies are geared more to the regional and sub-regional level. No impacts are anticipated from the Project.

According to Section 3.11, Land Use and Planning of the Final PEIR for the 2016 RTP/SCS, one project-level performance standards-based mitigation measure was identified (below) in response to the question raised in this Threshold. It should be noted that SCAG indicates that mitigation measures "may be considered by the City, as applicable and feasible."

"MM-LU-1(b): Consistent with the provisions of Section 15091 of the State CEQA Guidelines, SCAG has identified mitigation measures capable of avoiding or reducing the significant effects regarding the potential to conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project that are within the jurisdiction and responsibility of local jurisdictions and Lead Agencies. Where the Lead Agency has identified that a project has the potential for significant effects, the Lead Agency can and should consider mitigation measures to ensure compliance with the goals and policies established within the applicable adopted county and city general plans within the SCAG region to avoid conflicts with zoning and ordinance codes, general plans, land use plan, policy, or regulation of an agency with jurisdiction over the project, as applicable and feasible. Such measures may include the following, or other comparable measures identified by the Lead Agency:

- Where an inconsistency with the adopted general plan is identified at the proposed project location, determine if the environmental, social, economic, and engineering benefits of the project warrant a variance from adopted zoning or an amendment to the general plan."

The General Plan anticipates that the Project site and surrounding environs will ultimately be developed as suburban/urban densities. Impacts are considered less than significant. (Draft EIR, pp. 4.12-5--4.12-9.)

2. Displacement of Housing

Threshold: Would the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; and displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Finding: No impact. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 29.)

Explanation: There is no existing housing, or people located on the Project (on-site or off-site components); therefore the implementation of the Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; or, displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. No impacts are anticipated. No mitigation is required. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 29.)

M. PUBLIC SERVICES

1. Fire Protection

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?

Finding: Less than significant. (Draft EIR, p. 4.13-18.)

Explanation: The City of Coachella contracts with the RCFD for fire protection and emergency medical services. This contract includes fire suppression, fire prevention, paramedic services, hazardous materials response, urban search and rescue response and other related services.

Currently, the City of Coachella has one (1) Fire Station, Battalion 6 Coachella Fire Station #79, located at 1377 Sixth Street in the City of Coachella, which serves the incorporated portions of the City. The City also maintains a mutual aid agreement with surrounding cities and communities where additional resources are available in the event of a life-threatening emergency. Through this mutual aid agreement, the City of Coachella receives an immediate response from the outlying stations, including Fire Station #86, Fire Station #87, and Fire Station #39.

Information obtained from Fire Station #79 indicates that actual response times currently meet or exceed the Urban Land Use protection goals established in the City's Fire and Emergency Medical Services Master Plan. Moreover, the Project site is not located within a designated hazardous fire area.

The General Plan Update (2015) includes a number of goals and policies under the Land Use + Community Character Element, the Safety Element and the Infrastructure + Public Services Element which are applicable to the Project and address construction standards which further aid in the reduction of potential structure fires, and the phasing and provision of key infrastructure required to assist fire protection and emergency personnel in protecting life and property. These goals and policies are included under Subchapter 4.13.2, above.

The Project will be reviewed by Fire Department personnel and subject to standard conditions of approval through the entitlement process. Additionally, the Project will be conditioned to pay Development Impact Fees, a portion of which must be used for the provision of adequate fire protection facilities, including buildings, land, equipment and vehicles based on the facility standard of service times is less than five minutes, and a ratio of 1.0 firefighter people per 1,000 residents and one fire station for every three thousand (3,000) dwelling units. This fee directly corresponds to the incremental increased demand on fire protection and emergency services as a result of the Project.

Chapter 4.45 (Development Impact Fees) of the City's Municipal Code spells out the purpose and findings, basis for calculation of development impact fees, the need for public facilities, the need for development impact fees and the use if development impact fees (DIF). According to Section 4.45.030 (Need for public facilities), in order to implement the goals and objectives of the City's General Plan and applicable specific plans by accommodating the need for public facilities and mitigating the financial and physical impacts for all development projects within the city, fire facilities must be constructed, installed, and paid for or financed. Section 4.45.060 (Use of development impact fees), fire facility fees ensure residents of the city have adequate fire protection facilities including buildings, land, equipment and vehicles based on the facility standard of one fire station for every three thousand (3,000) dwelling units.

These fees are reviewed and adjusted annually to accommodate the incremental demands to fire services as a result of development within the City. The payment of DIF is a one-time fee, and is paid prior to the issuance of a building permit (See **Standard Condition SC-PS-1**). The payment of DIF is a standard condition and is not considered unique mitigation under CEQA.

Therefore, upon payment of the development fees, the Project will not result in substantial adverse impacts associated with the provision of new or physically altered government facilities in order to maintain acceptable service ratios, response times or other performance objectives for fire protection and emergency services. These standard conditions of approval are not considered mitigation measures.

The FIA demonstrates the annual recurring revenues to the City's General Fund at Project build-out will equal \$2,434,685 compared to recurring fiscal costs of \$2,376,070; a net benefit to the City of approximately \$58,615. The largest sources of revenue will result from property tax, property tax in lieu of vehicle license fees, and sales tax. This finding demonstrates that the Project's future demands on the provision of fire protection and emergency response services will be more than fulfilled in the future after it is developed.

Impacts related to fire protection and emergency response services are considered to be below a level of significance. (Draft EIR, pp. 4.13-18—4.13-19; Final EIR Supplemental Errata.)

SC-PS-1 **Development Impact Fee.** The Project applicant shall pay Development impact fees at the time an application is made for a building permit.

2. **Police Protection**

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Sheriff Law Enforcement Services?

Finding: Less than significant. (Draft EIR, p. 4.13-19.)

Explanation: The City of Coachella contracts law enforcement services from the RCSD. The City also maintains a formal and informal mutual aid agreement with the State of California Governor's Office of Emergency Services and the cities of Indio, Palm Springs, and Desert Hot Springs Police Departments for law enforcement and emergency services. These Departments work closely together on a day-to-day, as-needed basis in order to assist each other with law enforcement activities, including but not limited to, response to calls, investigations and patrol.

The Project site is within the jurisdiction of the Riverside County Sheriffs' Department Thermal Station, located at 86625 Airport Boulevard. The Thermal Station currently has 35 sworn officers, not including non-sworn personnel. The majority of these officers are dedicated to the Patrol Division with the remaining deputies dedicated to special assignments such as the C.A.T., School Resources, and Gang and Narcotics Enforcement. Support law enforcement services including Emergency Services, K-9, Forensic Services and other specialized teams previously listed is provided by the RCSD.

Under the contractual agreement with the City of Coachella, the RCSD provides 90 hours per day of law enforcement and emergency services to the City. This equates to nine (9) deputies per day or three (3) deputies per shift, three (3) shifts per day, for continual 24-hour service.

RCSD records indicate that the Thermal Station responded to 24,362 calls for service within the City of Coachella, averaging 70-79 calls per day, in 2014. The Thermal Station averaged a total response time of: 4.75 minutes to emergency or Priority 1 calls; 13.23 minutes to Priority 2 calls; 24.67 minutes to Priority 3 calls; and, 34.5 minutes to Priority 4 calls, during 2014. It is anticipated that the Project would experience similar response times.

The General Plan Update (2015) includes a number of goals and policies under the Infrastructure + Public Services Element which are applicable to the Project, including Sheriff Department review of the Project for incorporation of public safety design concepts and payment of fair-share contributions to public safety infrastructure needs. These goals and policies are included under Subchapter 5.13.2, above.

The Project will be reviewed by Sheriff Department personnel and subject to standard conditions of approval through the entitlement process (i.e., prior to an implementing project). Furthermore, prior to the issuance of a building permit, the Project will be conditioned to pay Development Impact Fees (See **Standard Condition SC-PS-1** above), a portion of which must be used for the provision of adequate police protection facilities, including buildings, land, equipment and vehicles.

Chapter 4.45 (Development Impact Fees) of the City's Municipal Code spells out the purpose and findings, basis for calculation of development impact fees, the need for public facilities, the need for development impact fees and the use of development impact fees (DIF). According to Section 4.45.030 (Need for public facilities), in order to implement the goals and objectives of the City's General Plan and applicable specific plans by accommodating the need for public facilities and mitigating the financial and physical impacts for all development projects within the city, police facilities must be constructed, installed, and paid for or financed. Section 4.45.060 (Use of development impact fees), Police facility fees ensure residents and workers of the city have adequate police protection facilities including buildings, land, equipment and vehicles.

These fees are reviewed and adjusted annually to accommodate the incremental demands to law enforcement services as a result of development within the City. The payment of DIF is a one-time fee, and is paid prior to the issuance of a building permit. The payment of DIF is a standard condition and is not considered unique mitigation under CEQA.

Therefore, upon payment of the development fees, the Project will not result

in substantial adverse impacts associated with the provision of new or physically altered government facilities in order to maintain acceptable service ratios, response times or other performance objectives for sheriff services.

The FIA demonstrates the annual recurring revenues to the City's General Fund at Project build-out will equal \$2,434,685 compared to recurring fiscal costs of \$2,376,070; a net benefit to the City of approximately \$58,615. The largest sources of revenue will result from property tax, property tax in lieu of vehicle license fees, and sales tax. This finding demonstrates that the Project's future demands on the provision of sheriff law enforcement services will be more than fulfilled in the future after it is developed.

Impacts related to law enforcement services are considered to be below a level of significance. (Draft EIR, pp. 4.13-20—4.13-21, Final EIR Supplemental Errata.)

3. Schools

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for School/Education Services?

Finding: Less than significant. (Draft EIR, p. 4.13-21.)

Explanation: As shown on Figure 4.13.2-1, two (2) unified school districts are within the City of Coachella: the CVUSD and the DSUSD. The Project site is located within the DSUSD jurisdictional boundaries which encompass the area north of 48th Avenue and west of Fillmore Street; the areas north of 20th Avenue between Jackson Street and Van Buren Street; and, the area south of 48th Avenue and west of Jefferson Street.

The 2016-2017 student enrollment records and Long Range Facilities Master Plan Update for each of the affected schools serving the Project site, indicates that there is existing, or planned capacity to accommodate new students generated by the Project.

The following student generation factors are utilized by DSUSD for both single-family and multi-family units:

- Elementary school: 0.1704/dwelling unit.
- Middle school: 0.0909/dwelling unit.
- High school: 0.1261/dwelling unit.

Based on 1,640 residential units, the Project will generate the following approximate number of students, below.

- Elementary school: 280
- Middle school: 149
- High school: 207

The District's Master Plan recognizes and plans for increased demands on school services as a result of future development under the City's General Plan Update (2015). These incremental demands are met through payment of School Impact Fees, identified in an annual School Facilities Needs Analysis (SFNA), which determines the need for additional facilities as a result of population growth. This SFNA establishes the amount of school fees that will be placed on a development project and made a condition of development approval. This is a standard condition and is not considered unique mitigation under CEQA (See **Standard Condition SC-PS-2**).

Therefore, upon payment of the school impact fees, the Project will not result in substantial adverse impacts associated with the provision of new or physically altered school facilities in order to maintain classroom levels, teacher/student ratios or other school performance objectives. Impacts related to school services are considered to be below a level of significance. (Draft EIR, pp. 4.13-21--4.13-22; Final EIR Supplemental Errata.)

SC-PS-2 **School Fees.** The Project applicant shall pay school fees at the time an application is made for a building permit.

4. **Parks**

Threshold: Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Finding: Less than significant. (Draft EIR, p. 4.13-22.)

Explanation: There are currently eight (8) parks and one (1) community center located within the City of Coachella, which include two (2) community parks, two (2) neighborhood parks, three (3) mini-parks, and one (1) tot lot. These parks offer a variety of recreational activities and range from passive to more physical interests, such as shaded picnic and grass areas, playgrounds, baseball and football fields, basketball and tennis courts, and swimming. In addition to City parks, the Desert Recreation District maintains a number of parks and recreational facilities through the lower desert in proximity to the Project site. Although there are no regional parks located within the City,

there are numerous regional parks located within Riverside County which are open to all County residents.

As stated under Subchapter 4.13.2, Environmental Setting, the City's General Plan Update Final EIR (2015) recognizes the need for additional local parks as future development projects are implemented throughout the City. All new residential development is required to pay parks and recreation fees or parkland dedication in-lieu fee as allowed under the Quimby Act for provision of expanded and/or new parks and recreation facilities. These fees must be used to ensure adequate facilities are available to Project residents through new or improved facilities. Typical improvements will include turf, fields, fencing, play apparatus, lighting, restrooms and parking.

The Project includes dedication of an approximately 14-acre parcel in proximity of the Coachella Canal for an approximate 13.8-acre neighborhood park site (PA 9), as well as an approximate 12.6-acre Paseo, which traverses Planning Areas 5 and 6. PA 9 is solely designated for a park site. According to the Specific Plan, the following are permitted uses in PA9:

- Nature study area
- Public and private parks, greenbelts, common areas
- Pedestrian & bicycle trails
- Rest Stop
- Restroom facilities
- Public utilities facilities
- Flood control facilities
- Trails (hiking, walking)

According to the Specific Plan, the following are conditionally permitted uses in PA9:

- Public facilities (i.e. fire/police stations)

Ultimately this dedication requires acceptance by City and local parks and recreation district. The Project will be reviewed by the City and Coachella Valley Recreation and Parks District for determination of parkland dedication and/or development impact fees through the entitlement process, in order to completely meet the parkland requirement generated by the

Project. Should the Project not meet the dedication requirement, the payment of in-lieu fees will be required, pursuant to Ordinance No. 868. This is reflected in **Standard Condition SC-REC-1**.

Chapter 4.45 (Development Impact Fees) of the City's Municipal Code spells out the purpose and findings, basis for calculation of development impact fees, the need for public facilities, the need for development impact fees and the use of development impact fees (DIF). According to Section 4.45.030 (Need for public facilities), in order to implement the goals and objectives of the City's General Plan and applicable specific plans by accommodating the need for public facilities and mitigating the financial and physical impacts for all development projects within the city, the park and recreation public facilities must be constructed, installed, and paid for or financed. Section 4.45.060 (Use of development impact fees), park and recreation facility fees will be used to ensure that city park land dedicated pursuant to the 2006 Parks and Recreation Master Plan which incorporated the standard for parkland dedication in-lieu fee as allowed under the Quimby Act of three acres per thousand population, or otherwise, will be improved with the financial resources provided by this development impact fee in addition to those of the Coachella Valley Parks and Recreation District. Typical improvements will include turf, fields, fencing, play apparatus, lighting, restrooms and parking.

At the current time, the DIF for parks improvements is \$3,541.00 per residential unit. No other land uses in the Specific Plan generate the need for DIF to park improvements.

These fees are reviewed and adjusted annually to accommodate the incremental demands to parks and recreational facilities as a result of development within the City. This is reflected in **Standard Condition SC-PS-1**. The payment of DIF is a one-time fee, and is paid prior to the issuance of a building permit. The payment of DIF is a standard condition and is not considered unique mitigation under CEQA.

Therefore, upon payment of the development fees and/or dedication of parkland, the Project will not result in substantial adverse impacts associated with the provision of new or physically altered government facilities in order to maintain an acceptable service ratio of parks and recreational facilities to population generated by the Project. Impacts related to parks and recreational facilities are considered to be below a level of significance. (Draft EIR, pp. 4.13-22--4.13-24; Final EIR Supplemental Errata.)

SC-REC -1 **Quimby Requirement**. Prior to the recordation of a final map, the Project applicant shall offer dedication of land and/or make in-lieu payment of Quimby Fees for park or recreational purposes shall be at the rate of three acres per 1,000 residents.

5. Recreational Facilities

Threshold: Would the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment??

Finding: Less than significant. (Draft EIR, p. 4.13-24.)

Explanation: If implementation of the Project occurs on site at the specified density and intensity, the Project would result in the provision of new recreational opportunities through the dedication of 13.82 acres of parkland, 12.7 acres of open space/recreational uses, and 19.0 acres of drainage/water quality basins. Development of the Project site could potentially result in a population increase of approximately 7,921 people at Project buildout. With the addition of 7,921 people, the potential residential development that could occur on the Project site would require 23.8 acres of parkland to meet the City requirement of 3.0 acres per 1,000 residents.

The construction of amenities associated with parks and open space within the Specific Plan area are included as part of Project site's development. Therefore, as the environmental effects for the Specific Plan site are included as part of the entire analysis of environmental effects in the EIR, the construction or expansion of such areas would not result in an adverse physical effect on the environment beyond those analyzed for the overall development of the Project.

Please reference the discussion on Threshold 4 above as it pertains to Quimby requirement, parkland dedication, payment of in-lieu fee and payment of DIF. These are standard conditions, as reflected in **Standard Conditions SC-PS-1** and **SC-REC-1** and are not considered unique mitigation under CEQA.

For these reasons, impacts associated with this issue are considered to be less than significant. (Draft EIR, p. 4.14-24; Final EIR Supplemental Errata.)

6. Library Services

Threshold: Other Services—Library Services

Finding: Less than significant. (Draft EIR, p. 4.13-24.)

Explanation: The City of Coachella Library is a branch of the Riverside County Library System serving residents within the City and surrounding unincorporated areas. As part of the County Library System, residents have access to all libraries within the system, which includes 33 libraries, two bookmobiles, and online access to library resources. A Riverside County Library System

card is free to all California residents and, currently, non-California residents pay a nominal annual fee.

The Coachella Municipal Code establishes a Development Impact Fee to be placed on all new residential development within the City to offset incremental demands on library services. The library facilities fees must be used for the land acquisition and construction costs of a public library facility as part of the Riverside County Library System, to serve new residential development in the City. Development Impact Fees are reviewed and adjusted administratively on an annual basis.

Chapter 4.45 (Development Impact Fees) of the City's Municipal Code spells out the purpose and findings, basis for calculation of development impact fees, the need for public facilities, the need for development impact fees and the use of development impact fees (DIF). According to Section 4.45.030 (Need for public facilities), in order to implement the goals and objectives of the City's General Plan and applicable specific plans by accommodating the need for public facilities and mitigating the financial and physical impacts for all development projects within the city, the library facilities must be constructed, installed, and paid for or financed. Section 4.45.060 (Use of development impact fees), library facilities fees will be used for the land acquisition and construction costs of a public library facility as part of the Riverside County Library System, to serve the new residential development in the city (See **Standard Condition SC-PS-1**).

At the current time, the DIF for parks improvements is \$3,541.00 per residential unit. No other land uses in the Specific Plan generate the need for DIF to park improvements. This is reflected in **Standard Condition SC-REC-2**.

The Project will be reviewed by City staff and subject to standard conditions of approval through the entitlement process, which include the payment of development fees. Therefore, no impacts to Library Services are anticipated. (Draft EIR, pp. 4.13-24—4.13-25; Final EIR Supplemental Errata.)

7. Health Services

Threshold: Other Services—Health Services

Finding: Less than significant. (Draft EIR, p. 4.13-25.)

Explanation: The California Environmental Quality Act (CEQA) does not establish thresholds for the provision of health care services. The accessibility and provision of health care is being addressed on a local level through general plan policies, school-based health initiatives and federal funding.

Local communities are placing an emphasis on preventive health care measures and the incorporation of healthy practices into daily living. The City of Coachella General Plan Update Final EIR (2015) recognizes that hospitals and medical facilities serve to benefit the quality of life and health of community residents, are an asset to the City, and provide a valued service to residents and patrons.

The need for new medical facilities are accommodated through general plan land use designations which allow for hospitals, medical centers, health clinics and other associated uses. Medical facilities would be built concurrently with other development within the City's Planning Area both as demanded by the market and through City-facilitated regional efforts and would make up a small proportion of the overall built environment. General plan policies ensure all public facilities, including medical facilities, incorporate sustainable design features.

The increase in population resulting from Project implementation represents a very small percentage of the overall increased demand for Health Services, as listed above, in the Coachella area based on the Project's buildout population of 7,396 persons in relation to the Region's buildout population (2040) of approximately 500,000 persons, which represents 1.48% of the total population. Furthermore, since the majority of health services are provided through private sources, it is anticipated that the availability of health services will respond to increased demands. According to the General Plan Update Final EIR (2015):

“Medical care facilities serve to benefit the quality of life and health of community residents. Additional hospitals and medical facilities in the Planning Area would provide an asset to the Planning Area and provide a valued service to residents and patrons. The CGPU recognizes the important of including these facilities as potential development scenario and has outlined several policies to ensure the facilities are being developed in a minimal impactful way on the environment, as they are needed. The CGPU anticipates a need for new medical facilities and accommodates that need through the following designations: Urban Neighborhoods, Neighborhood Center, Downtown Center, Urban Employment Center, Suburban Retail District, and Regional Retail District. Additionally, the CGPU proposes policies also ensure all public facilities, including medical facilities incorporate sustainable design including; sustainable landscaping, energy conservation practices, passive heating and cooling design, and land use patterns to reduce GHG emissions. All policies address potential impacts from public buildings, including medical facilities, and aim to reduce negative impacts from development. Additionally, medical facilities would be built concurrently with all other development of the CGPU both as demanded by the market and through City-facilitated regional efforts, and would make up a small proportion of

the overall built environment. Though there are potential negative impacts associated with medical facilities, the significance of medical facilities among the overall CGPU is less than significant. Based on the scaled development of medical facilities and policies outlined in the CGPU, impacts from construction and maintenance of additional medical facilities would be less than significant.”

Therefore, substantial adverse impacts associated with the Project as they pertain to the provision of new or physically altered medical facilities would be within the projected population growth estimates, incremental and are considered less than significant. (Draft EIR, pp. 4.13-25—4.13-26.)

N. **TRANSPORTATION / TRAFFIC**

1. **Plans, Policies, and Ordinances**

Threshold: Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Finding: Less than significant. (Draft EIR, p. 4.14-29.)

Explanation:

Roadway Segment Level of Service for Existing Plus Project Conditions

The Roadway Segment level of service calculations for Existing Plus Project Conditions are shown in Table 4.14.4-6, Roadway Segment Analysis for Existing Plus Project Conditions, below. The City requires Level of Service D or better for all study area Roadway Segments.

For Existing Plus Project traffic conditions, the study area Roadway Segments are expected to operate at acceptable level of service based on the General Plan Update (2015) Classification of the Roadway.

Impacts are considered incremental and less than significant. (Draft EIR, p. 4.14-29.)

Roadway Segment Level of Service for Project Completion (Year 2022) With Project Conditions

The Roadway Segment level of service calculations for Project Completion (Year 2022) With Project Conditions are shown in **Table 4.14.4-9, Roadway Segment Analysis for Project Completion (Year 2022) With Project Conditions**. The City requires Level of Service D or better for all

study area Roadway Segments.

For Project Completion (Year 2022) With Project traffic conditions, the study area Roadway Segments are expected to operate at acceptable level of service based on the General Plan Update 2015 Classification of the Roadway. Impacts are considered incremental, and less than significant. (Draft EIR, p. 4.14-35.)

Roadway Segment Level of Service for Project Completion (Year 2022)
With Project and Cumulative Projects Conditions

The Roadway Segment level of service calculations for Project Completion (Year 2022) With Project and Cumulative Projects Conditions are shown in **Table 4.14.4-13, Roadway Segment Analysis for Project Completion (Year 2022) With Project and Cumulative Projects Conditions**. The City requires Level of Service D or better for all study area Roadway Segments.

Roadway improvements would be required to widen Dillon Road from a Secondary Arterial to a Major Arterial Dillon Road. This roadway is listed in the CVAG TUMF 2006 Fee Schedule Update, Nexus Study Report, 2006, and therefore the fair-share payment of TUMF would be required to mitigate this impact. TUMF is included as **Standard Condition SC-TR-1**.

For Project Completion (Year 2022) With Project and Cumulative Projects traffic conditions, the study area Roadway Segments are expected to operate at acceptable level of service based on the General Plan Update 2015 Classification of the Roadway. No mitigation is required. (Draft EIR, p. 4.14-45.)

Roadway Segment Level of Service for General Plan Buildout (Year 2035)
With Project Conditions

The Roadway Segment level of service calculations for General Plan Buildout (Year 2035) With Project Conditions are shown in Table 4.14.4-17, Roadway Segment Analysis for General Plan Buildout (Year 2035) With Project Conditions. The City requires Level of Service D or better for all study area Roadway Segments.

For General Plan Buildout (Year 2035) With Project traffic conditions, all study area Roadway Segments are expected to operate at acceptable level of service based on the General Plan Classification of the Roadway, with the exception of the following segments without mitigation:

- Dillon Road, from SR-86 to Highway 111
- Vista Del Sur, from Dillon Road to Tyler Street

The impact to Dillon Road in 2035 Plus Project condition has been identified as a potentially significant and unmitigable impact because additional widening beyond the General Plan classification is likely infeasible. (Draft EIR, pp. 4.14-54—4.14-56.)

2. Air Traffic Patterns

Threshold: Does the Project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Finding: No impact. (Draft EIR, Ch. 8 Appendices, Initial Study, pp. 32-33.)

Explanation: The Project site is not located within two miles of a public airport or public use airport. The closest public airport, or public use airports are Thermal Airport (Jacqueline Cochran Regional Airport), located approximately 5 miles to the south, and the Bermuda Dunes Airport (located over 5 miles to the north-northwest). According to the Riverside County Land Information System (<http://tlmabld5.agency.tlma.co.riverside.ca.us/website/rclis/>), the Project site is not located within the vicinity of a private airstrip. Therefore, implementation of the Project (on-site and off-site components) will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. No impacts are anticipated. No mitigation is required. (Draft EIR, Ch. 8 Appendices, Initial Study, p. 33.)

O. UTILITIES AND SERVICE SYSTEMS

1. Wastewater Treatment Requirements

Threshold: Would the Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Finding: Less than significant. (Draft EIR, p. 4.15-25.)

Explanation: Compliance with federal regulations for both wastewater plant operations and the collection systems which convey wastewater to the Wastewater Treatment Facility (WWTF) falls within the responsibility of local governments and water districts. Proper operation and maintenance is critical for sewage collection and treatment as impacts from these processes can degrade water resources and affect human health. For these reasons, Publicly Owned Treatment Works (POTWs) receive Waste Discharge Requirements (WDRs) or National Pollutant Discharge Elimination System (NPDES) permits to ensure that such wastewater facilities operate in compliance with water quality regulations set forth by federal and State governments. WDRs and NPDES permits, issued by the State, establish effluent limits on the kinds and quantities of pollutants that POTWs can

discharge. These permits also contain pollutant monitoring, recordkeeping, and reporting requirements. Each POTW that intends to discharge into the nation's waters must obtain a permit prior to initiating its discharge. NPDES permits are further discussed in detail in Subchapter 5.9, Hydrology and Water Quality of the EIR.

Wastewater generated within the Specific Plan area would be routed to and treated by the City's existing WWTF. Because the WWTF is considered to be a POTW, operational discharge flows treated at the WWTF must comply with permits issued by the Colorado River Basin Regional Water Quality Control Board (RWQCB). Specifically, the POTW discharges are governed by WDRs issued for each individual POTW. For the City's WWTF, the Colorado River Basin RWQCB adopted WDRs Order No. R7-2005-0083 (NPDES Permit No. CA0104493) on June 29, 2005. WDRs Order No. R7-2005-0083 specifies effluent limitations, prohibitions, specifications, and provisions necessary to protect the beneficial uses of the surface and ground waters within the Colorado River Basin Region. Since wastewater from the Project site would be regulated by the Colorado River Basin RWQCB adopted WDRs Order No. R7-2005-0083, compliance with the WDRs would ensure that wastewater discharges generated by the Project and treated by the WWTF system would not exceed applicable Colorado River Basin RWQCB wastewater treatment discharge requirements.

As indicated under subsection 4.15.2 Environmental Setting, Wastewater, above, the Project is required to pay Development Impact Fees for water and wastewater facilities as part of the water and sewer collection fees for new development in the City. With the recent expansion of the City's WWTF, there is adequate capacity to accommodate the increase in wastewater demand from the proposed Project. Therefore, the Project will not result in impacts related to the exceedance of wastewater treatment requirements or require the construction of new or expanded WWTFs. Impacts are considered less than significant. (Draft EIR, pp. 4.15-25 - 4.15-26.)

2. New Wastewater Treatment Facilities

Threshold: Does the Project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Finding: Less than significant. (Draft EIR, p. 4.15-26.)

Explanation: Water

The City's 2015 UWMP, CVWD's 2015 UWMP, and CVWD's 2010 CVWMP demonstrate that the total projected water supplies available to CVWD and the City are sufficient to meet the water demands of the

proposed Project and other demands throughout the City and CVWD service areas during normal, single-dry and multiple-dry periods throughout the year 2035 and beyond.

More importantly, those conclusions are made in the context of water demands associated with projected population growth in the City and CVWD service areas for the next 20 years – the standard established under the UWMP Act. Yet the UWMP Act standard is much more inclusive than the standards set forth by SB 610 and CEQA. Indeed, the water supply sufficiency standard established under SB 610 and CEQA is whether the total projected water supplies available to the City and CVWD over the next 20-year period is sufficient to meet the projected demand associated with the Project in addition to existing and planned future uses.

Future water demands associated with the Project and “planned future uses” within the City and CVWD are considerably less than future water demands associated with projected population growth within the City and CVWD. Lastly, the projected water demands associated with the Project have been already been accounted for as part of CVWD’s regional water supply planning efforts, which specifically include population projections within the City and the City’s Sphere of Influence. The Project will be required to pay the applicable water connection fees at the time of building permit issuance in order to provide funding for existing and future facilities. This is reflected in **Standard Condition SC-UTIL-1**. This is a standard condition and is not considered unique mitigation under CEQA.

Any impacts are considered less than significant.

Wastewater

As stated above, the Coachella Sanitary District (CSD) is the service provider for the Project site.

The City’s wastewater collection system includes approximately 340,000 linear feet of wastewater conveyance pipeline which is powered by two pump stations and conveyed to the City’s Wastewater Treatment Plant (WWTP), located near Avenue 54 and Polk Street. The WWTP is an existing 30-acre domestic wastewater treatment facility that has been recently upgraded by the City and has an existing treatment capacity of approximately 4.9 mgd with an average daily flow of 2.9 mgd. As shown on Table 4.15.4-3, Vista Del Agua Sewer Generation, below, the Project will add approximately 523,710 gpd to this system. This is well within the capacity of the existing facility.

The Project will be required to pay the applicable sewer connection fees at the time of building permit issuance in order to provide funding for existing and future facilities. This is reflected in **Standard Condition SC-UTIL-1**.

This is a standard condition and is not considered unique mitigation under CEQA.

Any impacts will be considered less than significant. (Draft EIR, pp. 4.15-26 - 4.15-27.)

3. New Storm Drainage Facilities

Threshold: Does the Project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Finding: Less than significant. (Draft EIR, p. 4.15-27.)

Explanation: This issue was discussed in great detail in Chapter 4.9, Hydrology and Water Quality, of the EIR. Impacts were considered less than significant. **Standard Conditions SC-HYD-1, SC-HYD-2, SC-HYD-3, and SC-HYD-4** (construction general permit, water quality management plans, BMPs, and hydrology reports, respectively) were included on the Project to address Project effects upon storm water drainage facilities. Therefore, consistent with the analysis in Chapter 4.9 of the EIR, the Project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects with the inclusion of **Standard Conditions SC-HYD-1, SC-HYD-2, SC-HYD-3, and SC-HYD-4**. Impacts are less than significant. (Draft EIR, p. 4.15-27.)

4. Water Supplies

Threshold: Does the Project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Finding: Less than significant. (Draft EIR, p. 4.15-28.)

Explanation: The Project includes a mixture of residential development (low density, medium density, and high density), mixed-use development with up to 281,400 square feet of commercial floor area, parks/recreation, and rights-of-way. **Table 4.15.4-1, Proposed Vista Del Agua Land Use Summary**, outlines the land uses proposed for the Project. Figure 2.1.2-1 illustrates the land uses proposed for the Project.

As indicated in **Table 4.15.4-1**, the Project includes a mixture of residential development (low-density, medium-density, and high-density), mixed-use areas, parks/recreation, and rights-of-way. With the enactment of SBx7-7 and the requirements of that law to achieve a statewide reduction in per capita water use of 20 percent by the year 2020, the City's overall water use

had declined approximately 28 percent over the last 5 years. As such, the City's existing water use factors, developed prior to these water conservation efforts, were outdated. Additionally, the 2009 and 2013 MOUs between the City and CVWD illustrate that projects relying on

CVWD's Supplemental Water Supply program, such as this one, must strive to achieve consistency with the conservation programs identified in CVWD's 2010 CVWMP and the water use factors developed by CVWD for the use of supplemental water. In response, the City completed a Supplemental Water Supply Program and Fee Study (SWS Study).

The SWS Study provides an analysis and update to the City's annual water consumption factors (ACF), by land use. The ACFs were calculated using actual historical consumption by customers in each land use classification. After which, the most representative customers for future growth were selected for each land use classification. These selections considered future land use densities and water conservation measures (e.g. limited use of turf areas, desert-friendly landscaping, high efficiency irrigation system, water efficient household fixtures, etc.). Further, the ACFs developed in the SWS Study are consistent with the per capita water use reduction goals of SBx7-7, ongoing conservation efforts, and water use factors developed by CVWD for the use of supplemental water.⁸

These ACF's are used to estimate total water demands for a project according to its land uses and size (in acres). **Table 4.15.4-2, Vista Del Agua Average Water Demands**, summarizes anticipated the total water demands of the Project based on these ACF's.

The following ACF's were applied to this Project:

- Single Family Residential ACF of 2.85 acre-feet per acre per year
- Multi-Family Residential ACF of 2.69 acre-feet per acre per year
- Commercial ACF of 1.78 acre-feet per acre per year
- Landscape Irrigation ACF of 1.80 acre-feet per acre per year

Despite the data presented above and in Table 4.15.4-2, it must be noted that the City's Standard Specification and Procedures were developed many years ago, and certainly before the enactment of SBx7-7 and the requirements of that law to achieve a statewide reduction in per capita water use of 20 percent by the year 2020. To this end, the City is currently reviewing its Standard Specifications and Procedures and water use factors in relation to new development proposals. In the meantime, however, CVWD recently completed a water system backup facilities charge study and, as part of that effort, updated and established water use factors that

apply to new development within CVWD's retail service area. As shown in the Study, CVWD's updated water use factors are lower than the City's historic water use factors due to conservation efforts implemented to meet the regional and statewide goals of SBx7-7

For a variety of reasons, the City has determined that CVWD's updated water use factors can be applied to the proposed Project in lieu of the City's historic factors. As noted above, CVWD's updated factors are consistent with the per capita water use reduction goals of SBx7-7, whereas the City's Standard Specifications and Procedures were adopted prior to the enactment of SBx7-7. Furthermore, and as further illustrated in Project-Specific Water Conservation and Groundwater Reduction Measures below, the Project applicant has committed to ensuring that buildout of the Project will occur in a manner consistent with CVWD's efficient landscape ordinance. Indeed, the 2009 and 2013 MOUs between the City and CVWD illustrate that projects relying on CVWD's Supplemental Water Supply program must strive to achieve consistency with the conservation programs identified in CVWD's 2010 CVWMP and the water use factors developed by CVWD for the use of supplemental water. Moreover, CVWD's updated water use factors have already been applied to new development projects within CVWD's retail service area and have proven to be achievable depending on the character and unique design features of a given project.

As a general matter, new development projects within the City are required to implement the following measures to ensure the efficient use of water resources and to meet and maintain the goals of the 2010 CVWMP.

1. To the greatest extent practicable, native plant materials and other drought-tolerant plants will be used in all non-turf areas of Project landscaping. Large expanses of lawn and other water-intensive landscaped areas shall be kept to the minimum necessary and consistent with the functional and aesthetic needs of the Project, while providing soil stability to resist erosion;
2. Potential use of the Coachella Canal for construction water and Project landscaping may further reduce Project demand for potable water. This will be reviewed for feasibility and subject to agreements between the City and CVWD since the Project lies outside of the IID boundary;
3. In the event recycled water becomes available to the Project, the potential use of tertiary treated water will be reviewed to determine feasibility of its use for on-site landscaped areas to reduce the use of groundwater for irrigation;
4. The installation and maintenance of efficient on-site irrigation systems will minimize runoff and evaporation and maximize effective watering of plant roots. Drip irrigation and moisture detectors will be used to the greatest extent practicable to increase irrigation efficiency;

5. The use of low-flush toilets and water-conserving showerheads and faucets shall be required in conformance with Section 17921.3 of the Health and Safety Code, Title 20, California Code of Regulations Section 1601(b), and applicable sections of Title 24 of the State Code.

The Project will be required to comply with the goals of the 2010 CVGWMP. This is reflected in **Standard Condition SC-UTIL-2**.

Consistent with these general requirements, the Project applicant has demonstrated its commitment to meeting and maintaining the water conservation goals of the 2010 CVWMP, as further provided below and in the Specific Plan.

The Specific Plan proposes an all-around approach to water efficiency. The proposed land use plan identifies trail corridors (paseos) that are intended to accommodate stormwater conveyance facilities that link to water quality treatment facilities designed to improve water quality on-site and limit downstream water quality impairments from the proposed development. Additionally, the Specific Plan proposes the efficient use of potable water through mandated building and site design requirements. The Specific Plan design strategies for water efficiency include:

- Reduce potable water demand through landscaping, non-potable reclaimed, well or canal water for irrigation purposes (when available), and high efficiency plumbing fixtures and appliances;
- Utilize high efficiency plumbing and fixtures;
- Utilize efficient irrigation controls to reduce water;
- Reduce the amount of irrigated turf in parks;
- Minimum of 75% of all front yard landscaping shall be limited to desert-scape or xeriscape materials;
- Implement an integrated stormwater collection and conveyance system designed to treat and convey development-related runoff; provide 100-year flood protection to flood prone areas; increase groundwater recharge (where practical) through on-site retention basins, and improve water quality on-site and downstream through on-site water quality basins;
- Support the development of reclaimed water supplies in the City of Coachella and the Specific Plan.

Landscaping within Specific Plan will complement the existing desert setting as well as provide parks and paesos for outdoor enjoyment and activity. The plant palette proposed in the Specific Plan contains drought tolerant plants approved for use by the City of Coachella. This palette serves as a guide and varieties may be substituted within each species if they are more appropriate for the Coachella Valley climate and/or Project design. Specific Plan landscape design strategies include:

- Utilize native plant choices to the greatest extent possible;
- Develop a plant palette that focuses on shading of pedestrian activity areas will promote use of non-motorized transportation and reduce the urban heat island effect;
- Promote the development of tree-lined streets to encourage walking, biking, and transit use, and reduce urban heat island effects;
- Minimum of 75% of all front yard landscaping shall be limited to desert-scape or xeriscape materials.
- Incorporate natural site elements (significant rock outcroppings, drainage corridors, bioswales) as design features;
- Use Low Impact Development (LID) techniques to control stormwater flows on-site;
- Incorporate stormwater and/or water quality facilities close to the source within each planning area, protecting site and regional water quality by reducing sediment and nutrient loads to water bodies on-site and downstream; and
- Mimic the predevelopment site hydrology by using site design techniques that store, infiltrate, evaporate, and retain runoff to reduce off-site runoff and facilitate groundwater recharge.

The following guiding principles set the general direction for design of the landscaped places if the Specific Plan community:

- Implementation of landscape concepts that use drought tolerant plant pallets that are low-water use and well adapted to the desert climates;
- Incorporate eco-friendly designs, such as optimizing building orientation, reducing potable water use for irrigation and implementing shade strategies;
- Alley-loaded design concepts, which maximize streetscapes with emphasis on pedestrians by providing shade, amenities and connectivity throughout the project site;
- Incorporate the latest design principles of environmental sensitivity, conservation, and sustainability into the landscape planning and design;
- Promote design concepts that create lots fronting to open space areas, creating community-gathering places for local residents;
- Provide structures, pedestrian friendly streets, bicycle lanes, sidewalks and public gathering places that facilitate local, non-vehicular transportation;
- Planting areas and medians will be irrigated with high efficiency automatic irrigation system;
- Collection and treatment of urban runoff using multiple water quality basins throughout the project;
- Utilize high-efficiency plumbing fixtures that meet or exceed the CALGREEN code.

The Project will be required to comply with the above referenced Design Features. This is reflected in **Standard Condition SC-UTIL-3**.

Compliance with the Project-Specific Water Conservation and Groundwater Reduction Measures and incorporation of Specific Plan design strategies for water efficiency (**Standard Conditions SC-UTIL-1** through **Standard Conditions SC-UTIL-3**) will reduce impacts to existing water supplies to below a level of significance. Impacts are considered less than significant.

According to the Coachella Valley Water District letter dated 3/26/15:

“The development lies within the City of Coachella’s water service area boundary. The District and the City have signed a Memorandum of Understanding (MOU) to work together to ensure sufficient water supplies for new development. The District requests the City of Coachella require that the developer annex the area into the stormwater unit of the District. The area is protected from regional stormwater flows by a system of channels and dikes and may be considered safe from regional stormwater flows. The Project lies within the Study Area Boundary of the Coachella Valley Water Management Plan.”

As a standard condition, in order to address the water supply contingency measures, the Project shall comply with the measures contained within the 2014 Water Shortage Contingency Plan (WSCP).

It is anticipated that any impacts will be addressed and potentially mitigated on a project-by-project basis. Therefore, any impacts are considered less than significant.

According to the Coachella Valley Water District letter dated 3/26/15:

“There are existing U.S. Bureau of Reclamation facilities not shown on the development plans, and the project may be required to use Nonpotable Colorado River water for specific uses.”

The CVWD’s 2010 UWMP identifies recycled water as another significant local resource that can be used to supplement the water supply of the Coachella Valley. Wastewater that is highly treated and disinfected can be reused for a variety of landscape irrigation and other purposes. Recycled water has been used for irrigation of golf courses and municipal landscaping in the Coachella Valley since 1968. It is expected that golf course irrigation will remain the largest use of recycled water in the future. Current and projected future uses of recycled water include irrigation of urban landscape and golf course lands. Recycled water use is limited by the lack of urban

development in the east valley. As urbanization occurs in the future, a recycled water distribution system will be developed to serve recycled water for urban golf course irrigation and municipal irrigation. (Draft EIR, pp. 4.15-28—5.14-33.)

SC-UTIL-1 Prior to the issuance of a building permit, the Project proponent shall pay the applicable connection fee for water and sewer.

SC-UTIL-2 The Project shall implement the following measures to ensure the efficient use of water resources and to meet and maintain the goals of the 2010 CVWMP:

1. To the greatest extent practicable, native plant materials and other drought-tolerant plants will be used in all non-turf areas of Project landscaping. Large expanses of lawn and other water-intensive landscaped areas shall be kept to the minimum necessary and consistent with the functional and aesthetic needs of the Project, while providing soil stability to resist erosion;
2. Potential use of the Coachella Canal for construction water and Project landscaping may further reduce Project demand for potable water. This will be reviewed for feasibility and subject to agreements between the City and CVWD since the Project lies outside of the IID boundary;
3. In the event recycled water becomes available to the Project, the potential use of tertiary treated water will be reviewed to determine feasibility of its use for on-site landscaped areas to reduce the use of groundwater for irrigation;
4. The installation and maintenance of efficient on-site irrigation systems will minimize runoff and evaporation and maximize effective watering of plant roots. Drip irrigation and moisture detectors will be used to the greatest extent practicable to increase irrigation efficiency;
5. The use of low-flush toilets and water-conserving showerheads and faucets shall be required in conformance with Section 17921.3 of the Health and Safety Code, Title 20, California Code of Regulations Section 1601(b), and applicable sections of Title 24 of the State Code.

SC-UTIL-3 Implementing Projects within the Specific Plan shall incorporate the following design features:

Design strategies for water efficiency include:

- Reduce potable water demand through landscaping, non-potable reclaimed, well or canal water for irrigation purposes (when available), and high efficiency plumbing fixtures and appliances;
- Utilize high efficiency plumbing and fixtures;

- Utilize efficient irrigation controls to reduce water;
- Reduce the amount of irrigated turf in parks;
- Minimum of 75% of all front yard landscaping shall be limited to desert-scape or xeriscape materials;
- Implement an integrated stormwater collection and conveyance system designed to treat and convey development-related runoff; provide 100-year flood protection to flood prone areas; increase groundwater recharge (where practical) through on-site retention basins, and improve water quality on-site and downstream through on-site water quality basins;
- Support the development of reclaimed water supplies in the City of Coachella and the Specific Plan.

Landscape design strategies include:

- Utilize native plant choices to the greatest extent possible;
- Develop a plant palette that focuses on shading of pedestrian activity areas will promote use of non-motorized transportation and reduce the urban heat island effect;
- Promote the development of tree-lined streets to encourage walking, biking, and transit use, and reduce urban heat island effects;
- Minimum of 75% of all front yard landscaping shall be limited to desert-scape or xeriscape materials;
- Incorporate natural site elements (significant rock outcroppings, drainage corridors, bioswales) as design features;
- Use Low Impact Development (LID) techniques to control stormwater flows on-site;
- Incorporate stormwater and/or water quality facilities close to the source within each planning area, protecting site and regional water quality by reducing sediment and nutrient loads to water bodies on-site and downstream; and
- Mimic the predevelopment site hydrology by using site design techniques that store, infiltrate, evaporate, and retain runoff to reduce off-site runoff and facilitate groundwater recharge.

General direction for design of the landscaped places:

- Implementation of landscape concepts that use drought tolerant plant pallets that are low-water use and well adapted to the desert climates;
- Incorporate eco-friendly designs, such as optimizing building orientation, reducing potable water use for irrigation and implementing shade strategies;
- Alley-loaded design concepts, which maximize streetscapes with emphasis on pedestrians by providing shade, amenities and connectivity throughout the project site;

- Incorporate the latest design principles of environmental sensitivity, conservation, and sustainability into the landscape planning and design;
- Promote design concepts that create lots fronting to open space areas, creating community-gathering places for local residents;
- Provide structures, pedestrian friendly streets, bicycle lanes, sidewalks and public gathering places that facilitate local, non-vehicular transportation;
- Planting areas and medians will be irrigated with high efficiency automatic irrigation system;
- Collection and treatment of urban runoff using multiple water quality basins throughout the project;
- Utilize high-efficiency plumbing fixtures that meet or exceed the CALGREEN code.

5. Wastewater Treatment Capacity

Threshold: Does the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Finding: Less than significant. (Draft EIR, p. 4.15-33.)

Explanation: As stated above, the Coachella Sanitary District (CSD) is the service provider for the Project site.

The City's wastewater collection system includes approximately 340,000 linear feet of wastewater conveyance pipeline which is powered by two pump stations and conveyed to the City's Wastewater Treatment Plant (WWTP), located near Avenue 54 and Polk Street. The WWTP is an existing 30-acre domestic wastewater treatment facility that has been recently upgraded by the City and has an existing treatment capacity of approximately 4.9 mgd with an average daily flow of 2.9 mgd. Generation rate assumptions are as follows:

- Residential flow factor of 300 gpd/unit;
- Commercial (Retail) area assumes 1 EDU (300 gpd) per 2000 sq. ft. of office space; and
- Commercial (Office) area assumes 1 EDU (300 gpd) per tenant (assuming each tenant has 10,000 sq. ft. of area).

As shown on Table 4.15.4-3, Vista Del Agua Sewer Generation, below, the Project will add approximately 523,710 gpd to this system. This is well within the capacity of the existing facility. Any impacts will be considered less than significant. (Draft EIR, p. 4.15-33.)

6. Landfill Capacity

Threshold: Will the Project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Finding: Less than significant. (Draft EIR, p. 4.15-34.)

Explanation: The City of Coachella currently contracts with Western Waste Industries (WWI) to provide solid waste collection and disposal management services. Municipal solid waste generated in the City of Coachella is taken to the Coachella Valley Transfer Station, located on Landfill Road east of Dillon Road and north of Interstate 10. A Joint Power Authority between the City of Coachella and the City of Indio acts as the permitted operator of the transfer station, while the County of Riverside is the permitted owner of the facility. Burrtec Waste Industries is the practical owner and operator of the site. In 2017, the facility was processing an average of 417 tons of waste per day (tpd), with a maximum capacity of 1,100 tpd.

The City has a curbside recycling program for single-family residences that serves to reduce waste sent to landfills. In 2006, the curbside recycling efforts translated into an approximate diversion rate of 44 percent citywide. Waste is sorted to remove recyclables and hazardous waste. Refuse is redirected to either the Lamb Canyon Landfill in Beaumont or the Badlands Landfill in Moreno Valley, and recyclables are redirected to their respective markets.

In addition, the Riverside County IWMP has instituted a means of managing long-term solid waste issues. The plan includes source reduction, recycling and composting programs, household hazardous waste management programs, and public education awareness programs as a means to reduce, reuse, and recycle solid wastes.

As previously stated, the two County landfills which service the City of Coachella include the Lamb Canyon Landfill and the Badlands Landfill. The Lamb Canyon Sanitary Landfill is permitted to receive 5,000 tons of solid waste per day. The total permitted capacity of the landfill is 38,935,653 cubic yards. As of 2015, the estimated remaining capacity of the Lamb Canyon Sanitary Landfill was 19,242,950 cubic yards.

The Badlands Landfill is currently permitted to receive 4,500 tons of trash per day. The total permitted capacity of the landfill is 33,560,993 cubic yards. As of 2015, the remaining capacity of this landfill was 15,748,799 cubic yards. Based on permitted daily disposal capacity, the estimated closure dates for the Lamb Canyon Landfill and the Badlands Landfill are 2022 and 2029, respectively. In addition, based on the proportion of acres currently permitted to accommodate solid waste compared to the total acreage of both the Lamb Canyon and the Badlands landfills, there is

substantial potential for the future expansion of both landfills.

Build out of the proposed Project would generate approximately 98.7 tpd of solid waste as shown in **Table 4.15.4-4, Generation of Solid Waste at Project Buildout**. Because the permitted daily capacities for the Badlands and Lamb Canyon Sanitary Landfills are 4,500 and 5,000 tpd, respectively, the total solid waste generated at Project build out would represent approximately 2 (98.7/4,500 = 0.02) and 2 percent (98.7/5,000 = 0.02) of the maximum daily permitted capacity of the Badlands and the Lamb Canyon Sanitary Landfills, respectively.

The City of Coachella Municipal Code contains several provisions that are expressly designed to reduce the stream of solid waste going to landfills, as well as meet State mandated waste diversion goals. Specifically, the following provision of the Municipal Code regulates impacts on solid waste facilities serving the City:

Chapter 15.54.040(B) - New Construction. All covered projects must do

1. Meet the diversion requirement of at least fifty (50) percent of all construction waste.
2. Submit a construction and demolition waste plan (on the required forms).
3. Submit a performance security along with the application required for a construction permit. City-owned projects will not be required to pay the performance security.

Standard Condition SC-UTIL-4 requires all construction activities to comply with Chapter 15.54.040(B) of the City's Municipal Code. This is a standard condition and is not considered unique mitigation under CEQA.

During operations, the Project will be required to participate in curbside recycling and compliance with Riverside County's IWMP will reduce Project impacts on existing solid waste facilities and mandated AB 939 diversion goals. This is included as Standard Condition SC-UTIL-5. This is a standard condition and is not considered unique mitigation under CEQA. Any impacts are considered less than significant.

(Draft EIR, pp. 4.15-34—4.15-36.)

SC-UTIL-4 The Project shall comply with the following provisions of the Municipal Code regulates impacts on construction solid waste:

1. Meet the diversion requirement of at least fifty (50) percent of all construction waste.

2. Submit a construction and demolition waste plan (on the required forms).
3. Submit a performance security along with the application required for a construction permit. City-owned projects will not be required to pay the performance security.

SC-UTIL-5 The Project shall participate in curbside recycling and compliance with Riverside County's IWMP will reduce Project impacts on existing solid waste facilities and mandated AB 939 diversion goals.

7. Solid Waste Laws

Threshold: Will the Project comply with federal, state, and local statutes and regulations related to solid waste?

Finding: Less than significant. (Draft EIR, p. 4.15-36.)

Explanation: Solid waste practices in California are governed by multiple federal, State, and local agencies that enforce legislation and regulations ensuring that landfill operations minimize impacts to public health and safety and the environment. Recycling plays an important role in how solid waste is managed by Burrtec Waste Industries. Burrtec Waste Industries emphasizes the importance of recycling because it reduces the demand on existing landfills and reduces the need for landfills. In addition, Burrtec Waste Industries maintains a goal of operating in a way to ensure the environment is preserved and sustained for future generations.

It should be noted that the City complies with all federal, State, and local statutes and regulations related to solid waste (see **Standard Condition SC-UTIL-5**). The proposed Project would comply with solid waste diversion requirements established by California Green Building Standards Code (CalGreen), requiring the diversion of at least 75 percent of solid waste. The City's Municipal Code requires all new construction to meet the State requirement (California Integrated Water Management Act of 1989) of at least 50 percent diversion for all construction waste (see **Standard Condition SC-UTIL-4**). Therefore, the proposed Project would comply with federal, State, and local statutes and regulations related to solid waste. Any impacts are considered increment, yet less than significant. (Draft EIR, p. 4.15-36.)

8. Electricity

Threshold: Would the Project require or result in the construction of new facilities or the expansion of existing facilities; the construction of which could cause significant environmental effects to Electricity?

Finding: Less than significant. (Draft EIR, p. 4.15-36.)

Explanation: It is anticipated that the Coachella City Substation will continue to be the primary source of electricity for the area, including the Project. This line will not be impacted by the Project. All new distribution lines will be constructed as underground facilities concurrently with Project development. It is possible that interruption of existing service could occur off-site during construction, but this impact is considered minimal.

Standard Condition SC-UTIL-6 requires the Project be consistent with California Code of Regulations Title 24, Part 6, California's Energy Efficiency Standards for Residential and Nonresidential Buildings. This is a standard condition and is not considered unique mitigation under CEQA. Any impacts are considered less than significant. (Draft EIR, pp. 4.15-36—4.15-37.)

SC-UTIL-6 The Project shall be consistent with the provisions of California Code of Regulations Title 24, Part 6, California's Energy Efficiency Standards for Residential and Nonresidential Buildings.

9. Natural Gas

Threshold: Would the Project require or result in the construction of new facilities or the expansion of existing facilities; the construction of which could cause significant environmental effects to Natural Gas?

Finding: No impact. (Draft EIR, p. 4.15-37.)

Explanation: It is anticipated that natural gas will supply the site from regional natural gas lines that traverse the City, including two 30-inch lines and a 36-inch line located along the powerline corridor within the Mecca Hills. The distribution network in the City of Coachella connects to these regional lines through an 8-inch, 6-inch, and 4-inch high-pressure lines. It is possible that interruption of existing service could occur off-site during construction, but this potential is considered minimal. No impacts will occur. (Draft EIR, p. 4.15-37.)

10. Communication Systems

Threshold: Would the Project require or result in the construction of new facilities or the expansion of existing facilities; the construction of which could cause significant environmental effects to Communication Systems?

Finding: No impact. (Draft EIR, p. 4.15-37.)

Explanation: The analysis of cable, telephone and internet services is defined as the service territory for Time Warner Cable and Verizon. These services are not operating above capacity. Both Time Warner Cable and Verizon would extend current facilities to meet Project service demands. With these

infrastructure improvements, these service providers are anticipated to meet communication demands associated with past, present, and future development within the Project area.

Therefore, no impacts related to cable, telephone, and internet service will occur due to Project implementation. (Draft EIR, p. 4.15-37.)

SECTION III
IMPACTS THAT ARE LESS THAN SIGNIFICANT WITH MITIGATION
INCORPORATED

The City Council hereby finds that Mitigation Measures have been identified in the EIR and these Findings that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts, and the Mitigation Measures that will reduce them to a less than significant level, are as follows:

A. AESTHETICS

1. Light and Glare

Threshold: Would the Project result in the creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Finding: Less than significant impact with mitigation incorporated. (Draft EIR, p. 4.2-10.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: *Long-Term Impacts*

The proposed Project would introduce new light sources that are typical of urban development projects. The proposed Project would include light sources such as street and parking lot lighting, landscape lighting, illuminated signs, exterior lighting on lamps and buildings, and automobile lighting (i.e., headlights). All building and landscape lighting would be consistent with the design guidelines established in the Specific Plan, and all City regulations and ordinances that pertain to specific plan developments (Chapter 17.36 of the City's Municipal Code). On-site landscaping would reduce glare and would screen light sources to reduce the visual impact of lighting from buildings and parking lots. Although the proposed Project would introduce new sources of light that would contribute to the light visible in the night sky and the immediate surrounding area, the proposed Project is in an undeveloped desert area, and there are no nearby sensitive receptors that would be adversely impacted by the lighting. Because agricultural uses adjacent to the Project site operate during the day, the proposed Project's impact related to light and glare on these surrounding

uses would be less than significant as these uses are not typically sensitive to light and glare.

New sources of light associated with the proposed Project would be in the form of residential and park lighting on the buildings, security lighting in the carports and in parks, garages and parking areas, and vehicle lights from Project-related traffic. Future residential, commercial, mixed-use, and park uses would require the installation of outdoor lighting necessary for recreation maintenance, public safety, and security. While the proposed Project would add new lighting sources to the Project area, the number and type of lighting sources is not anticipated to substantially differ from that commonly utilized at existing developments within the City. However, because the Project site and the immediate surrounding area are relatively undeveloped with little to no existing light sources, the proposed Project is anticipated to introduce a substantial amount of light and glare sources, where none previously existed, resulting in a significant adverse impact.

All development in the City is required to adhere to lighting requirements contained in the City's Zoning Code:

Chapter 16.28.150(L) (Improvements and Grading);
Chapter 17.56.010(J)(2)(e); (Signs);
Chapter 17.54.010 (Off-Street Parking and Loading);
Chapter 17.36.030(F) and (H), 17.36.140(7) (Specific Plan District); and
Chapter 17.62.010(17) (Site Plans).

These measures are uniformly applied to all development in the City. The Specific Plan documents that the Project-related lighting would be consistent with the City Zoning Code and would be shielded to avoid light spillage and glare off the Project site. As such, adherence to these measures would be mandatory and enforceable upon approval of the Project plans. Adherence to the City's Zoning Code would ensure that any building or parking lighting would not significantly impact adjacent uses. **Mitigation Measure MM-AES-1**, provided below would further reduce potential spillover light-related impacts of the Project consistent with the requirements identified in the City's Municipal Code. As stated in **Mitigation Measure MM-AES-1**, prior to the approval of any Site Plans for any phase of development, the applicant shall submit to the City of Coachella (City) a photometric (lighting) study (to include parking areas and access way lights, external security lights, lighted signage, and ball field lighting) providing evidence that the project light sources do not spill over to adjacent off-site properties in accordance with the City's Municipal Code. All Project-related outdoor lighting, including but not limited to, street lighting, building security lighting, parking lot lighting, and landscaping lighting shall be shielded to prevent spillover of light to adjacent properties.

Shielding requirements and time limits shall be identified on construction plans for each phase of development.

Impacts associated with this issue would be considered less than significant, based on compliance with the City Municipal Code, the Specific Plan, and **Mitigation Measure MM-AES-1.**

New traffic signal improvements would be added as a part of the proposed Project at the future intersections of internal roads. Traffic signals are not intended to provide on street lighting and are of an intensity that is much less than the typical street light. Traffic signals are also fitted with shielding to direct light toward a specific lane while blocking the view of the vehicles in lanes moving in other directions. By comparison, high pressure sodium lighting typically found in street lighting produces approximately 9,500 lumens or greater. Typical light-emitting diode (LED) traffic signal lights produce approximately 850 lumens. Due to the lower intensity of the lights used in the traffic signals and the use of shielding on the traffic signals to prevent the light from spreading, lighting impacts from the placement of new traffic control devices would be less than significant. No mitigation is required.

Exterior surfaces of proposed structures within the commercial, residential, and mixed-use planning areas would be finished with a combination of architectural coatings, trim, and/or other building materials such as stucco, wood, concrete, and brushed metal. The proposed Project is not expected to substantially increase the amount of daytime glare in the Project area.

MM-AES-1 Photometric Study. Prior to the approval of any Site Plans for any phase of development, the applicant shall submit to the City of Coachella (City) a photometric (lighting) study (to include parking areas and access way lights, external security lights, lighted signage, and ball field lighting) providing evidence that the project light sources do not spill over to adjacent off-site properties in accordance with the City's Municipal Code. All Project-related outdoor lighting, including but not limited to, street lighting, building security lighting, parking lot lighting, and landscaping lighting shall be shielded to prevent spillover of light to adjacent properties.

Shielding requirements and time limits shall be identified on construction plans for each phase of development.

The City Council finds that MM-AES-1 is feasible, is adopted, and will further reduce impacts related to light and glare. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to light and glare, as identified in the EIR. Therefore, impacts are

considered less than significant. Mitigation measures will further reduce impacts related to light and glare. (Draft EIR, pp. 4.2-10 – 4.2.-12.)

B. AIR QUALITY

1. Air Quality Plans

Threshold: Would the Project conflict with or obstruct implementation of the applicable air quality plan; violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 4.4-41.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: **Construction Air Quality Impacts**

Regional Construction Emissions

CalEEMod was used to estimate onsite and offsite construction emissions as shown in **Table 4.4.4-6, Regional Significance – Construction Emissions**. The construction emissions incorporate SCAQMD Rules 403 and 403.1. The mitigated construction emissions incorporate **SC-AQ-1**, and **MM-AQ-1** through **MM-AQ-10**, which pertain to implementing SCAQMD Rules 403 and 403.1; limits to maximum site disturbance per day; particular construction equipment; EPA, Tier 4-Final Emission Standards; application of architectural coatings; construction equipment maintenance; construction equipment operating optimization; construction generator use minimization; and construction equipment idling minimizing. All of these Mitigation Measures will implement techniques to reduce the VOC, NO_x, CO, SO₂, PM₁₀, and PM_{2.5} from the proposed Project. The emissions will be below the SCAQMD thresholds of significance for regional construction emissions.

Daily emissions CalEEMod outputs are located in Appendix A of the AQ/GHG Analysis. The emissions will be below the SCAQMD thresholds of significance for regional construction emissions. (Draft EIR, p. 4.4-41.)

SC-AQ-1: The Project is required to comply with regional rules that assist in reducing short-term air pollutant emissions, per Chapter 8.20 of the City's Municipal Code. SCAQMD Rule 403 and 403.1 requires that **fugitive** dust be controlled with best-available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 403 and 403.1 requires implementation of dust suppression techniques to prevent fugitive dust from

creating a nuisance off site. Applicable suppression techniques are as follows:

- Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas in active for 10 days or more).
- Water active sites at least three times daily.
- Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) section 23114.
- Pave construction access roads at least 100 feet onto the site from the main road.
- Reduce traffic speeds on all unpaved roads to 15 mph or less. (Draft EIR, p. 4.4-54.)

MM-AQ-1 Prior to the issuance of a grading plan, the Project applicant shall indicate on **the** grading plan areas that will be graded and shall not allow any areas more than 5 acres to be disturbed on a daily basis. Said plan shall clearly demarcate areas to be disturbed and limits 5 acres and under.

MM-AQ-2 The Project shall require that construction contractor use construction **equipment** that have Tier 4, or better, final engines, level 3 diesel particulate filters (DPF), with oxidation catalyst that impart 20% reduction and apply coatings with a VOC content no greater than 10 grams per liter (g/L).

MM-AQ-3 **EPA Tier 4-Final Emissions Standards.** Prior to construction, the construction contractor shall provide the City of Coachella Public Works Director or designee a comprehensive inventory of all off-road construction equipment equal to or greater than 50 horsepower that will be used an aggregate of 40 or more hours during any portion of construction activities for the project. The inventory shall include the horsepower rating, engine production year, and **certification** of the specified Tier standard. A copy of each such unit's certified Tier specification, best available control technology (BACT) documentation, and California Air Resources Board (ARB) or SCAQMD operating permit shall be provided on site at the time of mobilization of each applicable unit of equipment. Off-road diesel-powered equipment that will be used an aggregate of 40 or more hours during any portion of the construction activities for the project shall meet the United States Environmental Protection Agency (EPA) Tier 4-Final emissions standards, and off-road equipment greater than 300 horsepower shall be equipped with diesel particulate filters.

MM-AQ-4 **Application of Architectural Coatings.** Prior to issuance of any grading permits, the Director of the City of Coachella Public Works Department, or designee, shall verify that construction contracts include a statement

specifying that the Construction Contractor shall comply with South Coast Air Quality Management District (SCAQMD) Rule 1113 and any other SCAQMD rules and regulations on the use of architectural coatings or high volume, low-pressure (HVLP) spray methods. Emissions associated with architectural coatings would be reduced by complying with these rules and regulations, which include using precoated/natural colored building materials, using water-based or low-volatile organic compounds (VOC) coating, and using coating transfer or spray equipment with high transfer efficiency.

- MM-AQ-5** **Construction Equipment Maintenance.** Throughout the construction process, general contractors shall maintain a log of all construction equipment maintenance that shows that all construction equipment has been properly tuned and maintained in accordance with manufacturers' specifications. This condition shall be included in development plan specifications.
- MM-AQ-6** **Construction Equipment Operating Optimization.** General contractors shall ensure that during construction operations, trucks and vehicles in loading and unloading queues turn their engines off when not in use. General contractors shall phase and schedule construction operations to avoid emissions peaks and discontinue operations during second-stage smog alerts. This condition shall be included in development plan specifications.
- MM-AQ-7** **Construction Generator Use Minimization.** General contractors shall ensure that electricity from power poles is used rather than temporary diesel- or gasoline-powered generators to the extent feasible. This condition shall be included in development plan specifications.
- MM-AQ-8** **Construction Equipment Idling Minimization.** General contractors shall ensure that all construction vehicles are prohibited from idling in excess of 5 minutes, both on site and off site. This condition shall be included in development plan specifications.
- MM-AQ-9** **Construction Phase Overlap.** Prior to issuance of any **construction** permits, the City of Coachella Public Works Director shall restrict the timing of construction phasing in order to assure that thresholds are not exceeded.
- MM-AQ-10** **Construction Waste Management Plan.** Prior to issuance of a building **permit**, the applicant shall submit a Construction Waste Management Plan. The plan shall include procedures to recycle and/or salvage at least 75 percent of nonhazardous construction and demolition debris and shall identify materials to be diverted from disposal and whether the materials would be stored **on-site** or commingled. Excavated soil and land-clearing

debris do not contribute to this credit. Calculation can be done by weight or volume but must be documented.

The City Council finds that MM-AQ-1 through MM-AQ-10 are feasible, are adopted, and will further reduce impacts related to construction emissions. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to construction emissions, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to construction emissions. (Draft EIR, pp. 4.4-41 – 4.4-42; Final EIR p. 3-2.)

2. Sensitive Receptors

Threshold: Would the Project expose sensitive receptors to substantial pollutant concentrations?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.4-47.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: The potential impact of toxic air pollutant emissions resulting from development on the Project site has been considered. Sensitive receptors to toxic air pollutants can include uses such as long-term healthcare facilities, rehabilitation centers, and retirement homes. Residences, schools, playgrounds, childcare centers, and athletic facilities can also be considered sensitive receptors. The nearest sensitive receptor in the Project vicinity includes several residential units, the closest being located within approximately 100 meters (approximately 328 feet) to the west of the Project site.

Results of the LST analysis, which were developed in response to environmental justice and health concerns, indicate that the Project will not exceed the SCAQMD localized significance thresholds during construction, with the incorporation of **Mitigation Measures MM-AQ-1 through MM-AQ-10**. Therefore, sensitive receptors would not be subject to significant air toxic impacts during construction at the Project site.

According to SCAQMD LST methodology, LSTs would apply to the operational phase of a project, if the Project includes stationary sources, or attracts mobile sources (such as heavy-duty-trucks) that may spend long periods of time queuing and idling at the site; such as industrial warehouse/transfer facilities. The proposed Project does not include such uses. During operation, on-site emissions would be negligible and would primarily consist of the intermittent on-site travel of motor vehicles. There,

due to the lack of stationary source emissions, no long-term localized significance threshold analysis is warranted. (Draft EIR, pp. 4.4-47—4.4-48.)

The City Council finds that MM-AQ-1 through MM-AQ-10 are feasible, are adopted, and will further reduce impacts to sensitive receptors. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to sensitive receptors, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to sensitive receptors. (Draft EIR, pp. 4.4-47 – 4.4-48.)

3. Odors

Threshold: Would the Project create objectionable odors affecting a substantial number of people?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.4-48.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: SCAQMD Rule 402 regarding nuisances states: “A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.”

Construction. Heavy-duty equipment on the Project site during construction would emit odors. While these odors could be objectionable near the equipment, all construction operations planned are a sufficient distance from existing sensitive receptors. During later phases of development, future sensitive receptors (for which the natural dissipation in the air over that distance would prevent any health risk from objectionable odors) will also be a sufficient distance from the odor-generating equipment. No other sources of objectionable odors are expected during project construction. No mitigation is required.

Operations. The proposed Project is a residential and commercial community. These proposed residential, commercial, and mixed land uses do not include any recognized sources of long-term objectionable odors. The proposed drainage system for the Specific Plan development, as shown on the Master Drainage Plan, includes a minimum of 10 water quality basins and drainage, conveyed in earthen swales a maximum of 5’ deep,

throughout the Project site. These water features have the potential to cause odors from bacteria generated by still or slow-moving water and/or decaying plant materials. **Mitigation Measure MM-HYDRO-1** would require preparation and implementation of a maintenance plan for these water features, which would minimize odors caused by standing or retained water. Therefore, objectionable odors posing a health risk to potential on-site and existing off-site uses would not occur as a result of the proposed Project. No additional mitigation is required. (Draft EIR, p. 4.4-48.)

The City Council finds that MM-HYDRO-1, discussed below, is feasible, is adopted, and will further reduce impacts related to odors. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to odors, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to odors. (Draft EIR, p. 4.4-48.)

C. **GREENHOUSE GAS EMISSIONS**

1. **Emissions Generation**

Threshold: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.4-50.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: *Operational Greenhouse Gas Emissions Impact*

Table 4.4.4-10 shows that the proposed Project's emissions would be 29,991 MTCO₂e/yr. According to SCAQMD, a cumulative global impact would occur if the GHG emissions created from the on-going operation would exceed the screen thresholds of 3,000 MTCO₂e/year.

The Project's Year 2020 emissions were compared to the SCAQMD's and the City's CAP target service population of 4.8 MTCO₂e/SP/year and 7.0 MTCO₂e/SP/year, respectively.

The service population for the Project was calculated by reviewing the City of Coachella's service population rate, the construction of 1,640 homes, with the addition of 562 employees (based on the Riverside County commercial employment rate of 500 square feet per employee).

As shown in **Table 4.4.4-10**, the Project's emissions would be 3.27 MTCO₂e/SP/yr. which is below both the SCAQMD's and the City's CAP service population target. **Table 4.4.4-10** shows the Year 2020 emissions and includes reductions from design features and sequestration as detailed in the report. A 25% improvement was used under Energy Mitigation in CalEEMod, as the 2013 Title 24 Standards for residential construction are at least 25% more efficient than 2008 Standards. The CAP-related mitigation selected in CalEEMod are detailed as comments in the annual emission output (Appendix A of the *AQ/GHG Analysis*). **Table 4.4.4-10** shows the applicable strategies that would be implemented into the Project. With the incorporation of **MM-AQ-10** through **MM-AQ-13** and the planting of approximately 2,406 new trees, the Project's emissions would be below both the SCAQMD's and the City's CAP service population target. Although the Project would generate greenhouse gas emissions, either directly or indirectly, these emissions are not considered to have a significant impact on the environment.

The Project will promote the goals of AB 32. The Project site location is positioned within the City's planned growth urban footprint. The Project incorporates a number of features that would minimize greenhouse gas emissions as shown in **Table 4.4.4-11, Project Consistency with CARB Scoping Measures**. Although the Project would generate greenhouse gas emissions, these emissions would not have a significant impact on the environment.

The core mandate of AB 32 is that statewide GHG emissions in Year 2020 be equal to Year 1990 levels. The proposed Project would be required to include all mandatory green building measures for new residential developments under CalGreen Code. The implementation of these stricter building and appliance standards would result in water, energy, and construction waste reductions for the proposed Project. Lastly, **Mitigation Measure MM-AQ-13** requires the Project (and subsequent projects within the Specific Plan) to score a minimum of 100 points on the "Development Review Checklist" contained in the City's CAP. Draft EIR, p. 4.4-50—4.4-51.)

MM-AQ-11 Project shall improve the pedestrian network by **incorporating** sidewalks and paseos within the property.

MM-AQ-12 **Project Operations.** Prior to issuance of any construction permits, the Project applicant shall submit for review and approval by the City of Coachella Public Works Director, building plans that incorporate measures such as, but not limited to, the following:

Operational Mitigation Measures (Materials Efficiency)

- Project plans for each Tentative Tract Map will include the following materials efficiency components. Materials used for buildings, landscape, and infrastructure will be chosen with a preference for the following characteristics:
 - Rapidly renewable;
 - Increased recycle content (50 percent or greater); locally sourced materials (within the South Coast Air Basin);
 - Utilization of sustainable harvesting practices; and
 - Materials with low or no volatile organic compounds (VOCs) off-gassing.

Operational Mitigation Measures (Transportation)

- Provide one electric car charging station for every 10 high-density residences and provisions for electric car charging stations in the garages of all residential dwellings as required by the California Energy Commission. Provide at least two designated parking spots for parking of zero emission vehicles (ZEVs) for car-sharing programs in all employee/worker parking areas.
- Provide incentives for employees and the public to use public transportation such as discounted transit passes, reduced ticket prices at local events, and/or other incentives.
- Implement a rideshare program for employees at retail/commercial sites.
- Create local “light vehicle” networks, such as neighborhood electric vehicle (NEV) systems.
- Require the use of the most recent model year emissions-compliant diesel trucks, or alternatively fueled, delivery trucks (e.g., food, retail, and vendor supply delivery trucks) at commercial/retail sites upon project build out (at the time of operations). If this is not feasible, consider other measures such as incentives, and phase-in schedules for clean trucks, etc.
- Prior to issuance of any Site Development permits, the Director of the City of Coachella (City) Public Works Department, or designee, shall include prioritized parking for electric vehicles, hybrid vehicles, and alternative fuel vehicles.

Operational Mitigation Measures (Landscaping).

- Project plans shall include following landscaping components:
 - The Project shall require landscaping and irrigation that reduces outside water demand by at least 20%.
 - The Project shall require that at least 2,406 new trees are planted on-site (approximately 2 trees per residential unit and 25 trees per acre of parks).

- The Project shall include Landscape Design Features that will be reflected on the Project plans for each Tentative Tract Map, and will include the following landscape design components:
 - Community-based food production within the Project by planning for community gardens;
 - Native plant species in landscaped areas;
 - A landscape plant palette that focuses on shading within developed portions of the site and in areas of pedestrian activity.
 - Tree-lined streets to reduce heat island effects;
 - Non-turf throughout the development areas where alternative ground cover can be used, such as artificial turf and/or xeriscaping; and
 - Landscaping that provides shading of structures within 5 years of building completion.

Operational Mitigation Measures (Water Conservation and Efficiency Features).

- Project plans for each Tentative Tract Map will shall include following water efficiency components:
 - Drought-tolerant landscaping, non-potable reclaimed, well, or canal water for irrigation purposes;
 - High-efficiency plumbing fixtures and appliances that meet or exceed the most current CALGreen Code in all buildings on site;
 - Efficient (i.e., “Smart”) irrigation controls to reduce water demand on landscaped areas throughout the Project;
 - Restriction of irrigated turf in parks to those uses dependent upon turf areas, such as playing fields and picnic areas;
 - An integrated storm water collection and conveyance system; and
 - Dual plumbing within recreation areas, landscaped medians, common landscaped areas, mixed use/commercial areas, and parks to allow the use of reclaimed water when available.

Operational Mitigation Measures (Energy Efficiency).

- Project plans for each Tentative Tract Map will include the following energy efficiency components:
 - Design to United States Green Building Council

- (USGBC) Leadership in Energy and Environmental Design (LEED);
- GreenPoint Rated standard, or better for all new buildings constructed within the Project;
- Energy-efficient light-emitting diode (LED) lighting and solar photovoltaic lighting fixtures in all common areas of the site;
- Energy-efficient appliances (ENERGY STAR or equivalent), and high efficiency heating, ventilation, and air conditioning (HVAC) systems in all on-site buildings;
- Green building techniques that increase building energy efficiency above the minimum requirements of Title 24;
- Installation of photovoltaic panels on a minimum of 25 percent of the buildings on site or as required by the California Energy Commission in year 2020; and
- Utilization of high reflectance materials for paving and roofing materials on residential, commercial, and school buildings

Operational Mitigation Measures (Other)

- Require the use of electric or alternative fueled maintenance vehicles by all grounds maintenance contractors.
- All commercial and retail development shall be required to post signs and limit idling time for commercial vehicles, including delivery trucks, to no more than 5 minutes. This condition shall be included on future site development plans for review and approval by the City of Coachella Director of Development Services.
- The City shall identify energy efficient street lights which are currently available and which, when installed, would provide a 10 percent reduction beyond the 2010 baseline energy use for this infrastructure, and shall require the use of this technology in all new development. All new traffic lights installed within the project site shall use light emitting diode (LED) technology.

MM-AQ-13 The Project (and subsequent projects within the Specific Plan) shall score a minimum of 100 points on the “Development Review Checklist” contained in the City’s CAP.

The City Council finds that MM-AQ-10 through MM-AQ-13 are feasible, are adopted, and will further reduce impacts related to operational GHG emissions. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant

impacts of the proposed Project related to operational GHG emissions, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to operational GHG emissions. (Draft EIR, pp. 4.4-50 – 4.4-51; Final EIR, pp. 3-2 – 3-3.)

D. BIOLOGICAL RESOURCES

1. Sensitive Species

Threshold: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 4.5-27—4.5-31.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation:

Sensitive Birds

One of the five sensitive bird species listed in **Table 4.5.4-4, *Sensitive Birds: Vista Del Agua Project Site***, was observed on the site. A single loggerhead shrike (*Lanius ludovicianus*) was observed on the Project site on the second day of the survey. Loggerhead shrikes are not listed as threatened or endangered and are not a covered species under the CVMSHCP. They are considered a CDFW “California Special Concern Species” (CSC). **Mitigation Measure MM-BIO-1** has been included to address potential impacts to nesting birds and other protected species.

MM-BIO-1 states that in order to avoid any potential impact to nesting birds and other protected species, including those protected by the Migratory Bird Treaty Act, construction of the Project shall occur outside of the breeding season (February 1 through September 15). As long as trees, shrubs, and herbaceous vegetation with the potential to support nesting birds is removed from September 16 to January 31 (outside of the nesting season), then no further actions are required. Where the nesting season (February 1 to September 15) cannot be avoided during construction, a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, vegetation removal, demolition activities, and grading. The survey area shall include the Project site and an appropriate buffer (consistent with the Migratory Bird Treaty Act) around the site. Any active nests identified shall have an appropriate

buffer area established (consistent with Migratory Bird Treaty Act protocol at the time of disturbance) of the active nest. Construction activities shall not occur within the buffer area until the biologist determines that the young have fledged.

With the incorporation of this mitigation, any impacts will remain less than significant.

Vermilion flycatcher (*Pyrocephalus rubinus*) is not expected to occur on the Project site due to a lack of both foraging and nesting (desert riparian) habitat. This distinctive and unmistakable flycatcher was not observed on the site during the surveys.

Both Le Conte's (*Toxostoma lecontei*) and crissal thrasher (*Toxostoma crissale*) are thought to have a low probability of occurring on the Project site, although neither species was observed during the field surveys. The few mesquite thickets present on the site provide potential habitat for both thrashers, and Le Conte's thrasher is known to occur in alkali scrub habitats. Both thrasher species are CDFW CSC's, and are "covered" species under the CVMSHCP, meaning that potential impacts to these two species would be mitigated through payment of the CVMSHCP fee. Payment of the CVMSHCP fee is a standard condition and is not considered unique mitigation under CEQA.

The Project biologists observed several inactive bird nests on the Project site. The verdin nest shown in Exhibit 8 from the *On-Site and Off-Site Bio Report* appeared to be currently active, although this species also constructs nests that are used specifically for overnight shelters. Therefore, it is not known if this nest was being used for sleeping or breeding. Nests of native birds are protected under the MBTA. It should be noted that the Project biologists also observed a pair of black-tailed gnatcatchers feeding two or three recently fledged young on the northern edge of Parcel 6; evidence that some native bird species breed on the Project site.

When development proceeds, the Project site may contain nesting birds, which could be adversely impacted. All native bird species are protected by the MBTA. Impacts to these other bird species are not permitted in any part of the CVMSHCP area. A variety of birds, which are protected by the MBTA, could nest in the proposed Project area. The Project is required by law to comply with the MBTA and perform site work to avoid impacts to birds. **Mitigation Measure MM-BIO-1** shall be implemented. **MM-BIO-1** states that in order to avoid any potential impact to nesting birds and other protected species, including those protected by the Migratory Bird Treaty Act, construction of the Project shall occur outside of the breeding season (February 1 through September 15). As long as trees, shrubs, and herbaceous vegetation with the potential to support nesting birds is removed from September 16 to January 31 (outside of the nesting season), then no

further actions are required. Where the nesting season (February 1 to September 15) cannot be avoided during construction, a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, vegetation removal, demolition activities, and grading. The survey area shall include the Project site and an appropriate buffer (consistent with the Migratory Bird Treaty Act) around the site. Any active nests identified shall have an appropriate buffer area established (consistent with Migratory Bird Treaty Act protocol at the time of disturbance) of the active nest. Construction activities shall not occur within the buffer area until the biologist determines that the young have fledged.

With the implementation of **MM-BIO-1**, any impacts will remain less than significant. (Draft EIR, pp. 4.5-27—4.5-29.)

- MM-BIO-1** To avoid any potential impact to nesting birds and other protected species, including those protected by the Migratory Bird Treaty Act, construction of the Project shall occur outside of the breeding season (February 1 through September 15). As long as trees, shrubs, and herbaceous vegetation with the potential to support nesting birds is removed from September 16 to January 31 (outside of the nesting season), then no further actions are required.

Where the nesting season (February 1 to September 15) cannot be avoided during construction, a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, vegetation removal, demolition activities, and grading. The survey area shall include the Project site and an appropriate buffer (consistent with the Migratory Bird Treaty Act) around the site. Any active nests identified shall have an appropriate buffer area established (consistent with Migratory Bird Treaty Act protocol at the time of disturbance) of the active nest. Construction activities shall not occur within the buffer area until the biologist determines that the young have fledged.

Burrowing Owl (*Athene cunicularia*)

According to p. 9-138 of the CVMSHCP, the Burrowing Owl (BUOW) is listed as a Federal Species of Concern and a State Species of Special Concern. The most significant threat to the continued persistence of the BUOW is destruction of Habitat (p. 9-140). Within the CVMSHCP, burrowing owls are scattered in low numbers on natural desert terrain throughout the lowlands. Breeding BUOW are known to occur in the Snow Creek/Windy Point Conservation Area, Whitewater Floodplain Conservation Area, the Upper Mission Creek/Big Morongo Canyon Conservation Area, the Willow Hole and Edom Hill Conservation Areas, and the Thousand Palms Conservation Area (p. 9-142).

The primary importance of the CVMSHCP to BUOW is that it provides Conservation (including Habitat protection, management and monitoring) of the species to the extent it occurs in the Coachella Valley. The CVMSHCP ensures the long-term Conservation of previously unprotected Habitat, the associated Essential Ecological Processes, and connectivity between these Habitat areas. In addition, the Conservation Areas provide protection of currently unprotected burrow sites, foraging areas, and potential Habitat areas.

Some areas of the Project site provided potential habitat for BUOW. The majority of this potential habitat was located on the northwestern portion of the Project site, on Parcels 7 and 10. Potential habitat was also present within the 500-foot buffer area north of Parcels 5 and 6. The habitat on these areas was more open with suitable soils for burrowing than the majority of the rest of the site. The native habitat on most of the rest of the site consisted of very dense saltbush scrub and lacked enough open ground to provide habitat for BUOW (see Exhibit 6 provided previously from the *On-Site and Off-Site Bio Report*). The off-site improvement routes were located in existing well-used road beds (Avenues 47 and 48), and/or active agricultural lands. Some of these routes included or were adjacent to fallow fields or areas of cleared ground. However, the soils in these areas appeared far too sandy and loose for most potential BUOW occupation, as well as receiving high levels of disturbance from adjacent active agriculture. In California, BUOW often occur in association with colonies of the California ground squirrel or other ground squirrel species, where they often make use of the squirrel's burrows.

In southern California, BUOW are not only found in undisturbed natural areas, but also fallow agricultural fields, margins of active agricultural areas, berms of flood control and creek channels, livestock farms, airports, and vacant lots. The Project biologists conducted a CDFW protocol BUOW burrow search of the Project site and where possible, within a 500-foot buffer around the site in accordance with the 1993 California Burrowing Owl Consortium and 2012 CDFG Memorandum guidelines. This included walking transects through areas of dense saltbush scrub where there were enough openings to permit access. However, burrows and/or manmade structures capable of supporting BUOW were not observed on the Project site or buffer area. Very few burrows of any size were found on the site or buffer area, those few that were found were far too small to be used by BUOW. Similarly, no potential burrows were observed along any of the proposed off-site improvement routes.

Standard Condition SC-BIO-2 requires a pre-construction survey will be implemented prior to any ground disturbance to ensure Project impacts will be reduced to a less than significant level. A pre-construction survey is a

standard condition under the CVMSHCP and is not considered unique mitigation under CEQA.

In the event a burrowing owl is found to be present on site during the preconstruction survey, **Mitigation Measure MM-BIO-2** will be implemented. **MM-BIO-2** requires the Project applicant shall ensure that applicable avoidance measures are implemented to avoid impacting the burrowing owl. (Draft EIR, pp. 4.5-27—4.5-31.)

SC-BIO-2 Pre-Construction Burrowing Owl Survey: Prior to any ground-disturbing activities a “take avoidance survey” in accordance with CDFW for burrowing owl shall be conducted by a qualified biologist. The “take avoidance survey” shall occur within 14 days prior to any site disturbance, including grading. If burrowing owls are observed or detected on the project site during the pre-construction survey, construction activities shall halt, and the owls shall be relocated/excluded from the site outside of the breeding season following accepted protocols, and subject to the approval of CDFW (see MM-BIO-2.)

MM-BIO-2 In the event a burrowing owl is found to be present on site during the preconstruction survey, the Project applicant shall ensure the following applicable avoidance measures, are implemented:

- Avoid disturbing occupied burrows during the breeding nesting period, from February 1 through August 31. If burrows are occupied by breeding pairs, an avoidance buffer should be established by a qualified biologist. The size of such buffers is generally a minimum of 300 feet, but may increase or decrease depending on surrounding topography, nature of disturbance and location and type of construction. The size of the buffer area will be determined by a qualified biologist. Continued monitoring will be required to confirm that the specified buffer is adequate to permit continued breeding activity.
- Avoid impacting burrows occupied during the nonbreeding season by migratory or nonmigratory resident burrowing owls.
- Avoid direct destruction of occupied burrows through chaining (dragging a heavy chain over an area to remove shrubs) or disking.
- Develop and implement a worker awareness program to increase the on-site worker’s recognition of and commitment to burrowing owl protection.
- Place visible markers near burrows to ensure that equipment and other machinery does not collapse occupied burrows.
- Do not fumigate, use treated bait, or other means of poisoning nuisance animals in areas where burrowing owls are known or suspected to occur.

If an occupied burrow is present within the approved development area, the Project applicant shall ensure that a clearance mitigation plan is prepared and approved by the CDFW prior to implementation. This plan will specify the procedures for confirmation and exclusion of nonbreeding owls from occupied burrows, followed by subsequent burrow destruction. There shall also be provisions for maintenance and monitoring to ensure that owls do not return prior to construction. Breeding owls shall be avoided until the breeding cycle is complete.

The City Council finds that MM-BIO-1 and MM-BIO-2 are feasible, are adopted, and will further reduce impacts related to sensitive bird species. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to sensitive bird species, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to sensitive bird species. (Draft EIR, pp. 4.5-27 – 4.5-31.)

2. Wildlife Movement

Threshold: Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 4.5-34.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: According to the *On-Site and Off-Site Bio Report*, the Project biologists observed several inactive bird nests on the Project site. The verdin nest shown in Exhibit 8 provided previously from the *On-Site and Off-Site Bio Report* appeared to be currently active, although this species also constructs nests that are used specifically for overnight shelters. Therefore, it is not known if this nest was being used for sleeping or breeding. Nests of native birds are protected under the federal Migratory Bird Treaty Act. It should be noted that the Project biologists also observed a pair of black-tailed gnatcatchers feeding two or three recently fledged young on the northern edge of Parcel 6; evidence that some native bird species breed on the Vista Del Agua Project site.

When development proceeds, the Project site may contain nesting birds, which could be adversely impacted. All native bird species are protected by

the MBTA. Impacts to these other bird species are not permitted in any part of the CVMSHCP area. A variety of birds, which are protected by the MBTA, could nest in the proposed Project area. The Project is required by law to comply with the MBTA and perform site work to avoid impacts to birds. **Mitigation Measure MM-BIO-1** shall be implemented. **MM-BIO-1** states that in order to avoid any potential impact to nesting birds and other protected species, including those protected by the Migratory Bird Treaty Act, construction of the Project shall occur outside of the breeding season (February 1 through September 15). As long as trees, shrubs, and herbaceous vegetation with the potential to support nesting birds is removed from September 16 to January 31 (outside of the nesting season), then no further actions are required. Where the nesting season (February 1 to September 15) cannot be avoided during construction, a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, vegetation removal, demolition activities, and grading. The survey area shall include the Project site and an appropriate buffer (consistent with the Migratory Bird Treaty Act) around the site. Any active nests identified shall have an appropriate buffer area established (consistent with Migratory Bird Treaty Act protocol at the time of disturbance) of the active nest. Construction activities shall not occur within the buffer area until the biologist determines that the young have fledged.

With the implementation of **MM-BIO-1**, any impact will remain less than significant. (Draft EIR, pp. 4.5-34—4.5-35.)

The City Council finds that MM-BIO-1 is feasible, is adopted, and will further reduce impacts related to wildlife movement. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to wildlife movement, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to wildlife movement. (Draft EIR, pp. 4.5-34 – 4.5-35.)

E. CULTURAL RESOURCES

1. Historical Resources

Threshold: Would the Project cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

Finding: Less than significant with mitigation. (Draft EIR, pp. 4.6-14—4.6-16.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental

effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: Per CEQA Guidelines Section 15064.5(b)(1), a project may result in substantial adverse change in the significance of a historical resource if the project results in a physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resources would be impaired. The following is a discussion of the five (5) sites analyzed in the 2015 CSRA II.

Discussion

CA-RIV-7834 (P-33-14403)

Given that RIV-7834 is a prehistoric site, its potential significance lies in its potential to satisfy Criterion D under CEQA, i.e., does it have the potential to provide information important in prehistory? Given the earlier Phase II excavations by Dice and Messick at Locus D and the extensive Phase II investigations undertaken for the 2014 CSRA I involving 30 test units that excavated 25 cubic meters of soil, the significance of RIV-7834 has been largely exhausted with site recordation and the test excavations. It is not viewed as a significant historical resource under CEQA. No additional mitigation is required.

CA-RIV-7835 (P-33-14404)

After Phase II testing, Dice and Messick determined this site was not a significant historical resource under Criteria A-D but was significant under CEQA's uniqueness criterion. However, this assessment was based on the assumption that the presence of mostly direct ceramic vessel rims equated with a Patayan I (A.D. 750-1050) occupation; however, Hildebrand has shown direct rims may also date to later periods. Nonetheless, given the presence of a subsurface deposit that also contained lithic tools and debitage as well as ceramics and a possible hearth feature, it can be argued that this site is significant under Criterion D because of its potential to provide information important in prehistory, especially because its deeper occupation levels are likely to date from an earlier infilling and subsequent recession of prehistoric Lake Cahuilla prior to the last one in the 17th century.

RIV-7835, which is in Planning Area 5, shall be avoided. This is included as **Mitigation Measure MM-CUL-1**, which requires the identification of the extent of this resource, and the methods utilized to avoid this resource during mass grading. The Project applicant shall also comply with **Mitigation Measure MM-CUL-2**, which pertains to on-site archaeological monitoring. With the incorporation of mitigation, any impacts will remain less than significant.

CA-RIV-7836 (P-33-14405)

After Phase II testing, Dice and Messick determined that this site is not a significant historical resource under Criteria A-D nor under the uniqueness criterion under CEQA. The Project archaeologist made a determination on the basis of the lack of a substantial surface or subsurface deposit and the lack of artifact diversity that RIV-7836 is not viewed as a significant historical resource under CEQA. No mitigation is required.

CA-RIV-11775 (P-33-23969)

This site consists of several sets of agricultural irrigation water control features just south of Avenue 47 that are linked to water provided by the Coachella Canal after its completion in 1948-49. The site is not linked to any significant historical event, such as one might argue for the construction of the Coachella Canal, and it is not associated with any significant individual at the local or regional level. It is the opinion of the Project Archaeologist that the construction of the Coachella Canal could qualify as a historical event. The water control features are similar to other sets of such water control features to the south and elsewhere, e.g., along Avenue 48. They also do not contain any unusual or unique architectural features. Thus, this site is not viewed as a significant historical resource under Criteria A-C or under the CEQA's uniqueness criterion. As for Criterion D, the Project archaeologist has determined that this site's research potential has been exhausted with its detailed recordation, and therefore, it is not a significant historical resource under this criterion either. RIV-11775 is not viewed as a significant historical resource under CEQA. No mitigation is required.

CA-RIV-11776 (P-33-23970)

RIV-11776 consists of a damaged cement foundation of a former farm residence that was initially thought to have been built in the early 1950s and associated propane tank cement slab, two trash scatters, and an abandoned reservoir built after 1972. The house itself burned down in 2011. The 2014 CRSA I recommended additional archival research to determine when the house was built and whether an important person significant in local history might have lived there. It is also recommended that limited Phase II test excavations be undertaken in Trash Scatter B to ascertain the depth, nature, and age of the trash scatter deposits and whether they have the potential to contribute significantly to our understanding of local history. The Project applicant shall also comply with **MM-CUL-2**, which pertains to on-site archaeological monitoring. **Mitigation Measure MM-CUL-5** would be implemented for and any subsequent grading operations.

The results of the archival research discovered that the house was not built until after 1978 and historic aerial photos do not suggest a house is present until 2002 and possibly as late as 2008. In short, the house is at most 37

years old and probably no more than 13 years old. In fact, it turns out that the structure shown on the 1956 USGS 7.5 Indio quad was in the same place as the current abandoned reservoir, such that whatever structure was first there was destroyed prior to building the reservoir built in its place. The reservoir does not show up on the 1972 photorevision of the 1956 Indio quad indicating it was built after 1972. It is, thus, a maximum of 43 years old. There is also nothing unusual about the structure or architecture of the reservoir.

The historic house foundation is no older than 37 years old and the reservoir is at most 43 years old. In short, because the site is less than 45 years old, and because there is nothing distinctive about its structure or architecture, RIV-11776 is not viewed as a significant historical resource under CEQA. No further work is required. No mitigation is required. (Draft EIR, pp. 4.6-14--4.6-16.)

MM-CUL-1 RIV-7835 Avoidance (Planning Area 5). Prior to the issuance of a grading permit, or any activity that would involve initial ground disturbance in the vicinity of RIV-7835, the Project archaeologist will review said plans/activities to determine that none of the resources located in RIV-7835 shall be impacted by the Project development. The Project archaeologist shall make recommendations, where applicable, to protect resources contained in RIV-7835 from potential encroachment from the Project that includes fencing or flagging during all phases of development. The fencing and flagging of RIV-7835 shall be removed after construction is completed and the area shall be planted with low maintenance vegetation. (Draft EIR, p. 4.6-18; Final EIR, p. 3-3.)

MM-CUL-2 Archaeological and Native American Monitors. Prior to commencement of any grading activity on the Project site and consistent with the findings and recommendations of the cultural resources surveys and reports regarding the sensitivity of each area on the Project site for cultural resources, the City of Coachella (City) Director of Development Services, or designee, shall retain an archaeological monitor and a Native American monitor to be selected by the City after consultation with interested Tribal and Native American representatives. Both monitors shall be present at the pre-grade conference in order to explain the cultural mitigation measures associated with the Project. Both monitors shall be present on site during all ground-disturbing activities (to implement the Project Monitoring Plan) until marine terrace deposits are encountered. Once marine terrace deposits are encountered, archaeological and Native American monitoring is no longer necessary, as the marine deposits are several hundred thousand years old, significantly predating human settlement in this area. (Draft EIR, pp. 4.6-18--4.6-19.)

MM-CUL-5 Paleontological Resources Impact Mitigation Program. Prior to commencement of any grading activity on the Project site and consistent

with the findings of the paleontological resources surveys and reports regarding the sensitivity of each area on the Project site for paleontological resources, the City's Director of Development Services, or designee, shall verify that a qualified paleontologist has been retained and will be on site during all rough grading and other significant ground-disturbing activities in paleontologically sensitive sediments.

Prior to any ground-disturbing activities, the paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the proposed Project. The PRIMP should be consistent with the guidelines of the Society of Vertebrate Paleontologists (SVP) (1995 and 2010) and should include but not be limited to the following:

- Attendance at the pregrade conference in order to explain the mitigation measures associated with the Project.
- During construction excavation, a qualified vertebrate paleontological monitor shall initially be present on a full-time basis whenever excavation will occur within the sediments that have a High Paleontological Sensitivity rating and on a spot-check basis in sediments that have a Low Sensitivity rating. Based on the significance of any recovered specimens, the qualified paleontologist may set up conditions that will allow for monitoring to be scaled back to part-time as the Project after monitoring has been scaled back, conditions shall also be specified that would allow increased monitoring as necessary. The monitor shall be equipped to salvage fossils and/or matrix samples as they are unearthed in order to avoid construction delays. The monitor shall be empowered to temporarily halt or divert equipment in the area of the find in order to allow removal of abundant or large specimens.
- The underlying sediments may contain abundant fossil remains that can only be recovered by a screening and picking matrix; therefore, these sediments shall occasionally be spot-screened through one-eighth to one-twentieth-inch mesh screens to determine whether microfossils exist. If microfossils are encountered, additional sediment samples (up to 6,000 pounds) shall be collected and processed through one-twentieth-inch mesh screens to recover additional fossils. Processing of large bulk samples is best accomplished at a designated location within the Project disturbance limits that will be accessible throughout the Project duration but will also be away from any proposed cut or fill areas. Processing is usually completed concurrently with construction, with the intent to have all processing completed before, or just after, Project completion. A small corner of a staging or equipment parking area is an ideal location. If water is not available, the location should be accessible for a water truck to occasionally fill containers with water.

- Preparation of recovered specimens to a point of identification and permanent preservation. This includes the washing and picking of mass samples to recover small invertebrate and vertebrate fossils and the removal of surplus sediment from around larger specimens to reduce the volume of storage for the repository and the storage cost for the developer.
- Identification and curation of specimens into a museum repository with permanent, retrievable storage, such as the San Bernardino County Museum (SBCM).
- Preparation of a report of findings with an appended, itemized inventory of specimens. When submitted to the City of Coachella Director of Development Services or designee, the report and inventory would signify completion of the program to mitigate impacts to paleontological resources progresses. (Draft EIR, pp. 4.6-21—4.6-22.)

The City Council finds that MM-CUL-1, MM-CUL-2 and MM-CUL-5 are feasible, are adopted, and will further reduce impacts related to historical resources. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to historical resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to historical resources. (Draft EIR, pp. 4.6-14 – 4.6-16.)

2. Archaeological Resources

Threshold: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.6-16.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: Given that portions of the property have relatively dense brush or existing vineyards and given the potential for buried prehistoric sites resulting from past infillings and recessions of prehistoric Lake Cahuilla, there is the potential for the discovery of buried cultural deposits and potentially human remains. These resources are sub-surficial and cannot be discovered until ground disturbing activities occur. **Mitigation Measures MM-CUL-2 and MM-CUL-3** shall be implemented during site ground disturbing activities. Specifically, **MM-CUL-2** requires the City to retain an archaeological monitor and a Native American monitor to be present at the Project site during all ground-disturbing activities to minimize potential impacts to unknown resources. **MM-CUL-3** requires the City to prepare a Monitoring

Plan prior to commencement of any grading activities. In the event that historical, archaeological, or human remains are found during excavation or grading, **MM-CUL-2** and **MM-CUL-3** require immediate implementation of those procedures developed as part of the Monitoring Plan including, but not limited to, the cessation of all work in the immediate vicinity of the resources until such time as the resources can be evaluated by an archaeologist or other appropriate individual.

Implementation of **MM-CUL-2** and **MM-CUL-3** would reduce Project impacts to below a level of significance, and no additional mitigation is required. (Draft EIR, p. 4.6-17.)

MM-CUL-3 Archaeological Monitoring Plan and Accidental Discovery. Prior to commencement of any grading activity on the Project site and consistent with the findings of the cultural resources surveys and reports regarding the sensitivity of each area on the Project site for cultural resources, the City shall prepare a Monitoring Plan. The Monitoring Plan shall be prepared by a qualified archaeologist and shall be reviewed by the City of Coachella Director of Development Services, in consultation with the 29 Band of Mission Indians. The Monitoring Plan will include at a minimum:

- (1) A list of personnel involved in the monitoring activities;
- (2) A description of how the monitoring shall occur;
- (3) A description of frequency of monitoring (e.g., full-time, part-time, spot checking);
- (4) A description of what resources may be encountered;
- (5) A description of circumstances that would result in the halting of work at the Project site (e.g., what is considered a “significant” archaeological site);
- (6) A description of procedures for halting work on site and notification procedures; and
- (7) A description of monitoring reporting procedures.

If any significant historical resources, archaeological resources, or human remains are found during monitoring, work should stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. Project personnel shall not collect or move any archaeological materials or human remains and associated materials. To the extent feasible, Project activities shall avoid such resources.

Where avoidance is not feasible, the resources shall be evaluated for their eligibility for listing in the California Register of Historical Resources. If a resource is not eligible, avoidance is not necessary. If a resource is eligible, adverse effects to the resource must be avoided, or such effects must be mitigated. Mitigation can include, but is not necessarily limited to: excavation of the deposit in accordance with a cultural resource mitigation or data recovery plan that makes provisions for adequately recovering the scientifically consequential information from and about the resource (see California Code of Regulations Title 4(3) Section 15126.4(b)(3)(C)). The data recovery plan shall be prepared and adopted prior to any excavation and should make provisions for sharing of information with Tribes that have requested Senate Bill 18 (SB 18) consultation. The data recovery plan shall employ standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the archaeological site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; an interpretive display of recovered archaeological materials at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered archaeological materials. Results of the study shall be deposited with the regional California Historical Resources Information Center (CHRIS) repository.

It shall be the responsibility of the City Department of Public Works to verify that the Monitoring Plan is implemented during Project grading and construction. Upon completion of all monitoring/ mitigation activities, the consulting archaeologist shall submit a monitoring report to the City of Coachella Director of Development Services and to the Eastern Information Center c/o Dept. of Anthropology, University of California Riverside summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. The monitoring report shall be prepared consistent with the guidelines of the Office of Historic Preservation's Archaeological Resources Management Reports (ARMR): Recommended Contents and Format. The City of Coachella Director of Development Services or designee shall be responsible for reviewing any reports produced by the archaeologist to determine the appropriateness and adequacy of findings and recommendations. (Draft EIR, pp. 4.6-19—4.6-20; Final EIR, pp. 3-4 – 3-5.)

The City Council finds that MM-CUL-2 and MM-CUL-3 are feasible, are adopted, and will further reduce impacts related to archeological resources. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to archeological resources, as identified in the EIR.

Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to archeological resources. (Draft EIR, pp. 4.6-16 – 4.6-17.)

3. Paleontological Resources

Threshold: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.6-17.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: Because the Project site is located within the historic area of Lake Cahuilla, there is a potential for paleontological resources. These resources are sub-surficial and cannot be discovered until ground disturbing activities occur. **MM-CUL-5** shall be implemented during site ground disturbing activities. **MM-CUL-5** requires a qualified paleontologist to prepare a standard Paleontological Resources Impact Mitigation Program (PRIMP) prior to the beginning of ground-disturbing activities. This program would include excavation monitoring and specimen recovery, including screen washing, preparation, identification, and curation of collected specimens into a museum repository. Based on the significance of any recovered specimens, the qualified paleontologist may set up conditions that would allow for monitoring to be scaled back to part-time or increased to full-time as the Project progresses. However, if significant fossils begin to be recovered after monitoring has been scaled back, conditions should also be specified that would require increased monitoring as necessary. A final report would provide details of monitoring and curation methods, fossil identification, and discussion, cataloging, and repository arrangements. Implementation of mitigation measures would reduce potential impacts to unknown paleontological resources to less than significant, and no additional mitigation is required.

The City Council finds that MM-CUL-5 is feasible, is adopted, and will further reduce impacts related to paleontological resources. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to paleontological resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to paleontological resources. (Draft EIR, p. 4.6-17.)

4. Human Remains

Threshold: Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.6-17.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: Although no human remains are known to be on site or are anticipated to be discovered, precautionary mitigation is required. MM-CUL-4 requires compliance with HSC 7050.5 in the unlikely event that human remains are encountered during Project grading. Upon discovery of the remains, the County Coroner would be notified immediately, and no further disturbance would occur until the County Coroner makes a determination of origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be Native American, the County Coroner would notify the NAHC, which will determine and notify the most likely descendant (MLD). With permission from the City, the MLD would complete inspection within 48 hours of notification by the NAHC.

Implementation of **MM-CUL-4** reduces potential impacts related to the discovery of human remains on the proposed Project site to a less than significant level, and no additional mitigation is required.

MM-CUL-4 **Human Remains.** Consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e), if human remains are encountered during site disturbance, grading, or other construction activities on the Project site, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which will determine and notify a most likely descendant (MLD). With the permission of the City of Coachella, the MLD may inspect the site of the discovery.

The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Consistent with CCR Section 15064.5(d), if the remains are determined to be Native American and an MLD is notified, the City of Coachella shall consult with the MLD as identified by the NAHC to develop an agreement for the treatment and disposition of the remains.

Upon completion of the assessment, the consulting archaeologist shall prepare a report documenting the methods and results and provide recommendations regarding the treatment of the human remains and any associated cultural materials, as appropriate, and in coordination with the recommendations of the MLD. The report should be submitted to the City

of Coachella Director of Development Services and the San Bernardino Archaeological Information Center. The City of Coachella Director of Development Services, or designee, shall be responsible for reviewing any reports produced by the archaeologist to determine the appropriateness and adequacy of findings and recommendations. (Draft EIR, pp. 4.6-20—4.6-21.)

The City Council finds that MM-CUL-4 is feasible, is adopted, and will further reduce impacts related to human remains. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to human remains, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to human remains. (Draft EIR, pp. 4.6-17 – 4.6-18.)

F. GEOLOGY AND SOILS

1. Faults, Ground Shaking, Liquefaction, and Landslides

Threshold: Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

- Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
- Strong seismic ground shaking?
- Seismic-related ground failure, including liquefaction?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.7-11 - 4.7-13.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault*

According to the 2015 Geo Report, the Project site is located within an area of California known to contain a number of active and potentially active faults. The northeast portion of the Project site is located within an Alquist-

Priolo zone of the San Andreas Southern Fault. Therefore, seismic hazards for the site include strong ground motion, surface fault rupture, soil liquefaction and other secondary earthquake-related hazards. Reference **Figure 4.7.2-1, State Fault Hazard Zone Map**.

Based on findings in the 2007 Fault Report, it was determined that Holocene-age faulting (active faulting) is present within the Project site and is limited to the locations presented on Plate 1 of the 2007 Fault Report. Thus, a building restriction zone (BRZ) is proposed as shown on **Figure 4.7.4-1, Building Restriction Zone**. The area within the building restriction zone is based on the existing fault data and is considered to provide the minimum area not recommended for construction of buildings intended for a "structure for human occupancy" as described in section 3601 of Special Publication 42 (Hart and Bryant, 1997).

Mitigation Measure MM-GEO-1 requires that the Preliminary Building Restriction Zones identified in the 2007 Fault Report be supplemented with additional mapping and trenching as necessary depending on the developments proposed, area of development, and the scale of maps utilized, particularly in the mapped yellow building restriction zones. Future development application studies shall be evaluated by a qualified professional geologist to determine whether additional studies are warranted. These subsequent studies shall demonstrate that future development complies with the most current seismic requirements of the CBC and the City of Coachella Municipal Code. **MM-GEO-1** states that prior to approval of any future development applications, a project-level, site-specific final geotechnical study for each specific planning area shall be completed by the Project applicant. These studies shall be submitted for review and approval by the City of Coachella (City) Engineer to ensure that each planning area with future development has been evaluated at an appropriate level of detail by a professional geologist. The location and scope of each final geotechnical report shall be tiered off of the two geotechnical reports previously prepared for the overall site, Fault Investigation Report for Land Planning Purposes Alpine 280 Property Located East of Tyler Street, West of Polk Street, West of Polk Street, South of I-10 and North of Avenue 48, City of Coachella, Riverside, California, Petra Geosciences, Inc., April 9, 2007, and Geotechnical Investigation Report, Petra Geosciences, Inc., May 7, 2015. The final geotechnical report for each planning area shall document any artificial fill and delineate the precise locations of any and all active faults and shall determine the appropriate building setbacks and restricted use zones within the planning area. Prior to the issuance of grading permits, the City Engineer shall confirm that all grading and construction plans incorporate and comply with the recommendations included in the final specific geotechnical report for each planning area. Design, grading, and construction would adhere to all of the seismic requirements incorporated into the 2010 California

Residential Code and 2016 California Building Code (CBC) (or most current building code) and the requirements and standards contained in the applicable chapters of the City of Coachella Municipal Code, as well as appropriate local grading regulations, and the specifications of the Project geotechnical consultant, including but not limited to those related to seismic safety, as determined in the final area-specific geotechnical studies prepared in association with all future development application conditions, subject to review by the City of Coachella Development Services Director, or designee, prior to the issuance of any grading permits.

According to the 2007 Fault Report, based on the existing fault data from the property, from similar projects in the region, and air photo analysis, the level of hazard associated with fault surface rupture throughout the property outside of the recommended building restriction zone is low.

MM-GEO-1 requires the Project to comply with the recommendations contained within the 2007 Fault Report and the 2015 Geo Report to address seismic-related issues.

Prior to approval of any future development entitlements, a specific final geotechnical study for each specific planning area shall be completed by the Project applicant. These studies shall be submitted for review and approval by the City of Coachella (City) Engineer. This will ensure that future development within each planning area is evaluated at an appropriate level of detail by a professional geologist. The location and scope of each final geotechnical report shall be tiered off of the two geotechnical reports prepared for the overall site, 2007 Fault Report, and 2015 Geo Report.

Prior to issuance of grading permits, the City Engineer shall confirm that all grading and construction plans incorporate and comply with the recommendations included in the final specific geotechnical report for each planning area. Design, grading, and construction would adhere to all of the seismic requirements incorporated into the 2010 California Residential Code and 2016 California Building Code (or most current building code) and the requirements and standards contained in the applicable chapters of the City of Coachella Municipal Code, as well as appropriate local grading regulations, and the specifications of the Project geotechnical consultant, including but not limited to those related to seismic safety, as determined in the final area-specific geotechnical studies prepared in association with all future development application conditions, subject to review by the Director of the City of Coachella Development Services Department, or designee, prior to the issuance of any grading permits.

With the incorporation of **MM-GEO-1**, any impacts that expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death due to rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the

State Geologist for the area or based on other substantial evidence of a known fault would be reduced to a less than significant level. (Draft EIR, pp. 4.7-11--4.7-12.)

Strong Seismic Ground Shaking

The possibility of ground shaking at the site may be considered similar to the Southern California region as a whole. The site is situated in an area of active as well as potentially active faults. A portion of the Project site is located within the Alquist-Priolo Earthquake Fault Zone; however, no structures will be permitted within the BRZ (see discussion above). According to the 2007 Fault Report, based on the existing fault data from the property, from similar projects in the region, and air photo analysis, the Project Geologist has determined that the level of hazard associated with fault surface rupture throughout the property outside of the recommended building restriction zone is low.

MM-GEO-1 also requires compliance with the recommendations in the 2007 Fault Report, and 2015 Geo Report, including recommendations for appropriate development setbacks and building engineering measures to address seismic-related impacts. Further, all development associated with the proposed Project would be designed to adhere to all of the seismic requirements incorporated into the 2016 California Residential Code and 2016 CBC (or most current building code) and the requirements and standards contained in the applicable chapters of the City of Coachella Municipal Code.

MM-GEO-2 requires that structures and retaining walls, if proposed, shall be designed in accordance with the seismic regulations as recommended in the CBC. Prior to issuance of any building permits, the Project engineer and the City of Coachella Development Services Director, or designee, shall review site plans and building plans to verify that structural design conforms to the CBC. **MM-GEO-2** states that structures and retaining walls, if proposed, shall be designed in accordance with the seismic regulations as recommended in the CBC. Prior to issuance of any building permits, the Project engineer and the Director of the City of Coachella Development Services, or designee, shall review site plans and building plans to verify that structural design conforms to the CBC.

Compliance with **MM-GEO-1** and **MM-GEO-2** would ensure that appropriate geotechnical evaluation is conducted prior to development because no development application will be approved by the City prior to such an investigation, and that recommended geotechnical measures are incorporated into final design plans, thereby reducing the risks associated with strong seismic shaking to less than significant. (Draft EIR, pp. 4.7-12—4.7-13.)

Seismic-related Ground Failure, Including Liquefaction

According to the *2007 Fault Report*, the level of hazard of near surface deformation associated with lateral spreading and liquefaction is low presuming near surface soils do not become saturated. Considerations for future anthropogenic water infiltration should be considered during the planning and entitlements for future development(s). Liquefaction is most likely to occur in areas where non-cohesive, saturated soils experience seismically induced ground shaking and where groundwater occurs less than 5 ft. bgs. Because groundwater at the Project site is encountered at 10.5, 12 and 16.5 ft. bgs. (-58.5, -69, and -50.5 msl respectively), liquefaction impacts are not anticipated to occur on site. Still, the Project site is considered susceptible to seismic liquefaction. This is due primarily to the documented presence of unconsolidated granular (sandy) soils in the area, the relatively shallow groundwater conditions, and to the proximity of seismic sources.

Development of the Project could introduce large volumes of water into the subsoils, through infiltration and absorption, which could lead to localized perched water conditions within units that could become susceptible to localized liquefaction during strong ground motion. Water saturation introduced to the Project site as a result of Project operations (i.e., irrigation of parks and landscape areas) could be addressed through typical civil engineering grading design (such as appropriate surface and subsurface drainage control (detention basins) etc.), and proper grading recommendations (such as removal and recompaction of near surface soils foundation design, etc.) from the required future geotechnical studies once specific building locations have been identified. This would be accomplished by removal of the soil conditions that contribute to liquefaction (e.g., recompaction, drainage control), which would be outlined in the future geotechnical studies based on actual building footprints. Therefore, implementation of **MM-GEO-1**, which requires compliance with the recommendations in the final geotechnical studies, would reduce impacts related to liquefaction to a less than a significant level. (Draft EIR, pp. 4.7-13—4.7-14.)

MM-GEO-1 Compliance with Geotechnical Investigations. Prior to approval of any future development applications, a project-level, site-specific final geotechnical study for each specific planning area shall be completed by the Project applicant. These studies shall be submitted for review and approval by the City of Coachella (City) Engineer to ensure that each planning area with future development has been evaluated at an appropriate level of detail by a professional geologist. The location and scope of each final geotechnical report shall be tiered off of the two geotechnical reports previously prepared for the overall site, Fault Investigation Report for Land Planning Purposes Alpine 280 Property Located East of Tyler Street, West

of Polk Street, West of Polk Street, South of I-10 and North of Avenue 48, City of Coachella, Riverside, California, Petra Geosciences, Inc., April 9, 2007, and Geotechnical Investigation Report, Petra Geosciences, Inc., May 7, 2015.

The final geotechnical report for each planning area shall document any artificial fill and delineate the precise locations of any and all active faults and shall determine the appropriate building setbacks and restricted use zones within the planning area. Prior to the issuance of grading permits, the City Engineer shall confirm that all grading and construction plans incorporate and comply with the recommendations included in the final specific geotechnical report for each planning area. Design, grading, and construction would adhere to all of the seismic requirements incorporated into the 2010 California Residential Code and 2016 California Building Code (CBC) (or most current building code) and the requirements and standards contained in the applicable chapters of the City of Coachella Municipal Code, as well as appropriate local grading regulations, and the specifications of the Project geotechnical consultant, including but not limited to those related to seismic safety, as determined in the final area-specific geotechnical studies prepared in association with all future development application conditions, subject to review by the City of Coachella Development Services Director, or designee, prior to the issuance of any grading permits. (Draft EIR, pp. 4.7-18—4.7-19.)

MM-GEO-2 California Building Code Compliance and Seismic Standards. Structures and retaining walls, if proposed, shall be designed in accordance with the seismic regulations as recommended in the CBC. Prior to issuance of any building permits, the Project engineer and the Director of the City of Coachella Development Services, or designee, shall review site plans and building plans to verify that structural design conforms to the CBC. (Draft EIR, p. 4.7-19.)

The City Council finds that MM-GEO-1 and MM-GEO-2 are feasible, are adopted, and will further reduce impacts related to faults, ground shaking or liquefaction. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to faults, ground shaking or liquefaction, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to faults, ground shaking or liquefaction. (Draft EIR, pp. 4.7-11 – 4.7-14.)

2. Erosion

Threshold: Would the Project result in substantial soil erosion or the loss of topsoil?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.7-14.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: During construction activities, the Project site would be graded and excavated, soil would be exposed to wind and water, and there would be an increased potential for soil erosion compared to existing conditions. During a high wind and/or storm event, there is a potential for soil erosion to occur at an accelerated rate. Adherence to **MM-GEO-1** requires a specific final geotechnical study for each specific planning area to be prepared by a qualified professional geologist prior to each development application approval and approved by the City Engineer. The studies would contain measures to reduce the erosion potential of engineered slopes, such as enhanced compaction of fill slope faces, immediate landscaping of slopes at the completion of grading, consideration of jute matting or chemical stabilization if landscaping cannot be established within a reasonable period of time and use of geotextile fabrics in the construction of oversteepened fill slopes or slopes subject to erosion.

1. Soil erosion from water runoff is discussed in Subchapter 4.9, Hydrology and Water Quality, and requires a Stormwater Pollution Prevention Plan (SWPPP) that identifies Construction Best Management Practices (BMPs) to be implemented as part of the proposed Project to minimize water quality impacts during construction, including those impacts associated with soil erosion. The Project design features, WQMP and the SWPPP will be standard requirements for subsequent Tract Maps and/or implementing projects; therefore, erosion activities associated with construction activities would be less than significant.

2. The entire Project site slopes gradually down to the southwest, from a high of approximately 25 feet in the northeasterly corner to a low of approximately 60 feet below sea level in the southwesterly corner. There are no significant slopes on the Project site. The proposed Project would consist of large-scale grading and excavation activities that would alter existing topography and established drainage paths, thus potentially leading to erosion.

3. The proposed Project includes channelization of on-site drainages into soft-bottom channels and detention basins. The soft-bottom channels and detention basins will be dedicated to the City and maintained by a Landscape and Lighting Maintenance district. On-site drainage and erosion are further discussed in Section 4.9, Hydrology and Water Quality. Project design would incorporate erosion control devices, such as street gutters, storm drains, culverts, and detention basins, to control runoff and prevent soil erosion by water to reduce or avoid soil loss due to water erosion. In the ultimate condition, the developed site would result in substantially

reduced wind- and runoff-induced erosion. Implementation of **MM-GEO-1**, which requires compliance with the recommendations in the 2007 Fault Report, and 2015 Geo Report, including appropriate erosion control techniques, would reduce erosion impacts to a less than significant level. Such techniques reduce potential erosion by covering native soils with impermeable surfaces or landscaping that are resistant to erosion or channelizing excess surface runoff before it can cause erosion of native soils. (Draft EIR, pp. 4.7-14—4.7-15.)

The City Council finds that MM-GEO-1 is feasible, is adopted, and will further reduce impacts related to erosion. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to erosion, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to erosion. (Draft EIR, pp. 4.7-14 – 4.7-15.)

3. Unstable Soils

Threshold: Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.7-15.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: The 2015 Geo Report concluded that the Project site is considered suitable for the proposed development from a soils engineering and geologic engineering point of view. The 2015 Geo Report further concluded that the building sites would be free from landslide, liquefaction, settlement and slippage provided the recommendations in that report were incorporated in the design criteria and Project specifications, as required by MM-GEO-1. Recommendations include improvements such as removing unconsolidated soils and recompacting them to proper levels of compaction, stabilizing naturally weak or steep slopes through excavation and regrading at acceptable slope angles and benching, installing subdrainage systems to prevent water buildup or erosion of compacted soils, and overexcavation and deep fill with reinforced foundation designs to prevent lateral spreading or subsidence impacts.

Based on the secondary effects of seismicity discussed in the 2007 Fault Report, and 2015 Geo Report, it is recommended that additional geotechnical investigations be performed as part of future development

application studies to prepare site-specific grading and foundation construction specifications. These are required by **MM-GEO-1** to be completed prior to any development application approved by the City.

Lateral Spreading

Lateral spreading is the movement of the ground surface down a gentle slope or toward an open free face during a seismic event that causes soil liquefaction. Therefore, given the depths and thicknesses of the liquefiable layers identified, and the gently sloping site ground geometry it has been concluded that lateral spreading may occur at the Project site. Approximately 16 to 32 inches of lateral movement may be estimated at the Project site during a strong seismic event.

The general allowable limits of lateral spreading is in the range of 12 to 18 inches. The estimated Project displacements exceed those limits. Based on lateral spreading effects of seismicity discussed in the 2007 Fault Report, and 2015 Geo Report, it is recommended that additional geotechnical investigations be performed as part of future development application studies to prepare site-specific grading and foundation construction specifications. These are required by **MM-GEO-1** to be completed prior to any development application approval by the City. (Draft EIR, p. 4.7-16.)

Subsidence

Saturation of low-density, granular soils can result in subsidence and settlement under relatively low loads. A rise in the groundwater table or an increase in infiltration can initiate settlement and cause the foundations and walls of buildings or structures to crack. Compressible and collapsible materials are expected to be found in the near-surface alluvial deposits. Removal of these upper materials would be required prior to placement of fill, as outlined in the 2015 Geo Report.

Therefore, the potential for collapsible soils at the site would need to be evaluated during subsequent geotechnical investigations as required in **MM-GEO-3**, prior to any development application approval by the City, and incorporated into the conditions of approval for each project. **MM-GEO-3** states that prior to the issuance of grading permits for development applications or entire planning areas, area-specific geotechnical studies shall be prepared by the applicant's qualified geotechnical engineer and submitted to the City of Coachella for review and approval by the City Engineer. These studies shall include testing for collapsible soils. Laboratory analysis shall be conducted on selected samples to provide a more complete evaluation regarding remediation of potentially compressible and collapsible materials. Where appropriate, these studies shall contain specifications for overexcavation and removal of soil materials susceptible to subsidence, or other measures as appropriate to eliminate

potential hazards associated with subsidence.

Implementation of **MM-GEO-3** and adherence to the recommendations of the geotechnical investigations as required in **MM-GEO-1** would reduce potential subsidence impacts to a less than significant level. These measures would remove native soils subject to subsidence and replace them and/or regrade areas of native soil to withstand expected levels of seismic shaking to the degree that habitable structures would not be destroyed by the shaking and would use reinforced foundation designs to prevent the collapse or subsidence of soils during seismic events. These measures would become conditions of approval as part of the City's development review process.

Liquefaction or Collapse

Refer to the impact discussion under the Threshold which asked if the Project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death due to seismic-related ground failure, including liquefaction. Implementation of **MM-GEO-1**, which requires compliance with the recommendations in the final geotechnical studies, would reduce impacts related to liquefaction to a less than significant level. (Draft EIR, pp.4.7-16--4.7-17.)

MM-GEO-3 Subsidence. Prior to the issuance of grading permits for development applications or entire planning areas, area-specific geotechnical studies shall be prepared by the applicant's qualified geotechnical engineer and submitted to the City of Coachella for review and approval by the City Engineer. These studies shall include testing for collapsible soils. Laboratory analysis shall be conducted on selected samples to provide a more complete evaluation regarding remediation of potentially compressible and collapsible materials. Where appropriate, these studies shall contain specifications for overexcavation and removal of soil materials susceptible to subsidence, or other measures as appropriate to eliminate potential hazards associated with subsidence. (Draft EIR, p. 4.7-19.)

The City Council finds that MM-GEO-1 and MM-GEO-3 are feasible, are adopted, and will further reduce impacts related to unstable soils. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to unstable soils, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to unstable soils. (Draft EIR, pp. 4.7-15 – 4.7-17.)

4. Expansive Soils

Threshold: Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.7-17.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: Based on testing of near surface soils, it is assumed that site surface soils at the completion of grading will have expansion potentials that range from Very Low to Low. Therefore, active earth pressures equivalent to fluids having densities of 40 and 63 pounds per cubic foot should be used for design of cantilevered walls retaining a level backfill and ascending 2:1 backfill, respectively. It should be noted that the above earth pressures are based on a condition where expansive on-site soils are used for backfill. If less expansive on-site materials are available for wall backfill, these lateral earth pressures may be reduced accordingly.

Based on the locations for the off-site Project components; either within existing roadways, existing rights-of-way, or active farmland, it is anticipated that the potential of the Project to be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property would be similar to that of the on-site Project components.

Implementation of **MM-GEO-4** would reduce impacts associated with expansive soils to less than significant levels. This measure requires excavation of expansive soils and replacement with nonexpansive compacted fill, additional remedial grading, utilization of steel reinforcing in foundations, nonexpansive building pads, presoaking, and drainage control devices to maintain a constant state of moisture as ways to effectively eliminate potential impacts from expansive soils. **MM-GEO-4** states that as planning areas are designed and prior to issuance of grading permits, site-specific geotechnical studies, including laboratory testing for expansive soils, shall be completed by a qualified geotechnical engineer and submitted to the City of Coachella for review and approval by the City Engineer. If expansive soils are found within the area of proposed foundations, geotechnical testing shall be employed such as excavation of expansive soils and replacement with nonexpansive compacted fill, additional remedial grading, utilization of steel reinforcing in foundations, nonexpansive building pads, presoaking, and drainage control devices to maintain a constant state of moisture. In addition to these practices, homeowners shall be advised about maintaining drainage conditions to direct the flow of water away from structures so that foundation soils do not become saturated. During construction, the Project engineer shall verify that expansive soil mitigation measures recommended in the final foundation design recommendations are implemented, and the City Building Official shall conduct site inspections prior to occupancy of any structure to ensure compliance with the approved measures.

MM-GEO-4 Expansive Soils. As planning areas are designed and prior to issuance of grading permits, site-specific geotechnical studies, including laboratory testing for expansive soils, shall be completed by a qualified geotechnical engineer and submitted to the City of Coachella for review and approval by the City Engineer. If expansive soils are found within the area of proposed foundations, geotechnical testing shall be employed such as excavation of expansive soils and replacement with nonexpansive compacted fill, additional remedial grading, utilization of steel reinforcing in foundations, nonexpansive building pads, presoaking, and drainage control devices to maintain a constant state of moisture. In addition to these practices, homeowners shall be advised about maintaining drainage conditions to direct the flow of water away from structures so that foundation soils do not become saturated.

During construction, the Project engineer shall verify that expansive soil mitigation measures recommended in the final foundation design recommendations are implemented, and the City Building Official shall conduct site inspections prior to occupancy of any structure to ensure compliance with the approved measures. (Draft EIR, p. 4.7-20.)

The City Council finds that MM-GEO-4 is feasible, is adopted, and will further reduce impacts related to expansive soils. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to expansive soils, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to expansive soils. (Draft EIR, pp. 4.7-17 – 4.7-18.)

G. HAZARDS AND HAZARDOUS MATERIALS

1. Hazardous Materials

Threshold: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or, create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 4.8-10.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: During construction, there are activities that can expose the public to significant hazards from accidental circumstances both directly and

indirectly. The first pathway occurs when petroleum products are accidentally released from construction equipment or storage facilities. For example, vandalism can cause a release from stored fuels, or a hydraulic hose may break on a large piece of construction equipment. This type of impact is readily mitigated by immediately stopping the construction activity; controlling the accidental release; and carrying out remediation of the area contaminated by the spill. It is anticipated that the stormwater pollution prevention plan (SWPPP) prepared for the proposed Project.

According to the City of Coachella General Plan Update Final EIR (2015) (p. 4.7-12):

A SWPPP prepared in compliance with the General Permit describes the site, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of post-construction sediment and erosion control measures and maintenance responsibilities, and non-storm water management controls. Dischargers are also required to inspect construction sites before and after storms to identify storm water discharge from construction activity, and to identify and implement controls where necessary.

A SWPPP is required under City Ordinance No. 13.16, Water Quality Control, and is required prior to the issuance of a grading permit for each and every phase of development that would require a grading permit. This is a standard per Ordinance No. 13.16 and is not considered unique mitigation under CEQA. With the inclusion of this standard condition, any impacts from implementation of the proposed Project related to significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials, are considered less than significant. No additional mitigation is required. (Draft EIR, p. 4.8-10.)

The second circumstance occurs when unknown contaminants are exposed during construction. An example would be a barrel of hazardous material buried below the ground surface that could be exposed during grading. As in the previous instance, the exposure of such contamination typically occurs over a very limited area and with proper mitigation, the potential hazard to humans and the environment can be managed so it will not significantly impact either humans or the environment. With the incorporation of **Mitigation Measures MM-HAZ-1** and **MM-HAZ-2**, any impacts from spills during construction, or discovery of subsurficial hazardous materials, will be reduced to a less than significant level.

Both during construction and once the Project is occupied, the transport of hazardous materials to the Project site can result in additional potential for accidental spills, leaks, or other hazards such as fire or explosion. For such transporters, the existing regulatory environment will ensure that the hazardous materials and any hazardous wastes transported to and from the

Project site will be properly managed. These regulations are codified in Titles 8, 22, and 26 of the California Code of Regulations and Title 40 of the Code of Federal Regulations. Haulers must comply with all existing applicable federal, state and local laws and regulations regarding transport, use, disposal, handling and storage of hazardous wastes and material. Compliance with these laws and regulations related to transportation will minimize potential exposure of humans or the environment to significant hazards from transport of such materials and wastes. Due to the inability to ascertain what these hazardous materials may be at this time, these regulations are considered sufficient to control potential hazards from accidents to a less than significant impact level. Should specific uses generate hazardous materials during the life of the Project, subsequent analysis may be required to ascertain impacts and mitigation, if required (i.e., medical wastes, chemical wastes, etc.).

With the exception of the discussion below, the 2014 ESA has revealed no evidence of recognized environmental conditions, historical recognized environmental conditions, controlled recognized environmental conditions, or de minimis conditions in connection with the Property. A Radius Profile Report from Environmental Data Resources, Inc. dated September 5, 2014 was reviewed as part of the 2014 ESA preparer. The radius report, found in Appendix G of the 2014 ESA, contains records of registered sites in the vicinity of the Property for the classifications and distances listed in Table 4.8.4-1, Federal Environmental Record Source Summary, and Table 4.8.4-2, State and Local Environmental Record Source Summary, and as required by American Society of the International Association for Testing and Materials (ASTM) Practice E-1527-13. Report dates for each database searched are listed in the appendix of the 2014 ESA. (Draft EIR, p. 4.8-11.)

- MM-HAZ-1** During grading, and/or during construction, should an accidental release of a hazardous material occur, the following actions will be implemented: construction activities in the immediate area will be immediately stopped; appropriate regulatory agencies will be notified; immediate actions will be implemented to limit the volume and area impacted by the contaminant; the contaminated material, primarily soil, shall be collected and removed to a location where it can be treated or disposed of in accordance with the regulations in place at the time of the event; any transport of hazardous waste from the property shall be carried out by a registered hazardous waste transporter; and testing shall be conducted to verify that any residual concentrations of the accidentally released material are below the regulatory remediation goal at the time of the event. All of the above sampling or remediation activities related to the contamination will be conducted under the oversight of Riverside County Site Cleanup Program. All of the above actions shall be documented and made available to the appropriate oversight agency such as the Department of Environmental Health or the Department of Toxic Substances Control (DTSC) prior to closure of the contaminated

area.

MM-HAZ-2 During grading, if an unknown contaminated area is exposed, the following actions will be implemented: any contamination found during construction will be reported to the Riverside County Site Cleanup Program and all of the sampling or remediation related to the contamination will be conducted under the oversight of the Riverside County Site Program; construction activities in the immediate area will be immediately stopped; appropriate regulatory agencies will be identified; a qualified professional (industrial hygienist or chemist) shall test the contamination and determine the type of material and define appropriate remediation strategies; immediate actions will be implemented to limit the volume and area impacted by the contaminant; the contaminated material, primarily soil, shall be collected and removed to a location where it can be treated or disposed of in accordance with the regulations in place at the time of the event; any transport of hazardous waste from the property shall be carried out by a registered hazardous waste transporter; and testing shall be conducted to verify that any residual concentrations of the accidentally released material are below the regulatory remediation goal at the time of the event. All of the above actions shall be documented and made available to the appropriate oversight agency such as the Department of Environmental Health or the Department of Toxic Substances Control prior to closure of the contaminated area.

Previous Agriculture Use on Property

The Property has been used for agricultural purposes from at least 1952 through the present day. Prior to 1972, it was a common practice to use environmentally persistent pesticides. Specifically, pesticides that included DDT, DDD, DDE and toxaphene. Environmentally persistent pesticides, if previously used on the Property, may still be present. However, specific information regarding the previous use of such chemicals was not found during the research conducted for the 2014 ESA. The possible presence of residual concentrations of environmentally persistent pesticides, is a recognized environmental condition. It is recommended that the samples be analyzed for pesticides using United States Environmental Protection Agency (EPA) Method 8081 during grading, and/or during construction. This is reflected in **Mitigation Measures MM-HAZ-1, MM-HAZ-2, and MM-HAZ-4**, which requires grading activities to be halted, soil sampling and coordination with the appropriate oversight agency. Necessary actions will be identified (if required) in order to address this issue. With the incorporation of **Mitigation Measure MM-HAZ-1, MM-HAZ-2, and MM-HAZ-4**, any impacts will be reduced to a less than significant level.

MM-HAZ-4 Prior to the issuance of a grading permit, the applicant shall conduct sampling of the near surface soil to assess whether residual concentrations exceed State of California action levels is recommended in areas that were

in agricultural use prior to 1972. The presence of pesticides in the soil may represent a health risk to tenants or occupants on the Property and the soil may require specialized handling and disposal. A grid shall be used to take representative samples where crops were grown on the Property. Any samples shall be analyzed for pesticides using EPA Method 8081. A qualified contractor shall be contacted to remove such materials. Any work conducted shall be in compliance with guideline set by an oversight agency such as the Department of Environmental Health or the Department of Toxic Substances Control.

Groundwater Wells on The Property

At least one groundwater well is located on the Property, near the water retention pond along the north Property border. The 2014 ESA was not conclusive as to whether there was a second well along the north Property border, south of the north adjacent scrap metal yard. Since wells may have been modified and are located below the surface, other wells may exist on the Property that were not identified during the Property reconnaissance. The presence of groundwater wells on the Property is not a recognized environmental condition; however, they must be properly decommissioned or protected if the Property is to be developed. The Project will be served by potable and reclaimed water, when it becomes available. It is not anticipated that the wells will be utilized as a water source for the Project. The analysis contained in the Project-specific Water Supply Assessment does not include the use of these wells as a water source (see Subchapter 4.15, Utilities and Service Systems).

With the incorporation of **Mitigation Measure MM-HAZ-3**, the applicant, will be required, prior to the issuance of a grading permit, to contact the Riverside County Community Health Agency, Department of Environmental Health, Water Engineering Department in Indio, California to ascertain the locations of wells. If closure of the wells is required, they shall be closed in accordance with the specific requirements for the closure of wells of the Riverside County Community Health Agency, Department of Environmental Health, Water Engineering Department. With the implementation of **Mitigation Measure MM-HAZ-3**, any impacts will be reduced to a less than significant level as they relate to closure of the wells (if necessary).

MM-HAZ-3 Prior to the issuance of a grading permit, the applicant shall contact the Riverside County Community Health Agency, Department of Environmental Health, Water Engineering Department in Indio, California to ascertain the locations of wells. If determined by this oversight agency that the closure of the wells is required, then they shall be closed in accordance with the specific requirements for the closure of wells of the Riverside County Community Health Agency, Department of Environmental Health, Water Engineering Department.

Solid Waste Disposal on The Property

There was evidence observed of debris, trash, empty cans, clothing, furniture, concrete, roofing, wood, cuttings, rubber tires, railroad ties, and other materials typical of illegal dumping noted throughout the Project site. These materials were typically located in areas along the access roads. There were two other areas where more solid waste was identified including the former water retention pond near the center of the Property and the area south of the north adjacent scrap metal yard. The solid waste appeared to be innocuous household trash dumped illegally and there were no signs of disposed hazardous materials or petroleum products. Other than the recommendation that these materials be removed to help avert further dumping, no further investigation in regard to this condition is deemed necessary at this time. **Mitigation Measures MM-HAZ-1, MM-HAZ-2, and MM-HAZ-4**, have been added, which require grading activities to be halted, soil sampling and coordination with the appropriate oversight agency should any of these items prove to be hazardous (during grading). Necessary actions will be identified (if required) in order to address this issue. With the incorporation of **Mitigation Measure MM-HAZ-1, MM-HAZ-2, and MM-HAZ-4**, any impacts will be reduced to a less than significant level. (Draft EIR, p. 4.8-15.)

Suspect Asbestos Containing Materials on The Property

The presence of asbestos or suspect asbestos does not represent a recognized environmental condition for the Property. The 2014 ESA preparer noted a pile of roofing materials that had been dumped on the Property in the vicinity of the former water retention pond near the center of the Property. The suspect asbestos containing materials included asphalt roofing, roof tar, and roofing felt. It is recommended that these materials be tested for asbestos. If found to contain asbestos, an asbestos abatement contractor will be required to have this material removed from the Property.

The shed located near the paintball field has suspect asbestos containing roofing. It is recommended that if this shed will be demolished, the roofing materials be tested for asbestos prior to the disturbance of this material. If found to contain asbestos, an asbestos abatement contractor will be required to have this material removed from the shed prior to its demolition. **Mitigation Measure MM-HAZ-5** requires that if any materials are discovered at the site during any future activities that may contain asbestos, a qualified contractor be contacted to remove such materials. Any work conducted shall be in compliance with guideline set by an oversight agency such as the DEH or the Department of Toxic Substances Control (DTSC), prior to grading permit final. (Draft EIR, p. 4.8-15.)

No above grade indications were observed that cement asbestos pipes (Transite pipe) were used on the Property. However, cement asbestos pipes

are known to have been used for water distribution systems for crop irrigation. **Mitigation Measure MM-HAZ-5** also requires that, if suspect cement asbestos pipes are identified (during excavation activities on the Property), they be removed and disposed of by a licensed asbestos abatement contractor.

With the incorporation of **Mitigation Measure MM-HAZ-5**, any impacts will be reduced to a less than significant level as it relates to asbestos.

MM-HAZ-5 If any materials are discovered at the site during any future activities that may contain asbestos, a qualified contractor be contacted to remove such materials. As it pertains to the shed roof, it shall be tested prior to any demolition. All work conducted shall be in compliance with guidelines set by an oversight agency such as the Department of Environmental Health or the Department of Toxic Substances Control, prior to grading permit final.

The City Council finds that MM-HAZ-1 through MM-HAZ-5 are feasible, are adopted, and will further reduce impacts related to hazardous materials. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to hazardous materials, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to hazardous materials. (Draft EIR, pp. 4.8-10 – 4.8-16.)

H. HYDROLOGY AND WATER QUALITY

1. Degradation of Water Quality

Threshold: Would the Project otherwise substantially degrade water quality?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.9-22.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: *NOP Comment Letter #9 from the Coachella Valley Mosquito and Vector Control District (dated 3/27/15) states:*

- The Project will result in an increase in storm water retention sites which could provide additional habitat for larval mosquitos.
- The site is surrounded on three sides by agricultural areas and may result in an increased need for fly control.
- Irrigation of the property could increase the suitability of the land for red imported fire ants.

- Development of the property could result in an increase of the vector populations which could result in putting more people at risk of contracting vector-borne diseases.
- Suggests that there are a number of construction practices and landscaping designs that will reduce and potentially prevent the production of mosquitos and red imported fire ants in the area.

The Project's retention basins could provide habitat for larval mosquitoes. In addition, the location of the project site, downwind from agricultural areas, may result in the increased need for fly and eye gnat control. Also, irrigation of the Project could increase the suitability for red imported fire ants. Because there is not a specific CEQA threshold to address vector control, it is being evaluated here, as these vectors are associated with surface water.

Flies and eye gnats are a potential concern due to the proximity of the Project site to agricultural land. Imported red fire ants are a potential concern in the landscape and open space areas of the Project because imported red fire ants tend to build nests in open, sunlit, irrigated, grassy areas. Mosquitos are a potential concern associated with on-site water, particularly standing water or moist soils associated with treatment BMPs, which can serve as breeding habitat for mosquitos.

As specified in **Mitigation Measure MM-HYD-1**, a Vector Control Program would be implemented to address control of flies, eye gnats, imported red fire ants, and mosquitos. Flies and eye gnats would be controlled through measures such as landscape maintenance, removal of vegetation and landscape clippings, and irrigation management to prevent overwatering. Red ants would be controlled by limiting access to water through use of desert landscaping, irrigation management, and turf management to reduce potential nesting habitat. **MM-HYD-1** requires that prior to issuance of grading permits, the applicant shall develop a Vector Control Program in coordination with the Coachella Valley Mosquito and Vector Control District. The Vector Control Program shall address control of flies, eye gnats, imported red fire ants, and mosquitos. The vector control program shall include measures such as landscape maintenance, removal of vegetation and landscape clippings, irrigation management, use of desert landscaping, irrigation management, and turf management.

As specified within the WQMP, a Maintenance and Management Program for all storm water facilities would be developed and implemented to control mosquitos and reduce potential breeding habitat. The Maintenance and Management Program would include a detailed plan for the control of vectors indigenous to wetlands. Because the minimum length of time for mosquito development is 96 hours, the water quality features, such as vegetated strips, vegetated swales, detention devices, infiltration BMPs,

bioretention BMPs, and media filters would be designed to drain within 72 hours or be sealed against mosquitos. In addition, mosquito control would be achieved through use of desert landscaping and irrigation management. These requirements are reflected in **Standard Conditions SC-HYD-2**, and **SC-HYD-3**, (water quality management plans, and BMPs, respectively) in Subchapter 4.9.5 of the EIR.

With implementation of **MM-HYD-1**, which require development and implementation of a Vector Control Program, and with an on-going BMP Maintenance and Management Program (consistent with the WQMP), and **Standard Conditions SC-HYD-2**, and **SC-HYD-3**, potential impacts related to vectors would be reduced to less than significant levels. (Draft EIR, pp. 4.9-22—4.9-23.)

MM-HYD-1 Vector Control Program. Prior to issuance of grading permits, the applicant shall develop a Vector Control Program in coordination with the Coachella Valley Mosquito and Vector Control District. The Vector Control Program shall address control of flies, eye gnats, imported red fire ants, and mosquitos. The vector control program shall include measures such as landscape maintenance, removal of vegetation and landscape clippings, irrigation management, use of desert landscaping, irrigation management, and turf management. (Draft EIR, p. 4.9-27.)

The City Council finds that MM-HYD-1 is feasible, is adopted, and will further reduce impacts related to water quality. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to water quality, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to water quality. (Draft EIR, pp. 4.9-22 – 4.9-23.)

I. NOISE

1. Noise Standards

Threshold: Would the Project result in the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.11-21.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: The proposed Project would result in short-term noise impacts associated with construction activities. Two types of short-term noise impacts could

occur during construction of the proposed Project. First, construction crew commute and the transport of construction equipment and materials to the site for the proposed Project would incrementally increase noise levels on access roads leading to the site.

Construction Traffic

Truck traffic associated with Project construction would be limited to within the permitted construction hours, as listed in the City's Municipal Code, Sub-Chapter 7.04.070, Construction Activities. Although there would be a relatively high single-event noise exposure potential at a maximum of 87 dBA Lmax at 50 feet from passing trucks, causing possible short-term intermittent annoyances, the effect on ambient noise levels would be less than 1 dBA when averaged over one hour or 24 hours. In other words, the changes in noise levels over 1 hour or 24 hours attributable to passing trucks would not be perceptible to the normal human ear.

Therefore, short-term construction-related impacts associated with worker commute and equipment transport on local streets leading to the Project site would result in a less than significant impact on noise-sensitive receptors along the access routes.

The Environmental Protection Agency (EPA) has compiled data regarding the noise generated characteristics of typical construction activities. The data is presented in **Table 4.11.4-1, Typical Construction Noise Levels**. These noise levels would diminish rapidly with distance from the construction site at a rate of 6 dBA per doubling of distance. For example, a noise level of 86 dBA measured 50 feet from the noise source would reduce to 80 dBA at 100 feet. At 200 feet from the noise source the noise level would reduce to 74 dBA. At 400 feet the noise source would reduce by another 6 dBA to 68 dBA. (Draft EIR, pp. 4.11-21--4.11-22.)

Construction Activities

The site preparation phase, which includes grading and paving, tends to generate the highest noise levels, since the noisiest construction equipment is earthmoving equipment. Earthmoving equipment includes excavating machinery such as backhoes, bulldozers, and front loaders.

Earthmoving and compacting equipment includes compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full power operation followed by 3 or 4 minutes at lower power settings. Construction of the proposed Project is expected to require the use of scrapers, bulldozers, motor grader, and water and pickup trucks. Noise associated with the use of construction equipment is estimated to reach between 79 and 89 dBA Lmax at a distance of 50 ft. from the active construction area for the grading phase. The

maximum noise level generated by each scraper is assumed to be approximately 87 dBA Lmax at 50 ft. from the scraper in operation. Each bulldozer would also generate approximately 85 dBA Lmax at 50 ft. The maximum noise level generated by the sound sources with equal strength increases the noise level by 3 dBA. The worst-case combined noise level during this phase of construction would be 91 dBA Lmax at a distance of 50 ft. from an active construction area.

The closest sensitive receptors to the Project's construction area are two (2) residences located along Tyler Street near the western boundary of the project site at a distance of 75 ft. At this distance, these receptor locations would be exposed to construction noise levels of up to 88 dBA Lmax during site preparation. In addition, residences constructed in earlier Project phases within 100 ft. of an active construction area would be exposed to construction noise levels of up to 85 dBA Lmax during site preparation of later phases. After site preparation is completed for each individual phase of development, other construction activities are anticipated generate lower noise levels.

The following **Standard Condition, SC-NOI-1** shall be implemented:

The City has established certain hours during the day when construction can occur to minimize potential disturbance to sensitive receptors which are shown below:

October 1st through April 30th

- Monday—Friday: 6:00 a.m. to 5:30 p.m.
- Saturday: 8:00 a.m. to 5:00 p.m.
- Sunday: 8:00 a.m. to 5:00 p.m.
- Holidays: 8:00 a.m. to 5:00 p.m.

May 1st through September 30th

- Monday—Friday: 5:00 a.m. to 7:00 p.m.
- Saturday: 8:00 a.m. to 5:00 p.m.
- Sunday: 8:00 a.m. to 5:00 p.m.
- Holidays: 8:00 a.m. to 5:00 p.m.

The Project applicant will comply with these allowable hours. In addition, construction noise sources are not stationary, and therefore, high noise levels would not persist in one particular location.

Mitigation Measure MM-NOI-1 requires that during any earth movement construction activities during any phase of development the developer shall implement several practices and procedures that will ensure that Project construction noise impacts to sensitive receptors will not exceed thresholds and are reduced to a less than significant level. (Draft EIR, pp. 4.11-22--

4.11-24.)

MM-NOI-1 During any earth movement construction activities during any phase of development the developer shall:

- Locate stationary construction noise sources such as generators or pumps at least 300 feet from sensitive land uses, as feasible;
- Locate construction staging areas as far from noise sensitive land uses as feasible;
- Ensure all construction equipment is equipped with appropriate noise attenuating devices to reduce the construction equipment noise by 8 to 10 dBA;
- Turn off idling equipment when not in use;
- Maintain equipment so that vehicles and their loads are secured from rattling and banging;
- Limit the amount of heavy machinery equipment operating simultaneously to two (2) pieces of equipment within a 50-foot radius of each other (when located with 100 feet of existing residential units); and
- Install temporary noise control barriers that provide a minimum noise level attenuation of 10.0 dBA when Project construction occurs near existing noise-sensitive structures. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the noise source. Unnecessary openings shall not be made.
 - The noise barriers must be maintained, and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired.
 - The noise control barriers and associated elements shall be completely removed, and the site appropriately restored upon the conclusion of the construction activity.

On-Site Traffic Noise Impact

Table 4.11.4-4, Project Completion Year 2022 (Without Project) Exterior Noise Levels Along Roadways (dBA CNEL), Table 4.11.4-5, Project Completion Year 2022 (With Project) Exterior Noise Levels Along Roadways (dBA CNEL), Table 4.11.4-6, Change in Project Completion Year 2022 Noise Levels as a Result of the Project (dBA CNEL), Table 4.11.4-7, General Plan Buildout Year 2035 Exterior Noise Levels Along Roadways (dBA CNEL), Table 4.11.4-8, General Plan Buildout Year 2035

(With Project) Exterior Noise Levels Along Roadways (dBA CNEL), and Table 4.11.4-9, Change in General Plan Buildout Year 2035 Noise Levels as a Result of the Project (dBA CNEL), show the Existing Plus Project, Project Completion Year 2022 and General Plan Buildout Year 2035 scenarios traffic noise levels. For the future (2022 and 2035) with Project scenarios, the following on-site roadway segments would experience traffic noise level increases exceeding 3 dBA:

- Avenue 47 between Tyler Street and Street A: 2022 (+27.0 dBA), 2035 (+21.2 dBA)
- Avenue 47 between Street A and Polk Street: 2022 (+22.9 dBA), 2035 (+17.1 dBA)
- Avenue 48 between Tyler Street and Street A: 2022 (+22.5 dBA)
- Avenue 48 between Street A and Polk Street: 2022 (+19.7), 2035 (+17.1 dBA)

There are no existing noise-sensitive land uses on the Project site; therefore, no land uses would be exposed to substantial traffic noise increases, and no potential substantial traffic noise level increase impacts would occur along these roadway segments. (Draft EIR, pp. 4.11-33—4.11-34.)

Avenue 47

Based upon information contained in **Table 4.11.4-8, General Plan Buildout Year 2035 (With Project) Exterior Noise Levels Along Roadways (dBA CNEL)**, dwelling units proposed within PA2, PA3 and PA8 that are within 231, 73, and 23 feet of Avenue 47 centerline would be exposed to traffic noise exceeding the 60, 65, and 70 dBA CNEL, respectively, exterior noise standards for residential uses. In order to reduce exterior noise levels to 60 dBA CNEL or lower, sound wall heights (or equivalent noise reduction measures) need to be implemented for residential units with outdoor living areas (backyards and patios) along this segment of Avenue 47 within the potential impact zone.

Mitigation Measure MM-NOI-2 will be required, which will attain noise reduction methods in order to reduce noise impacts to acceptable thresholds. With the incorporation of this measure, any noise impacts to dwelling units proposed within PA2, PA3 and PA8, that are adjacent to Avenue 47 will be reduced to a less than significant level. (Draft EIR, pp. 4.11-34—4.11-35; Final EIR, p. 3-5.)

MM-NOI-2 Prior to the approval of an implementing project, the Project applicant shall submit plans to the Building and Safety Department that will demonstrate the necessary performance standards for adequate noise reduction for residences located in PA2, PA3, and PA8, that are adjacent to Avenue 47:

- Areas Exceeding 70 dBA CNEL (within 23 feet from centerline of Avenue 47): 8 foot (combination of earthen berm and maximum 6' high wall) for ground level outdoor living areas such as backyards or patios.
- Areas Exceeding 65 dBA CNEL (within 73 feet from centerline of Avenue 47): 6 foot for ground level outdoor living areas such as backyards or patios.
- Areas Exceeding 60 dBA CNEL (within 231 feet from centerline of Avenue 47): 5 foot for ground level outdoor living areas such as backyards or patios.

Avenue 48

Based upon information contained in **Table 4.11.4-8, General Plan Buildout Year 2035 (With Project) Exterior Noise Levels Along Roadways (dBA CNEL)**, dwelling units proposed within PA5, PA7 and PA10 that are within 390, 123, and 39 feet of Avenue 48 centerline would be exposed to traffic noise exceeding the 60, 65, and 70 dBA CNEL, respectively, exterior noise standards for residential uses. In order to reduce exterior noise levels to 60 dBA CNEL or lower, sound wall heights (or equivalent noise reduction measures) need to be implemented for residential units with outdoor living areas (backyards and patio) along this segment of Avenue 48 are within the potential impact zone:

Mitigation Measure MM-NOI-3 will be required, which will attain noise reduction methods in order to reduce noise impacts to acceptable thresholds. With the incorporation of **Mitigation Measure MM-NOI-3**, any noise impacts to dwelling units proposed within PA5, PA7 and PA10, that are adjacent to Avenue 48 will be reduced to a less than significant level.

As it pertains to the westerly extension of Avenue 48 (Shadow View Boulevard), the same noise impacts would be anticipated. However, since the land is currently vacant, there are no sensitive receptors. (Draft EIR, pp. 4.11-35—4.11-36.)

MM-NOI-3 Prior the approval of an implementing project, the Project applicant shall submit plans to the Building and Safety Department that will demonstrate the necessary performance standards for adequate noise reduction for residences located in PA5, PA7, and PA10, that are adjacent to Avenue 48:

- Areas Exceeding 70 dBA CNEL (within 39 feet from centerline of Avenue 48): 8 foot (combination of earthen berm and maximum 6' high wall) for ground level outdoor living areas such as backyards or patios.
- Areas Exceeding 65 dBA CNEL (within 123 feet from centerline of Avenue 48): 6 foot for ground level outdoor living areas such as backyards or patios.
- Areas Exceeding 60 dBA CNEL (within 390 feet from centerline of Avenue 48): 5 foot for ground level outdoor living areas such as backyards or patios.

Street "A"

Based upon information contained in **Table 4.11.4-8, General Plan Buildout Year 2035 (With Project) Exterior Noise Levels Along Roadways (dBA CNEL)**, dwelling units proposed within PA5, PA6 and PA7 that are within 181, 57, and 18 feet of Street "A" centerline would be exposed to traffic noise exceeding the 60, 65, and 70 dBA CNEL, respectively, exterior noise standards for residential uses. In order to reduce exterior noise levels to 60 dBA CNEL or lower, sound wall heights (or equivalent noise reduction measures) need to be implemented for residential units with outdoor living areas (backyards and patio) along this segment of Street "A" within the potential impact zone.

Mitigation Measure MM-NOI-4 will be required, which will attain noise reduction methods in order to reduce noise impacts to acceptable thresholds. With the incorporation of **Mitigation Measure MM-NOI-4**, any noise impacts to dwelling units proposed within PA5, PA6 and PA7, that are adjacent to Street "A" will be reduced to a less than significant level. (Draft EIR, p. 4.11-36.)

MM-NOI-4 Prior to the approval of an implementing project, the Project applicant shall submit plans to the Building and Safety Department that will demonstrate the necessary performance standards for adequate noise reduction for residences located in PA5, PA6, and PA7, that are adjacent to Street "A:"

- Areas Exceeding 70 dBA CNEL (within 18 feet from centerline of Street "A"): 8 foot (combination of earthen berm and maximum 6' high wall) for ground level outdoor living areas such as backyards or patios.
- Areas Exceeding 65 dBA CNEL (within 57 feet from centerline of Street "A"): 6 foot for ground level outdoor living areas such as backyards or patios.
- Areas Exceeding 60 dBA CNEL (within 181 feet from

centerline of Street “A”): 5 foot for ground level outdoor living areas such as backyards or patios.

Future Interior Noise

Based on the data provided in the Environmental Protection Agency’s (EPA) Protective Noise Levels (EPA 550/9-79-100, Nov 1979), standard homes in Southern California provide at least 12 dBA of noise exterior to interior noise attenuation with windows open and 20 dBA with windows closed.

Therefore, residences would need to be exposed to exterior noise levels exceeding 65 dBA CNEL (45 dBA + 20 dBA = 65 dBA) to potentially exceed the interior noise standard of 45 dBA CNEL with windows closed. A windows-closed condition is defined as: the interior noise level with the windows closed. Upgrades are required for residential structures that would experience interior noise levels exceeding the 45 dBA CNEL noise standard when windows are closed (e.g. higher grade of insulation in outdoor walls, and/or double-paned windows and air condition units). **Mitigation Measure MM-NOI-5** will be implemented. With **Mitigation Measure MM-NOI-5** incorporated, any interior noise impacts will remain less than significant. (Draft EIR, pp. 4.11-36—4.11-37.)

MM-NOI-5 The Project will require a final acoustical analysis (for each tract map) once a site plan or tract map has been developed. The acoustical analyses must demonstrate the interior noise level will not exceed the City’s 45 dBA CNEL noise limit. Potential mitigation may include a “windows closed” condition and possibly upgraded windows (increased STC window/door ratings).

The City Council finds that MM-NO-1 through MM-NOI-5 are feasible, are adopted, and will further reduce impacts related to conflicts with noise standards. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to conflicts with noise standards, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to conflicts with noise standards. (Draft EIR, pp. 4.11-21 – 4.11-37.)

2. Permanent Increase in Ambient Noise

Threshold: Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.11-37.) Changes or alterations have been required in, or incorporated into, the Project which

avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: There would be an increase in traffic noise levels on several roadway segments in the Project vicinity as a result of the proposed Project. However, any existing sensitive receptors along Avenue 47 between Tyler Street and Polk Street are located below the 65 dBA CNEL contour. Therefore, no significant off-site traffic noise impacts would occur as a result of the proposed Project, and no mitigation measures would be required for off-site sensitive land uses.

Mitigation Measures MM-NOI-2 through MM-NOI-5 have been identified for future proposed on-site uses that could be impacted by traffic noise to reduce this impact to less than significant levels. Sound walls (or equivalent mitigation) are recommended to reduce the traffic noise levels in the outdoor active use areas to 60 dBA CNEL or lower to meet the City's exterior noise standard of 60 dBA CNEL. To achieve the interior noise level standard, a final acoustical analysis (for each tract map) once a site plan or tract map will be required. The acoustical analyses must demonstrate the interior noise level will not exceed the City's 45 dBA CNEL noise limit. Potential mitigation may include a "windows closed" condition and possibly upgraded windows (increased STC window/door ratings). All measures specified are typically the minimum that would be required to meet these noise standards and therefore reduce noise to a level that is less than significant. With more building upgrades, the interior noise would be reduced even more; however, the associated cost would also be greater. (Draft EIR p. 4.11-37.)

The City Council finds that MM-NOI-2 through MM-NOI-5 are feasible, are adopted, and will further reduce impacts related to permanent noise increase. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to permanent noise increase, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to permanent noise increase. (Draft EIR, p. 4.11-37.)

3. Temporary Increase in Ambient Noise

Threshold: Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Finding: Less than significant with mitigation. (Draft EIR, pp. 4.11-37—4.11-38.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental

effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: As discussed above under Threshold a., construction at the Project site would temporarily increase ambient noise levels above existing levels without the Project. The high noise levels that would occur during site preparation caused by earthmoving equipment for each of the Specific Plan phases would be short term.

Other construction activities such as building erection would generate lower noise levels, and the majority of the construction activity would occur more than 100 ft. from the nearest receptors. The proposed project would comply with the time periods for construction specified in the City's Municipal Code as listed in Standard Condition SC-NOI-1, which does not allow construction at nighttime.

Mitigation Measure MM-NOI-2 was designed to reduce the construction noise impacts. Compliance with the City's construction hours restrictions (**SC-NOI-1**) would reduce the construction noise impact to a less than significant level. Implementation of **MM-NOI-2** would further reduce the construction noise exposure for receivers adjacent to the Project site by requiring all construction equipment to be equipped with properly operating and maintained mufflers, placing all stationary equipment so that noise is directed away from noise-sensitive receptors; locating equipment staging areas to create the greatest distance between construction-related noise sources and noise-sensitive receptors; limiting the amount of heavy machinery equipment operating simultaneously and installation of temporary noise control barriers.. Therefore, the temporary increase in ambient noise levels as a result of construction is not considered substantial and would be reduced to a less than significant level with mitigation incorporated. (Draft EIR, pp. 4.11-37—4.11-38.)

The City Council finds that MM-NOI-2 is feasible, is adopted, and will further reduce impacts related to temporary noise increase. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to temporary noise increase, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to temporary noise increase. (Draft EIR, pp. 4.11-37 – 4.11-38.)

J. TRANSPORTATION / TRAFFIC

1. Plans, Policies, and Ordinances

Threshold: Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the

circulation system, taking into account all modes of transportation n including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.14-24.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation:

Existing Plus Project Traffic Conditions

Existing Plus Project peak hour intersection turning movement volumes were obtained by combining existing traffic volumes with Project traffic volumes. Existing Plus Project AM and PM peak hour intersection turning movement volumes and average daily traffic are shown on **Figure 4.14.4-24, Existing Plus Project Traffic Volumes**.

Intersection Level of Service for Existing Plus Project Conditions

Intersection levels of service for the existing network with the proposed Project are shown in **Table 4.14.4-4, Intersection Analysis for Existing Plus Project Conditions**.

It should be noted that improvements for existing plus Project conditions include roadway construction and traffic control which will be part of the Project design. The analysis software used for the TIS cannot calculate LOS for uncontrolled intersections or nonexistent roads, and thus a "without mitigation" scenario is not applicable in this case.

As shown in **Table 4.14.4-4**, HCM calculations are based on the existing intersection geometrics and the intersection geometrics necessary to mitigate the Project impact. For Existing Plus Project traffic conditions, all study area intersections are expected to operate at Level of Service D or better during the peak hours.

With implementation of intersection improvements as mitigation measures, shown in **Table 4.14.4-5, Intersection Mitigation for Existing Plus Project Conditions**, all study area intersections are projected to operate at LOS D or better in the Existing Plus Project Conditions peak hour conditions.

This is reflected in **Mitigation Measure MM-TR-1**, which requires the Project applicant (prior to the 1st occupancy) to make several specific improvements, that will reduce impacts to less than significant. Impacts are

considered less than significant with mitigation incorporated. (Draft EIR, pp. 4.14-24--4.14-28.)

MM-TR-1 For Existing Plus Project Conditions, the Project applicant is required to make the following improvements at the following intersections and roadway segments (prior to the 1st occupancy):

- Roadway Segment Improvements
 - Construct new extension of Shadow View Boulevard from Dillon Road to Avenue 48;
 - Construct new extension of Avenue 47 from Tyler Street to Shadow View Boulevard; and
 - Construct new extension of Avenue 48 from Tyler Street to Shadow View Boulevard.
- Intersection of Dillon Road and Shadow View Boulevard:
 - Install traffic signal
 - Install southbound (SB) left-turn lane.
 - Install westbound (WB) left-turn lane.
 - Install WB right-turn signal.
- Intersection of Tyler Street and Avenue 47:
 - Install all-way stop signs.
- Intersection of Tyler Street and Avenue 48:
 - Install all-way stop signs.
- Intersection of Street “A” and Vista Del Sur:
 - Install all-way stop signs.
 - Install NB left-turn lane.
 - Install EB right-turn signal.
- Intersection of Street “A” and Avenue 47:
 - Install all-way stop signs.’
 - Install northbound (NB) left-turn lane.
 - Install NB thru-turn lane.
 - Install NB thru/right-turn lane.
 - Install SB left-turn lane.
 - Install SB thru-turn lane.
 - Install SB thru/right-turn lane.
 - Install eastbound (EB) left-turn lane.
 - Install EB thru-turn lane.
 - Install EB thru/right-turn lane.
 - Install WB left-turn lane.
 - Install WB thru-turn lane.
 - Install WB thru/right-turn lane.
- Intersection of Street “A” and Avenue 48:
 - Install all-way stop signs.
 - Install NB left-turn lane.
 - Install NB thru-turn lane.
 - Install NB thru/right-turn lane.

- Install SB left-turn lane.
- Install SB thru-turn lane.
- Install SB thru/right-turn lane.
- Install EB left-turn lane.
- Install EB thru-turn lane.
- Install EB thru/right-turn lane.
- Install WB left-turn lane.
- Install WB thru-turn lane.
- Install WB thru/right-turn lane.
- Intersection of Polk Street and Avenue 48:
 - Install all-way stop signs.

The City Council finds that MM-TR-1 is feasible, is adopted, and will further reduce impacts related to transportation. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to transportation, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to transportation. (Draft EIR, pp. 4.14-17 – 4.14-28; Final EIR, p. 3-6 – 3-7.)

2. Design Feature Hazards

Threshold: Does the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.14-57.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: The design of roadways must provide adequate sight distance and traffic control measures. This provision is normally realized through roadway design to facilitate roadway traffic flows. Roadway improvements in and around the Project site would be designed and constructed to satisfy all City requirements for street widths, corner radii, intersection control as well as incorporate design standards tailored specifically to Project access requirements that would result in the safe and efficient flow of traffic. In addition, the proposed Project is a Specific Plan that includes a circulation plan to guide future construction of internal roadways. The circulation plan addresses vehicular circulation, non-motorized circulation, traffic calming, drainage crossings, and public transportation. The Specific Plan contains the general alignment and street cross sections for all key roadways as well as an infrastructure implementation component. Adherence to the Specific Plan general street alignments and street cross-sections and other applicable

City requirements for the construction of streets would ensure the proposed Project would not include any sharp curves, dangerous intersections, or other design hazards. Therefore, the Project would not increase hazards to a design feature and would result in a less than significant impact. No mitigation is required.

Temporary impacts associated with the construction of the proposed Project may temporarily restrict vehicular traffic or cause temporary hazards.

Construction operations would be required to implement adequate measures to facilitate the passage of people and vehicles through/around any required road or lane closures. Site-specific activities, such as temporary construction activities, are finalized on a project-by-project basis by the City and are required to ensure adequate traffic flow. **Mitigation Measure MM-TR-4** shall be implemented which requires the applicant to submit a traffic control plan (TCP) prior to construction for any phase of development for approval by the City Engineering Department. Said TCP shall contain, at a minimum, standards for: lane closures, detouring, qualifications of work crews, duration of the plan and signing. With the incorporation of **MM-TR-4**, any potential impacts will be reduced to a less than significant level.

At the time of approval of any site-specific development plans required for the construction of infrastructure as a part of the Specific Plan's infrastructure implementation element or other typical conditions of approval, the Project would be required to implement Mitigation Measure **MM-TR-5**, that would maintain traffic flow and access on each Project development phase. Such measures include may include, but not be limited to: design of streets in accordance with all applicable City requirements for street widths, corner radii, and intersection control. No operation-related roadway design hazards are anticipated.

Therefore, a less than significant impact would occur during Project construction with mitigation incorporated. (Draft EIR, pp. 4.14-57—4.14-58.)

MM-TR-4 Prior to any construction on the Project site, the Project applicant shall submit a traffic control plan (TCP) to the City Engineering Department for review and approval. Said TCP shall be prepared for any subsequent implementing project and will contain, at a minimum, the following: lane closures, detouring, qualifications of work crews, duration of the plan and signing.

MM-TR-5 Concurrent with subsequent development projects within the Specific Plan, Sunline Transit District shall be consulted to coordinate the potential for expanded transit/bus service and vanpools and to discuss and implement potential transit turnout locations within the Project area.

The City Council finds that MM-TR-4 and MM-TR-5 are feasible, are adopted, and will further reduce impacts related to design feature hazards. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to design feature hazards, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to design feature hazards. (Draft EIR, pp. 4.14-57 – 4.14-58.)

3. Emergency Access

Threshold: Does the Project result in inadequate emergency access?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.14-58.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: Development in accordance with the Specific Plan general street alignments, street cross-sections and other applicable City requirements for the construction of streets shall ensure the proposed Project would not include any sharp curves, dangerous intersections, or other design hazards that might otherwise impede emergency response vehicles.

Construction activities that may temporarily restrict vehicular traffic would be required to implement adequate measures to facilitate the passage of people and vehicles through/around any required road closures. Site-specific activities such as temporary construction activities would be required as part of the Specific Plan's infrastructure implementation element and are finalized on a project-by-project basis by the City and are required to ensure adequate emergency access. Such measures are implemented through a construction traffic management plan placed on each Project development phase. **MM-TR-4** shall be implemented which requires the applicant to submit a TCP prior to construction for any phase of development for approval by the City Engineering Department. Said TCP shall contain, at a minimum, standards for: lane closures, detouring, qualifications of work crews, duration of the plan and signing. With the incorporation of **MM-TR-4**, any potential impacts will be reduced to a less than significant level.

Based on the design and construction of roadways to City standards, it is not anticipated that an operational aspect of the Project will create any significant impacts that would result in inadequate emergency access. (Draft EIR, p. 4.140-58.)

The City Council finds that MM-TR-4 is feasible, is adopted, and will further reduce impacts related to emergency access. Accordingly, the City Council finds that, pursuant

to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to emergency access, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to emergency access. (Draft EIR, p. 4.14-58.)

4. Alternative Modes

Threshold: Does the Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.14-58.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: As shown on Figure 4.9-2, Existing Transit Facilities in the City, of the General Plan Update Final EIR (2015) (p. 4.9-5), there is no bus service provided adjacent to the Project. **Mitigation Measure TR-5** has been included which requires that concurrent with subsequent development projects within the Specific Plan, Sunline Transit District shall be consulted to coordinate the potential for expanded transit/bus service and vanpools and to discuss and implement potential transit turnout locations within the Project area.

The proposed Project incorporates a network of on- and off-street trail system within the Project site to promote walkability and reduce vehicle miles traveled within the Project. The system provides for bicycles and pedestrians. Project trails provide connections within the Project site and to destinations off-site. As shown on **Figure 3.4.2-1**, Paseo/Trail System (Figure 5-9 of the Specific Plan), a 10' wide trail is proposed within the Project paseo, which is a minimum of 100' wide. Reference Figure 3.4.2-1, Paseo Detail (Figure 5-10 of the Specific Plan).

The Paseo runs from the Park in PA9, crosses Avenue47/Polk Street, runs between PAs 6 and 7, crosses Street "A" and dissects PA5. The intent of this Paseo Trail is to:

- Provide an east/west pathway in the Specific Plan;
- Connect to the off-site Class I Bicycle Trail (northeasterly of the Project Site);
- Connect to the park within the Shadow View Project; and
- Provide connectivity to the local streets within the Project.

Bicycle routes are located along Avenue 48, Avenue 47, Polk Street and Street “A”. Regional bicycle paths will continue off-site from the project along Avenue 48, Avenue 47 and Polk Street per the City’s General Plan

With the incorporation of **MM-TR-5**, the Project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. (Draft EIR, pp. 4.14-58—4.14-59.)

The City Council finds that MM-TR-5 is feasible, is adopted, and will further reduce impacts related to alternative modes of transportation. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to alternative modes of transportation, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to alternative modes of transportation. (Draft EIR, pp. 4.14-58 – 4.14-59.)

SECTION IV
IMPACTS THAN CANNOT BE FULLY MITIGATED TO A LESS THAN
SIGNIFICANT LEVEL

The City Council hereby finds that, despite the incorporation of Mitigation Measures identified in the EIR and in these Findings, the following environmental impacts cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein:

A. AESTHETICS

1. Visual Character

Threshold: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?

Finding: Significant and unavoidable. (Draft EIR, p. 4.2-7.) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

Explanation: Development of the Project site would substantially alter the existing visual character and quality of the site. The existing gently sloping desert and disturbed agricultural land that currently characterizes the Project site would be developed into a master-planned community consisting of residential, mixed-use, commercial, park/recreation, and open space uses, permanently changing the visual character of the Project site.

A majority of the Project traffic will use Avenue 48/Shadow View Drive as the main access roadway and Avenue 47 as a secondary roadway. This results in a total of approximately 11,600' of off-site street improvements. It is anticipated that the Project will be responsible for a 34' section of these improvements (the ultimate street section is 118' for Avenue 48 and 90' for Avenue 47), commensurate with the needs/impacts generated by the Project. There will also be a traffic signal installed at Dillon Road and Vista Del Sur.

Construction of the phases of development would include mass grading consistent with **Figure 3.4.2-10, Phasing Plan**, with subsequent grading for individual tracts within the Specific Plan as approved, followed by construction of residential, and commercial, and open space uses. The visual character of the Project would substantially change over what currently exists.

The Specific Plan includes Design Guidelines that are consistent with the visual character of development throughout the City. Design Guidelines within the Specific Plan include architectural guidelines, which specify the architectural style, roof form, materials, structural elements, windows, and ornamentation of the proposed residential buildings. In addition, the design guidelines establish design criteria for nonresidential uses related to form, height, massing, materials, and colors. Further, landscape design guidelines have been included to ensure that landscaping of public spaces is complementary to the proposed development. Subsequent Tentative Tract Maps would be required to adhere to the design guidelines in the Specific Plan. **Standard Condition SC-AES-1** would require the applicant to provide detailed project plans for architectural review by the City's Planning Commission at the time each Tentative Tract Map and/or Site Plan is submitted. **Standard Condition SC-AES-2** would require the applicant to provide detailed Project landscape plans for review by the City's Planning Department at the time each Tentative Tract Map and/or Site Plan is submitted.

Implementation of this **Standard Conditions SC-AES-1** and **SC-AES-2** would ensure that all development on the project site would be consistent with the City's design requirements in the Specific Plan and would ensure consistency with visual character of existing development within the City.

The Project site is surrounded by existing agricultural uses and vacant land to the west, south and east. I-10 and Vista Del Sur create the northern boundary to the Project. North of I-10 is vacant land, as well as residential, agricultural, and golf course uses. The Coachella Canal is east of the Project site. The proposed development would change the character of the vacant Project site to an urbanized setting. The General Plan designates the project site as Suburban Retail District; Urban; General, and Suburban Neighborhood; and Neighborhood Center. The General Plan acknowledges

that the site is slated for development at some point in the future (therefore not considered to be an aesthetic resource in its current undeveloped state), the development of the site as proposed would, nonetheless, result in a substantial change in visual character.

There are no other feasible mitigation measures that can be implemented to reduce potential impacts to changes in visual character from site development to a less than significant level. Project implementation would result in the conversion of the existing undeveloped site to a developed site. While the proposed project would incorporate specific Design Guidelines and Development Standards intended to avoid, reduce, offset, or otherwise minimize identified potential adverse impacts of the Project, development of the Project would not retain the existing visual character of the site. Therefore, Project-related visual character impacts would be significant and unavoidable. (Draft EIR, pp. 4.2-7—4.2-8.)

SC-AES-1 **Architectural Review.** At the submittal of each Project Tentative Tract Map and/or Site Plan, the Project applicant shall submit **detailed** Project plans for architectural review and approval by the City Planning Commission. (Draft EIR, p. 4.2-11.)

SC-AES-2 **Landscape Review.** At the submittal of each Project Tentative Tract Map and/or Site Plan, the Project applicant shall **submit** detailed Project plans **for** landscape review and approval by the City Planning Department, per Chapter 17.36.140 of the City’s Municipal Code. (Draft EIR, p. 4.2-12.)

B. AGRICULTURE AND FOREST RESOURCES

1. Conversion of Farmland or Forestland

Threshold: Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Finding: Significant and unavoidable impact. (Draft EIR, pp. 4.3-8.) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

Explanation: Portions of the Project site have been used for agricultural purposes from at least 1952 through the present day.

The Project site is surrounded by existing agricultural uses and vacant land to the west, south, and east. I-10 and Vista Del Sur create the northern boundary to the Project. The Coachella Canal is to the east of the Project site.

The Specific Plan Project site currently has the following General Land Use Designation: Entertainment Commercial (C-E). Please reference **Figure 3.4.1-1, Existing General Plan and Zoning Classifications**.

These designations are proposed to be modified in the General Plan to the designation of Specific Plan through General Plan Amendment No. 14-01.

The Project site is zoned with the following classifications: General Commercial (C-G), Residential Single-Family (R-S), and Manufacturing Service (M-S) zoning designations. Reference **Figure 3.4.1-1, Existing General Plan and Zoning Classifications**.

Reference **Figure 3.4.1-1, General Plan and Zoning Classifications, Figure 3.4.1-2, Proposed General Plan Amendment Exhibit, and Figure 3.4.1-3, Proposed Change of Zone Exhibit**.

The proposed Change of Zone and Specific Plan will rezone the Project site to Specific Plan.

The surrounding General Plan Land Use designations and zoning classifications are as shown on **Table 4.3.4-1, Surrounding General Plan Land Use Designations and Zoning Classifications**. (Draft EIR, pp. 4.3-8—4.3-9.)

Table 4.3.4-1 illustrates that the General Plan Land Use Designations for the properties surrounding the Project site are planned for suburban and urban forms of development. No agriculturally General Plan Land Use designated lands are on the Project site, or to the north, south, east, or west. The zoning classifications on the current City Zoning Map do show agricultural classifications; however, it should be noted that they are not consistent with the General Plan and will require a zoning amendment when development is proposed on these parcels.

The General Plan Update Final EIR (2015) states that one of the most effective ways to address such indirect impacts is through the provision of buffers and right-to-farm policies that protect agricultural operations from urban impacts. The General Plan Update Final EIR (2015) presents numerous goals and policies that would help to minimize direct and indirect impacts to agricultural resources. Specifically, policies 10.8 and 10.9 in the Sustainability and Natural Resources Element address the issue of indirect impacts.

- 10.8 Buffers between agriculture and urban uses. Require new developments, whether they are new urban or new agricultural uses, in which urban and agriculture uses would be adjacent to maintain a protective buffer that ensures land use conflicts do not occur.

- 10.9 Right to Farm. Support the right of existing farms to continue operations.

Policy 10.8 would be a critical policy for mitigating the indirect impacts to farmland from adjacent urban uses by requiring the establishment of a buffer between urban and agricultural uses whenever development permits are issued for land projects that would create an urban-agricultural adjacency. No such buffering is proposed with the Project, because the ultimate vision for the Project site, and immediate environs, is a suburban and urban land development pattern – not agriculture. Therefore, in the Project will result in a significant and unavoidable impact as it pertains to the adjacent parcels which currently have on-going agricultural activities.

The Project is subject to Assembly Bill 2881 – Right-to-Farm Disclosure, as discussed above. If the Project is developed before the surrounding parcels, then potential impacts can occur. **Standard Condition SC-AG-1** presented below, requires disclosures as part of all home sales transaction(s) to future residents that the property is located within 1 mile of farmland as designated on the most recent Important Farmland Map.

SC-AG-1 The Project applicant shall comply with Assembly Bill 2881. Disclosure shall be provided prior to the close of escrow on the sale of individual homes. This shall be obtained by including the following disclosures on the title report: “The property is located within 1 mile of farmland as designated on the most recent Important Farmland Map.”

With inclusion of **Standard Condition SC-AG-1**, above, any impacts will be reduced; however, as stated above, until such time that the adjacent properties are developed with suburban and urban scale development, impacts will remain significant and unavoidable. In the long-term, impacts will be considered less than significant.

There are no forest lands on the Project site. No impacts will result in conversion of forest land to non-forest use.

2. Prime Farmland

Threshold: Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Finding: Significant and unavoidable impact. (Draft EIR, p. 4.3-11.) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

Explanation: Surficial soils at the Project site are included in the Carsitas-Myoma-Carrizo and Gilman-Indio-Coachella Associations and soil types mapped on the site include Coachella fine sand (CrA), Gilman fine sandy loam (GcA), Myoma fine sand (MaB) and minor amounts of Carsitas cobbly sand (ChC), reference **Figures 4.5.2-2, Soils Map** and **4.7.2-1, Soils Map**. Except for the latter, these soil types are considered prime farmland if properly irrigated and drained.

Accordingly, the General Plan Update Final EIR (2015) (Figure 3-6: Prime Farmland and Farmland of Local Importance), and the Riverside County Land Information System, both identify the Project (on-site and off-site components) as consisting of Farmland of Local Importance, Prime Farmland, and Other Lands (not designated as farmland), reference **Figure 4.3.4-1, Farmland Types**.

The Project will convert these lands to non-agricultural use. The existing General Plan Land Use designation for the Project is Entertainment Commercial (C-E).

The Coachella General Plan Update (2015) identifies agriculture as an integral part of the City's identity and economic future; however, it also recognizes the need to diversify land uses within the City's planning area to accommodate future growth, housing needs and job creation. To efficiently plan and manage the City's growth, the land use plan (Figure 4-24 of the General Plan) divides the City into 17 distinct subareas, reference **Figure 4.3.4-2, General Plan Subareas Map**. The Project is located in Subarea 11, Commercial Entertainment District, which is located at the junction of Interstate 10 and State Route 86S, an area with exceptional regional accessibility and visibility to motorists traveling the adjacent highways. The City envisions that this area will contain much of the new development that attracts visitors to Coachella, including destination retail, hotels and resorts, and entertainment uses.

The General Plan Update (2015) land use designations for the Project (on-site and off-site components) are Suburban Retail District, Urban, General, and Suburban Neighborhood, and Neighborhood Center, therefore; it has been anticipated by the City that urbanization is planned and will ultimately occur in the Project vicinity. Although the Project is proposing uses that are somewhat different than the current land use designations, they are still urban/suburban, not agricultural in nature, and consistent with the City's vision of development within the Project area.

Direct impacts to farmland include the removal of farmland from agricultural production through the development of non-agricultural uses on the land. The Project will result in the conversion of approximately 275 acres of farmland (including the active vineyard use) to urban uses. This

impact is considered significant and unavoidable. No mitigation is feasible. (Draft EIR, pp. 4.3-10—4.3-11.)

C. AIR QUALITY

1. Air Quality Plans

Threshold: Would the Project conflict with or obstruct implementation of the applicable air quality plan; violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Finding: Significant and unavoidable impact. (Draft EIR, pp. 4.4-44, 4.4-46.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

Explanation: **Operational Air Quality Emissions Impact**

Regional Operational Emissions

Long-term air pollutant emission impacts are those associated with stationary sources and mobile sources involving any project-related changes. The stationary source emissions would come from additional natural gas consumption for on-site buildings and electricity for the lighting in the buildings and at the parking area. Based on trip generation factors included in the traffic study, long-term operational emissions associated with the proposed Project, calculated with the CalEEMod model, are shown in **Table 4.4.4-8, Regional Significance—Operational Emissions**. Area sources include architectural coatings, consumer products, and landscaping. Energy sources include natural gas consumption for heating.

Table 4.4.4-8 shows that when the Project is fully operational, the Project would exceed SCAQMD regional thresholds for VOC, NO_x, and CO. Even with the incorporation of **MM-AQ-10** through **MM-AQ-13** the Project would have a significant and unavoidable impact. (Draft EIR, pp. 4.4-44.)

Air Quality Management Plan Consistency

An AQMP describes air pollution control strategies to be taken by a city, county, or region classified as a nonattainment area. The main purpose of an AQMP is to bring the area into compliance with federal and State air quality standards. CEQA requires that certain proposed projects be

analyzed for consistency with the AQMP. For a project to be consistent with the AQMP adopted by the SCAQMD, the pollutants emitted from the project should not exceed the SCAQMD daily threshold or cause a significant impact on air quality, or the project must already have been included in the AQMP projection. However, if feasible mitigation measures are implemented and shown to reduce the impact level from significant to less than significant, a project may be deemed consistent with the AQMP. The AQMP uses the assumptions and forecast projections of local planning agencies to determine control strategies for regional compliance status. Since the AQMP is based on the local General Plan Update (2015), projects that are deemed consistent with the General Plan Update (2015) are found to be consistent with the AQMP.

The Project will be required to follow the Coachella Valley PM10 State Implementation Plan which outlines additional emission reduction measures associated with Rule 403.1. **SC-AQ-1** is required to remain consistent to the Coachella Valley PM10 State Implementation Plan.

The proposed Project's emissions exceed the regional significance thresholds, even with mitigation measures, and would therefore be considered significant and unavoidable. (Draft EIR, p. 4.4-46.)

2. Criteria Pollutants

Threshold: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Finding: Significant and unavoidable impact. (Draft EIR, p. 4.4-47.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

Explanation: Projects could contribute to an existing or projected air quality exceedance because the South Coast Air Basin (SoCAB) is currently in nonattainment for O₃, PM₁₀, and PM_{2.5}. With regard to determining the significance of the cumulative contribution from the Project, the SCAQMD recommends that any given project's potential contribution to cumulative impacts be assessed using the same significance criteria as for project-specific impacts. Therefore, individual projects that do not generate operational or construction emissions that exceed the SCAQMD's daily thresholds for

project-specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which the air basin is in nonattainment and therefore would not be considered to have a significant, adverse air quality impact. Alternatively, individual project-related construction and operational emissions that exceed SCAQMD thresholds for project-specific impacts would be considered cumulatively considerable. As previously noted, the Project will not exceed the applicable SCAQMD regional thresholds for construction (with mitigation incorporated); however, the Project will exceed the applicable SCAQMD regional thresholds for operational-source emissions. The proposed Project's emissions exceed the regional significance operational thresholds, even with mitigation measures, and would therefore be considered significant and unavoidable. (Draft EIR, p. 4.4-47.)

D. TRANSPORTATION / TRAFFIC

1. Plans, Policies, and Ordinances

Threshold: Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Finding: Significant and unavoidable. (Draft EIR, p. 4.14-31.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (State CEQA Guidelines, section 15091(a)(2).)

Explanation: Intersection Level of Service for Project Completion (Year 2022) With Project Conditions

Intersection levels of service for the existing network with background growth, and the proposed Project are shown in **Table 4.14.4-7, Intersection Analysis for Project Completion (Year 2022) With Project Conditions**. As shown in **Table 4.14.4-7**, HCM calculations are based on the existing intersection geometrics and the intersection geometrics necessary to mitigate the Project impact.

For the Project Completion (Year 2022) With Project traffic conditions, all study area intersections are expected to operate at Level of Service D or

better during the peak hours, with the exception of the following intersections that are expected to operate at an unacceptable Level of Service during peak hours without mitigation:

- Tyler Street at Avenue 47; and
- SR-86 at Avenue 50.

It should be noted that improvements for existing plus Project conditions include roadway construction and traffic control which will be part of the Project design. The analysis software used for the TIS cannot calculate LOS for uncontrolled intersections or nonexistent roads, and thus a "without mitigation" scenario is not applicable in this case.

With implementation of intersection improvements as mitigation measures, shown in **Table 4.14.4-8, Intersection Mitigation for Project Completion (Year 2022) With Project Conditions**, all study area intersections are projected to operate at LOS D or better in the Project Completion (Year 2022) With Project peak hour conditions.

This is reflected in **Mitigation Measure MM-TR-2**, which requires the Project applicant (prior to the 1st occupancy) to complete several specific intersection improvements. Although implementation of the improvements defined in **MM-TR-2** would reduce the significant impacts, the City cannot control the timing of when the intersection improvement for the location on Caltrans facilities (SR-86 and Avenue 50) is implemented. For this reason, even with implementation of **MM-TR-2**, impacts would remain significant and unavoidable at this location. (Draft EIR, pp. 4.14-31--4.14-35.)

MM-TR-2 For Project Completion (Year 2022) With Project Conditions, the Project applicant is required to make the following improvements at the following intersections (prior to the 1st occupancy):

- Tyler Street and Avenue 47:
 - Install NB left-turn lane.
 - o Install NB thru-turn lane.
 - o Install SB left-turn lane.
 - o Install SB thru-turn lane.
 - o Install EB left-turn lane.
 - o Install EB thru-turn lane.
 - o Install WB left-turn lane.
 - o Install WB thru-turn lane.
- Intersection of SR-86 and Avenue 50:
 - o Install a traffic signal.

Project Completion (Year 2022) With Project and Cumulative Projects Traffic Volumes

Project Completion (Year 2022) With Project and Cumulative Projects traffic conditions include existing traffic volumes on surrounding roadways, Project traffic, cumulative projects traffic, and area wide growth. The AM and PM peak hour intersection turning movement volumes and average daily traffic are shown on **Figure 4.14.4-27, Project Completion (Year 2022) With Project and Cumulative Project Traffic Volumes.**

Intersection Level of Service for Project Completion (Year 2022) With Project and Cumulative Projects Conditions Intersection levels of service for the existing network with background growth, and the proposed Project are shown in **Table 4.14.4-10, Intersection Analysis for Project Completion (Year 2022) With Project and Cumulative Conditions.** As shown in **Table 4.14.4-10**, HCM calculations are based on the existing intersection geometrics and the intersection geometrics necessary to mitigate the Project impact. For the Project Completion (Year 2022) With Project and Cumulative Projects traffic conditions, all study area intersections are expected to operate at Level of Service D or better during the peak hours, with the exception of the following intersections that are expected to operate at an unacceptable Level of Service during peak hours without mitigation:

- Dillon Road at I-10 WB Ramps;
- Dillon Road at I-10 EB Ramps;
- Dillon Road at Shadow View Boulevard;
- Dillon Road at SR-86 NB Ramps;
- Dillon Road at SR-86 SB) Ramps;
- Dillon Road at Avenue 48;
- Tyler Street at Avenue 47;
- Tyler at Avenue 48;
- Tyler Street at Avenue 50;
- SR-86 at Avenue 50; and
- Polk Street at Avenue 50.

It should be noted that improvements for existing plus Project conditions include roadway construction and traffic control, which will be part of the Project design. The analysis software used for the TIS cannot calculate LOS for uncontrolled intersections or nonexistent roads, and thus a "without mitigation" scenario is not applicable in this case.

With payment of fair-share contribution to intersection improvements as mitigation measures, all study area intersections are projected to operate at LOS D or better in the Project Completion (Year 2022) With Project and Cumulative Projects peak hour conditions.

This is reflected in **Mitigation Measure MM-TR-3**, which requires the Project applicant (prior to the 1st occupancy) to make a fair-share contribution for several improvements, as shown on Draft EIR **Table 4.14.4-12, Project Fair-Share Intersection Contribution for Project Completion (Year 2022) With Project and Cumulative Conditions**. It should be noted that improvements required under **Mitigation Measures MM-TR-1** and **MM-TR-2** will not require a fair-share contribution in addition to the physical improvements for the following intersections listed in **Table 4.14.4-12**.

Although payment of fair-share contribution to the improvements defined in **MM-TR-3** would reduce the significant impacts, the City cannot control the timing of when the intersection improvements for the locations on Caltrans facilities (SR-86, and I-10) are implemented. For this reason, even with implementation of **MM-TR-3**, impacts would remain significant and unavoidable at these locations. (Draft EIR, p. 4.14-37--4.14-45.)

MM-TR-3 For Project Completion (Year 2022) With Project and Cumulative Projects Conditions, the Project applicant shall make a fair-share contribution for the following improvements at the following intersections, as shown on Table 4.14.4-12 [of the Draft EIR] (prior to the 1st occupancy:

- Dillon Road and I-10 WB Ramps: 13.5%
 - Install Traffic Signal
- Dillon Road and I-10 EB Ramps: 17.94%
 - Install Traffic Signal
- Dillon Road and Shadow View Boulevard: 20.86%
 - Install Two (2) NB right-turn lanes
 - Install NB right-turn overlap phase
 - Install One (1) additional SB left-turn lane
 - Install One (1) additional WB left-turn lane
 - Install WB right-turn overlap phase
- Dillon Road and SR-86 NB Ramps 22.83%
 - Install One (1) additional NB thru lane
- Dillon Road and SR-86 SB Ramps 24.14%
 - Install One (1) additional NB thru lane
 - Install One (1) additional NB right-turn lane
- Dillon Road and Avenue 48: 23.96%
 - Install One (1) additional EB right-turn lane
 - Install One (1) additional WB right-turn lane
- • Tyler Street and Avenue 47: 48.34%
 - Install Traffic Signal
 - Install One (1) additional NB left-turn lane
- Tyler Street and Avenue 48: 32.62%
 - Install Traffic Signal
 - Install NB left-turn lane

- Install NB thru lane
- Install SB left-turn lane
- Install SB thru lane
- Install EB left-turn lane
- Install EB thru lane
- Install WB left-turn lane
- Install WB thru lane
- Tyler Street at Avenue 50: 13.82%
 - Install Traffic Signal
 - Install Three (3) NB left-turn lanes
 - Install One (1) additional SB thru lane
 - Install Two (2) additional SB right-turn lanes
 - Install SB right-turn overlap phase
 - Install Two (2) EB left-turn lanes
 - Install Two (2) EB right-turn lanes
 - Install EB right-turn overlap phase
- SR-86 and Avenue 50: 13.59%
 - Install One (1) additional NB thru lane
 - Install Two (2) additional SB right-turn lanes
 - Install Two (2) additional EB left-turn lanes
 - Install One (1) additional EB thru lane
 - Install One (1) EB right-turn lane
 - Install One (1) WB right-turn lane
 - Install One (1) additional WB thru lane
 - Improve signal phasing to protected east/west
- Polk Street at Avenue 50: 3.33%
 - Install Traffic Signal
 - Install NB left-turn lane
 - Install NB thru turn lane
 - Install SB left-turn lane
 - Install SB thru turn lane
 - Install EB left-turn lane
 - Install EB thru turn lane
 - Install WB left-turn lane
 - Install WB thru turn lane

Intersection Level of Service for General Plan Buildout (Year 2035) With Project Conditions

Intersection levels of service for the General Plan Buildout (Year 2035) With Project conditions are shown in **Table 4.14.4-16, Intersection Analysis for General Plan Buildout (Year 2035) With Project Conditions**. As shown in **Table 4.14.4-16**, HCM calculations are based on the existing intersection geometrics and the intersection geometrics necessary to mitigate the Project impact.

For the General Plan Buildout (Year 2035) With Project traffic conditions, all study area intersections are expected to operate at Level of Service D or better during the peak hours, with the exception of the following intersections that are expected to operate at an unacceptable Level of Service during peak hours without mitigation:

1. Dillon Road at I-10 WB Ramps;
2. Dillon Road at I-10 EB Ramps;
4. Dillon Road at Shadow View Boulevard;
5. Dillon Road at SR-86 NB Ramps;
6. Dillon Road at SR-86 SB Ramps;
7. Dillon Road at Avenue 48;
10. Tyler Street at Avenue 47;
11. Tyler at Avenue 48;
12. Tyler Street at Avenue 50;
13. SR-86 at Avenue 50; and
18. Polk Street at Avenue 50.

With implementation of intersection improvements as mitigation measures, all study area intersections are projected to operate at LOS D or better in the General Plan Buildout (Year 2035) With Project peak hour conditions. These improvements are reflected in **MM-TR-3**, which requires the Project applicant (prior to the 1st occupancy) to make a fair-share contribution for the following improvements at the following intersections, as shown on **Table 4.14.4-12**.

Although implementation of the improvements defined in **MM-TR-3** would reduce the significant impacts, the City cannot control the timing of when the intersection improvements for the locations on Caltrans facilities (SR-86, and I-10) are implemented. For this reason, even with implementation of **MM-TR-3**, impacts would remain significant and unavoidable at these locations. Lastly, it should be noted that the Project fair-share contribution is lower for the General Plan Buildout (Year 2035) With Project Conditions than the Project Completion (Year 2022) With Project and Cumulative Conditions. However, the payment of fair-share contribution was made prior to the 1st occupancy. (Draft EIR, pp. 4.14-51—4.14-54.)

2. Congestion Management Programs

Threshold: Does the Project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Finding: Significant and unavoidable. (Draft EIR, p. 4.14-56.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (State CEQA Guidelines, section 15091(a)(2).)

Explanation: The CMP utilizes a LOS standard of LOS E, except for non-exempt locations where the standard is LOS F. The Project intersection impact analyses discussed above as part of the discussion contained under Threshold a, above, is based on the more restrictive LOS D standards from the local jurisdiction in which the intersection is located (City of Coachella). The CMP system in the City of Coachella Valley includes SR-111, SR-86, and I-10.

According to **Table 4.14.4-4, Intersection Analysis for Existing Plus Project Conditions**, shows that no impacts will occur to study area intersections on SR-111, SR-86, or I-10 that would cause these intersections to operate at less than CMP LOS E standard. No impacts are anticipated.

Table 4.14.4-7, Intersection Analysis for Project Completion (Year 2022) With Project Conditions, shows three study area intersections on SR-111, SR-86, or I-10 are not forecast to operate at less than the CMP LOS E standard in the Project Completion (Year 2022) With Project Conditions with the incorporation of **Mitigation Measure TR-2**.

Table 4.14.4-10, Intersection Analysis for Project Completion (Year 2022) With Project and Cumulative Conditions, shows two study area intersections (SR-86 and I-10) are forecast to operate at less than the CMP LOS E standard in the Project Completion (Year 2022). Because the proposed Project causes the LOS to fall below the standard or causes further degradation at these intersections, this is considered to be a Project direct significant impact and mitigation is required. Mitigation for this significant impact is provided in **MM-TR-3**. Although implementation of the improvements defined in **MM-TR-3** would reduce the significant impacts, the City cannot control the timing of when the intersection improvements for the locations on Caltrans facilities are implemented. For this reason, even with implementation of MM-TR-3, impacts would remain significant and unavoidable at these locations. SR-111 operates at an acceptable LOS. No mitigation is required.

Table 4.14.4-16, Intersection Analysis for General Plan Buildout (Year 2035) With Project Conditions, shows two study area intersections (SR-86 and I-10) are forecast to operate at less than the CMP LOS E standard in

the General Plan Buildout (Year 2035) With Project Conditions. Because the proposed Project causes the LOS to fall below the standard or causes further degradation at these intersections, this is considered to be a Project direct significant impact and mitigation is required. Mitigation for this significant impact is provided in **MM-TR-3**. Although implementation of the improvements defined in **MM-TR-3** would reduce the significant impacts, the City cannot control the timing of when the intersection improvements for the locations on Caltrans facilities are implemented. For this reason, even with implementation of **MM-TR-3**, impacts would remain significant and unavoidable at these locations. SR-111 operates at an acceptable LOS. No mitigation is required.

Mitigation for this significant impact is provided in **Mitigation Measures MM-TR-2** and **MM-TR-3**. Although implementation of **Mitigation Measures MM-TR-2** and **MM-TR-3** would reduce the significant impacts by requiring the Project's fair share contribution in the form of DIF and TUMF fee payments towards the future intersection improvements, the City cannot control the timing of when the intersection improvements for the locations on Caltrans facilities (SR-86, and I-10) are implemented. TUMF is included as **Standard Condition SC-TR-1**. For this reason, even with implementation of **Standard Condition SC-TR-1**, and **Mitigation Measures MM-TR-2** and **MM-TR-3**, cumulative impacts would remain significant and unavoidable at these locations. (Draft EIR, pp. 4.14-56—4.14-57.)

SECTION V **CUMULATIVE IMPACTS**

Regarding the Project's potential to result in cumulative impacts, the City hereby finds as follows:

AESTHETICS RESOURCES

Development of the proposed Project will contribute to the change of the general area with an intensification of development substantially greater than that which presently occurs on the site or in the surrounding vicinity. There will be an associated change in views, both to and from the Project site, and due to this Project's contribution to the change in the area pastoral landscape, this change in scenic views has been identified as cumulatively considerable and an unavoidable significant adverse impact if this Project is developed before any of the other proposed development in the area. The proposed Project modifications to the onsite landscape were not identified as being a significant adverse aesthetic/visual impact. Since the proposed Project makes a cumulatively considerable contribution to the cumulative change that will be experienced at this location, it is considered to cause/contribute to a cumulatively significant adverse impact. (Draft EIR, p. 6-4.)

AGRICULTURE AND FOREST RESOURCES

The Project is consistent with the adopted General Plan Update (2015) and impacts on agricultural resources were determined to be significant and unavoidable as a result of the Project. Cumulative impacts to agricultural resources were determined to be adequately evaluated in the General Plan Update Final EIR (2015) and, therefore, pursuant to §15152(f)(1), cumulative impacts to agricultural resources are treated as significant for purposes of this EIR, consistent with the General Plan Update Final EIR (2015). (Draft EIR, p. 6-4.)

AIR QUALITY/GREENHOUSE GAS

The City of Coachella's Climate Action Plan provides direction on how the City plans to achieve a 15% reduction below 2010 (per service population) emissions by 2020. Projects that do not exceed 3,000 MTCO₂e per year will be consistent with the GHG Plan with the incorporation of **MM-AQ-10** through **MM-AQ-13** and the planting of approximately 2,406 new trees, the Project's emissions would be reduced to 3.27 MTCO₂e/SP/yr., which meets the threshold. Therefore, operation of the proposed Project would not create a significant cumulative impact to global climate change.

BIOLOGICAL RESOURCES

With the incorporation of standard conditions and mitigation, the Project will not cause adverse cumulative effects related to the reduction of sensitive vegetation communities present in Riverside County because there are no such species located within the Project area and the Project can be implemented consistent with the criteria identified in the CVMSHCP.

Because the proposed Project and the cumulative projects in the Coachella Valley would comply with the CVMSHCP, and the CVMSHCP and its associated EIR/EIS have analyzed cumulative impacts within the region of the proposed project under CEQA, NEPA, CESA, and FESA, cumulative impacts to biological resources associated with the proposed Project have been previously considered and analyzed. It was determined in the EIR/EIS that cumulative impacts to biological resources would be less than significant through the implementation of the CVMSHCP.

The proposed Project and any other future public or private projects are subject to CVMSHCP compliance including the payment of fees (see SC-BIO-1), which helps cover the cost of acquiring habitat and implementing the CVMSHCP and, therefore, any cumulative impacts on biological resources are less than significant. (Draft EIR, pp. 6-6—6-8.)

CULTURAL RESOURCES

The proposed Project, in conjunction with other development in the City, has the potential to cumulatively impact archaeological and paleontological resources; however, it should be noted that each development proposal received by the City undergoes environmental review pursuant to CEQA. However, with implementation of **MM-CUL-1** through **MM-CUL-5**, the contribution of the Specific Plan to the cumulative loss of known and unknown cultural resources throughout the City would be reduced to below a level of significance. (Draft EIR, pp. 6-8—6-9.)

GEOLOGY AND SOILS RESOURCES

The proposed Project would be required to implement **MM-GEO-1** through **MM-GEO-4**, and comply with applicable State and local requirements, including but not limited to the City of Coachella Building Code and the California Building Code. The proposed Project's individual impacts related to geotechnical constraints are considered less than significant after mitigation. Therefore, the Project's contribution to regional cumulative impacts regarding geotechnical constraints is considered potentially less than significant. (Draft EIR, p. 6-9.)

HAZARDS AND HAZARDOUS MATERIALS

According to the analysis above, with adherence to standard conditions, and mitigation measures, Project impacts will not exceed established thresholds for hazards and hazardous materials. Since the Project is below the established thresholds, cumulative impacts will remain less than significant.

On the other hand, as the City grows, the demand for public service resources to respond to hazards and hazardous materials grows incrementally. The Project will add to the cumulative demand for such resources.

Each future Project within the Vista Del Agua Specific Plan shall participate in the Development Impact Fee Program as adopted by the City to mitigate a portion of these impacts. This will provide funding for capital improvements such as land, equipment purchases and fire station construction. The Project will contribute incrementally to cumulative impacts related to the need to reduce cumulative effects on Fire Services.

The Project's potentially significant or cumulative considerable impacts to Fire Protection and Emergency Response Services can be reduced to less than significant and payment of fees by all cumulative projects can effectively reduce the overall cumulative impacts to such services. Therefore, cumulative impacts are considered less than significant. (Draft EIR, pp. 6-9—6-10.)

HYDROLOGY AND WATER QUALITY

Each of the cumulative projects, individually and cumulatively, could potentially increase the volume of storm water runoff and contribute to pollutant loading in storm water runoff reaching both the City's storm drain system and the Whitewater River, resulting in cumulative impacts to hydrology and surface water quality. However, as with the proposed Project, each of the cumulative projects would also be subject to NPDES and MS4 Permit requirements for both construction and operation. Each project would be required to develop a SWPPP and WQMPs and would be evaluated individually to determine appropriate BMPs to minimize impacts to surface water quality and vector. These requirements are reflected in **Standard Conditions SC-HYD-1, SC-HYD-2, SC-HYD-3, and SC-HYD-4** (construction general permit, water quality management plans, BMPs, and hydrology reports, respectively), as well as **MM-HYD-1**.

In addition, the City Department of Public Works reviews all development projects on a case-by-case basis to ensure that sufficient local and regional drainage capacity is available. Thus, the Project's contribution to cumulative impacts to hydrology and water quality would be *less than significant*. (Draft EIR, p. 6-10.)

LAND USE AND PLANNING

Implementation of the proposed Project, when considered in conjunction with other existing and planned developments in the Project area, would result in the development of a mostly vacant and undeveloped site. With the incorporation of the CVMSHCP Mitigation Fee (see **SC-BIO-1**), the Project will not conflict with any applicable habitat conservation plan or natural community conservation plan. Cumulative impacts are considered less than significant with incorporation of this standard condition. (Draft EIR, pp. 6-10—6-11.)

NOISE

For the proposed Project, cumulative impacts are the incremental effects of the proposed Project when viewed in connection with the effects of past, current, and potential future projects within the cumulative impact area of the City of Coachella. Because Project impacts are below established thresholds for these issue areas, when combined with other Projects in the area, it will not result in any cumulative impacts. (Draft EIR, pp. 6-11—6-12.)

POPULATION AND HOUSING

The proposed Project together with other commercial and residential developments within the City will serve an existing demand for employment, while also meeting the cumulative demand of employment that will result from the City's projected future population. These increases for population, housing, and employment would be within the total projected growth forecasts for 2035 by the City. Implementation of the proposed project would not result in a cumulatively significant population or housing impact and the proposed Specific Plan land uses would not significantly induce growth in areas where growth was not previously anticipated. (Draft EIR, p. 6-11.)

PUBLIC SERVICES AND RECREATION RESOURCES

The Project, in conjunction with other developments will result in the incremental increased demands on public services. However, the General Plan Update (2015) proposes multiple strategies and policies to reduce potential cumulative impacts on an individual project basis through the requirement and phasing of infrastructure necessary to support the Project and payment of Development Impact Fees. These General Plan Update (2015) policies, conditions of approval, and payment of development fees will reduce potential incremental impacts on public facilities and ensure the provision of adequate levels of service. Therefore, cumulative impacts would be less than significant.

The proposed Project would also contribute to a cumulative growth in population. However, because the proposed Project includes an amount of parkland and recreational areas that exceeds the minimum requirements of the City either through dedication or payment of in-lieu fees, implementation of the proposed Project would not have a significant cumulative contribution to increased uses and physical deterioration of existing parks and recreational facilities.

Implementation of the proposed Project in combination with cumulative projects in the area would increase use of existing parks and recreation facilities. However, as future residential development is proposed, the City would require developers to provide the appropriate amount of parkland or pay the in-lieu fees, which would contribute to future recreational facilities. Payment of these fees and/or implementation of new parks on a project-by-project basis would offset cumulative parkland impacts by providing funding for new and/or renovated parks equipment and facilities, or new parks. Therefore, the Project's cumulative contribution impacts to parks and recreation resources would be less than significant. (Draft EIR, pp. 6-12—6-13.)

TRANSPORTATION/TRAFFIC

The Project's contribution to the Transportation Uniform Mitigation Fee (TUMF) program as a fair share contribution is considered sufficient to address the Project's fair share toward a mitigation measure or measures designed to alleviate any potential cumulative impacts. With adherence to standard conditions and mitigation measures, established thresholds related to transportation/traffic can be mitigated under CEQA. However, even though implementation of the mitigation measures would reduce the significant impacts, the City cannot control the timing of when the intersection improvements for the locations on Caltrans facilities (SR-86, and I-10) are implemented. For this reason, cumulative impacts would remain significant and unavoidable at these locations (Caltrans facilities SR-86, and I-10) with the Project and cumulative projects factored in.

In addition, the cumulative impacts to Dillon Road (I-10 to SR-86 and SR-86 to Highway 111) in 2035 Plus Project condition has been identified as a potentially significant and unavoidable impact because additional widening beyond the General Plan classification is likely infeasible. (Draft EIR, pp. 6-13—6-14.)

UTILITIES AND SERVICE SYSTEMS

According to the Coachella Valley Water District (CVWD), there is an adequate water supply and sewer capacity, respectively, to meet the demand of the Project(s). Water and wastewater management systems are capable of meeting the cumulative demand for these systems. Thus, the Project will not cause cumulatively considerable significant adverse impacts on these systems.

Cumulative impacts to landfill capacity will be less than significant due to the Project construction debris and operational waste representing a less than substantial cumulative increment with adherence to standard conditions. Therefore, due to available capacity and implementation of the above Standard Conditions, which provide for recycling on site to reduce Project operational waste, cumulative impacts to the existing landfills resulting from waste generated by Project implementation are considered less than significant.

Since the project would constitute a small incremental increase of the current residential and commercial customer base and the Project is required to comply with California Code of Regulations Title 24, Part 6, California's Energy Efficiency Standards for Residential and Nonresidential Buildings (see **Standard Condition SC-UTIL-6**) and be served by existing service and transmission lines within and around the Project area, this Project's cumulative energy impacts are concluded to a less than significant cumulative impact.

As previously stated, the analysis of cable, telephone and internet services is defined as the service territory for Time Warner Cable and Verizon. Both Time Warner Cable and Verizon would extend current facilities to meet project service demands. As these services are not operating above capacity, these service providers are anticipated to meet communication demands associated with past, present, and future development within the project area. Therefore, no cumulative impacts related to cable, telephone, and internet service will occur due to Project implementation. (Draft EIR, p. 6-14.)

SECTION VI

FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Sections 15126(c) and 15126.2(c) of the CEQA Guidelines, require that an EIR address any significant irreversible environmental changes that would occur should the project be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The project would involve a large commitment of non-renewable resources;
- The primary and secondary impacts of the project would generally commit future generations to similar uses;
- The project involves uses in which irreversible damage could result from any potential environmental accidents; or
- The proposed consumption of resources is not justified.

Development of the Project would cause an irretrievable commitment to the change of the general area with an intensification of development substantially greater than that which presently occurs on the site or in the surrounding vicinity. In particular, there will be an associated change in views, both to and from the Project site, and due to this Project's contribution to the change in the area pastoral landscape, this change in scenic views would result in significant and unavoidable impacts to aesthetics. Furthermore, the Project site and the immediate surrounding area are relatively undeveloped with little to no existing light sources, and thus the Project is anticipated to introduce a substantial amount of light and glare sources, where none previously existed, resulting in a significant adverse impact. (Draft EIR, p. 6-2.)

Conversion of the Project site from vacant land to residential, commercial and open space uses will permanently remove the potential for the land to be farmed in the future, resulting in significant unavoidable impacts to agriculture and forest resources. (Draft EIR, p. 6-2.)

Once the Project is fully operational, the Project is anticipated to exceed SCAQMD regional thresholds, even with the incorporation of mitigation measures. Thus, the Project is anticipated to have significant unavoidable impacts to air quality. (Draft EIR, pp. 6-2—6-3.)

With adherence to **Standard Condition SC-TR-1** and incorporation of **Mitigation Measures MM-TR-1** through **MM-TR-5**, established thresholds related to transportation/traffic can be mitigated under CEQA. However, even though implementation of the improvements defined in **Mitigation Measure MM-TR-3** would reduce the significant impacts, the City cannot control the timing of when the intersection improvements for the locations on Caltrans facilities (SR-86, and I-10) are implemented. For this reason, even with implementation of **MM-TR-3**, cumulative impacts would remain significant and unavoidable at these locations (Caltrans facilities (SR-86, and I-10) with the Project and cumulative projects factored in. In addition, the cumulative impacts to Dillon Road (I-10 to SR-86 and SR-86 to Highway 111) in 2035 Plus Project condition has been identified as a potentially significant and unavoidable impact because additional widening beyond the General Plan classification is likely infeasible. (Draft EIR, p. 6-3.)

SECTION VII **GROWTH-INDUCING IMPACTS**

Section 15126.2(d) of the State CEQA Guidelines requires a Draft EIR to discuss the ways the Project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. In accordance with State CEQA Guidelines Section 15126.2(d), a Project would be considered to have a growth-inducing effect if it would:

- Directly or indirectly foster economic or population growth, or the construction of additional housing in the surrounding environment;
- Remove obstacles to population growth (e.g., construction of an infrastructure expansion to allow for more construction in service areas);
- Tax existing community service facilities, requiring the construction of new facilities that could cause significant environmental effects; or

- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

In addition, CEQA Guidelines that that growth inducement must not be assumed.

The proposed Project together with other commercial and residential developments within the City will serve an existing demand for employment, while also meeting the cumulative demand of employment that will result from the City's projected future population. These increases for population, housing, and employment would be within the total projected growth forecasts for 2035. In addition, implementation of the proposed project would be consistent with the City's vision of the Project site because the existing General Plan Update (2015) designation for the site is "Specific Plan." Implementation of the proposed Project would not result in a cumulatively significant population or housing impact and the proposed Specific Plan land uses would not significantly induce growth in areas where growth was not previously anticipated. Therefore, the Project is not considered growth inducing. (Draft EIR, p. 6-1.)

SECTION VIII **ALTERNATIVES**

A. BACKGROUND

The Draft EIR analyzed three alternatives to the Project as proposed and evaluated these alternatives for their ability to avoid or reduce the Project's significant environmental effects while also meeting the majority of the Project's objectives. The City finds that it has considered and rejected as infeasible the alternatives identified in the EIR and described below. This section sets forth the potential alternatives to the Project analyzed in the EIR and evaluates them in light of the Project objectives, as required by CEQA.

Where significant impacts are identified, section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions. Subsection (a) states:

- (a) An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Subsection 15126.6(b) states the purpose of the alternatives analysis:

- (b) Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

In subsection 15126.6(c), the State CEQA Guidelines describe the selection process for a range of reasonable alternatives:

- (c) The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project.

B. PROJECT OBJECTIVES

The following objectives have been established for the Project (Draft EIR, p. 5-1):

1. Create a distinctive "sense of community" unifying areas through high quality design criteria and utilizing the natural surroundings;
2. High Connectivity - Implement an aesthetically pleasing and functional community concept by integrating community areas, residential areas, parks and commercial areas through connection of walkways, paseos and trails;
3. Provide community focus areas within walking distance between neighborhoods;
4. Provide a balanced mix of economically viable commercial and residential land uses that will promote local job creation;

5. Provide a transition blend of rural and suburban lifestyles; and
6. Provide a diverse mix of housing options.

C. ALTERNATIVES CONSIDERED BUT REJECTED FROM DETAILED ANALYSIS

Section 15126.6(c) of the State CEQA Guidelines specifies that an EIR should (1) identify alternatives that were considered by the lead agency but were eliminated from detailed consideration because they were determined to be infeasible during the scoping process; and (2) briefly explain the reasons underlying the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives; (ii) infeasibility; and/or (iii) inability to avoid significant environmental impacts.

The following alternatives were considered but rejected as part of the environmental analysis for the Project.

1. **Desert Lakes Property (Alternative Project Site):** The 1,500 ac Desert Lakes property on the north side of I-10 between Polk Street and Lincoln Street was considered as an alternative site. This alternative site would still need infrastructure to be brought up through La Entrada to get potable water and sewer flows to the Coachella Waste Water Treatment Plant at Avenue 54 and Polk Street. However, this alternative location was dismissed from further analysis because it is not under the control of the applicant and is considerably large in size than the proposed Project. Analysis of this alternative site is therefore not feasible. (Draft EIR, p. 5-2.)
2. **Shadow View Area (Alternative Project Site):** The 750 ac Shadow View Specific Plan property and land adjacent to that property was considered. The Shadow View area is bounded on the west by the 86-S Expressway and Dillon Road, on the north by I-10, on the east by the Coachella Canal, and on the south by Avenue 50." However, this alternative location was also dismissed from further analysis because it is not under the control of the applicant and is considerably larger in size than the proposed Project. Analysis of an alternative site is therefore not feasible. (Draft EIR, p. 5-2.)

Finding: The City Council rejects both the Desert Lakes Property and the Shadow View Area Alternative Sites, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative sites do not avoid any significant and unavoidable impacts, (2) the alternative sites would likely not further reduce any of the proposed project's significant impacts; and (3) the alternative sites are technically, financially, and legally infeasible given that the Project Applicant does not own other land that would accommodate the proposed Project. Therefore, the Desert Lakes Property and the Shadow View Area Alternative Sites are eliminated from further consideration.

D. EVALUATION OF ALTERNATIVES SELECTED FOR ANALYSIS

The alternatives selected for further detailed review within the EIR focus on alternatives that could the Project's significant environmental impacts, while still meeting most of the basic Project objectives. Those alternatives include:

- **Alternative 1: No Project/No Build Alternative** (Draft EIR, pp. 5-3 to 5-13)
- **Alternative 2: Reduced Residential Density Alternative** (Draft EIR, pp. 5-13 to 5-17)
- **Alternative 3: Vista del Sur Access Alternative** (Draft EIR, pp. 5-18 to 5-21)

1. **Alternative 1: No Project/No Build Alternative**

Description: Under Alternative 1, the Project would not be constructed, and the Project site would remain in its current undeveloped condition. No new development would occur on the site, and no ground-disturbing activities would be undertaken, although it is likely the site will ultimately be developed in the future since the General Plan Update (2015) envisions change in this area. (Draft EIR, p. 5-12.)

Impacts: Alternative 1 would reduce all the significant and unavoidable impacts occurring under the Project to no impact or levels that are less than significant, including with respect to aesthetics, agriculture, operational air quality emissions, and transportation/traffic because the site would not be developed. (Draft EIR, pp. 5-3-5-13.) Alternative 1 would result in greater impacts to land use/planning than the Project because the existing vacant Project site would remain, which is inconsistent with the General Plan Update (2015) and zoning underlying the Project site. (Draft EIR, p. 5-7.) According to the General Plan Update (2015), the Land Use Designations on the Project site include Neighborhood Center, Suburban Retail District, Urban Neighborhood, General Neighborhood and Suburban Neighborhood (General Plan Update [2015], p. 04-59). The 2013 General Plan Land Use that is used in the Draft EIR has a designation of Entertainment Commercial (Draft EIR, p. 3-12). The current Zoning Classifications are General Commercial, Residential Single-Family, and Manufacturing Service (Draft EIR, p. 3-12). Allowing the site to remain vacant would not achieve development of the land uses envisioned under both the 2013 General Plan and the 2015 General Plan Update, nor would infrastructure be developed consistent with the City's Circulation Element. (Vista Del Agua – Environmental Impact Report (SCH# 2015031003) Discussion of Alternatives to Shadow View Boulevard as Either Primary or Secondary Access to the Vista Del Agua Project, January 31, 2020 (revised April 24, 2020))

Attainment of Project Objectives: Alternative 1 would not meet any of the identified objectives established for the proposed Project. For example, the No Project/No Build Alternative would not create a distinctive “sense of community” by unifying the areas through development, nor will it provide a diverse mix of housing options for the community. Nor would the community be connected or developed with a balanced mix of economically viable commercial and residential land uses. Housing options would not be provided and there would be no transition between rural and suburban lifestyles, as would be created by the Project. None of these Objectives would be met under Alternative 1.

(Vista Del Agua – Environmental Impact Report (SCH# 2015031003) Discussion of Alternatives to Shadow View Boulevard as Either Primary or Secondary Access to the Vista Del Agua Project, January 31, 2020 (revised April 24, 2020))

Feasibility: Allowing the site to remain vacant would not achieve development of the land uses envisioned under both the 2013 General Plan and the 2015 General Plan Update, nor would infrastructure be developed consistent with the City’s Circulation Element. Alternative 1 would also not provide a reasonable development expected, and planned for, by the City. (Vista Del Agua – Environmental Impact Report (SCH# 2015031003) Discussion of Alternatives to Shadow View Boulevard as Either Primary or Secondary Access to the Vista Del Agua Project, January 31, 2020 (revised April 24, 2020))

Finding: The City Council rejects Alternative 1: No Project, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet any of the Project objectives; (2) the alternative is infeasible.

2. **Alternative 2: Reduced Residential Density Alternative (RRDA)**

Description: A Reduced Density Residential Alternative (RRDA) was chosen to address significant unavoidable impacts associated with implementation of the Project. Unlike the Project that proposes up to 1,640 dwelling units within seven Planning Areas, the RRDA assumes that a total of 909 dwelling units will be developed overall. For purposes of analysis this alternative assumes that the all 216.48 acres of residential acreage development will be developed at 4.2 dwelling units per acre under the RRDA. (Draft EIR, p. 5-13.)

Impacts: The RRDA will result in similar significant and unavoidable aesthetic and agricultural impacts as that of the Project because the Project development overall footprint will be assumed to remain the same, and the scale and amount of development would be comparable. (Draft EIR, pp. 5-13—5-14.) However, it would reduce the Project’s significant and unavoidable air quality and transportation impacts. Impacts to land use/planning will be greater under the RRDA. On the other hand, RRDA will have reduced air quality/greenhouse gas and transportation/traffic impacts than the proposed Project. (Draft EIR, pp. 5-14, 5-16.)

Attainment of Project Objectives: The reduction of the Project size under the RRDA has a comparable negative effect on the ability of the Project to meet Project costs, i.e. development feasibility and certain Project objectives may not be attained because certain infrastructure improvements may not be feasible. In particular, the RRDA will not meet the following Project objectives:

- High Connectivity - Implement an aesthetically pleasing and functional community concept by integrating community areas, residential areas, parks and commercial areas through connection of walkways, paseos and trails;
- Provide community focus areas within walking distance between neighborhoods;

- Provide a balanced mix of economically viable commercial and residential land uses that will promote local job creation;
- Provide a transition blend of rural and suburban lifestyles; and
- Provide a diverse mix of housing options

(Draft EIR, p. 5-17; Vista Del Agua – Environmental Impact Report (SCH# 2015031003) Discussion of Alternatives to Shadow View Boulevard as Either Primary or Secondary Access to the Vista Del Agua Project, January 31, 2020 (revised April 24, 2020).)

Furthermore, less fees and funding would be provided through the RRDA to upgrade regional transportation infrastructure, public service and utilities.

Feasibility: The RRDA is inconsistent with the land use designations set forth in the General Plan Update 2015. According to the General Plan Update (2015), the Land Use Designations on the Project site include Neighborhood Center, Suburban Retail District, Urban Neighborhood, General Neighborhood and Suburban Neighborhood (General Plan Update [2015], p. 04-59). Development of 216.48 acres of the site with a density of 4.2 dwelling units per acre does not comply with the current land use designations. Of the residential land use designations underlying the Project site, the largest is the General Neighborhood designation, which permits 7-25 dwelling units per acre with an average of 12 dwelling units per acre for new projects. The RRDA is substantially below this average. The Urban Neighborhood designation permits 20-35 dwelling units per acre, with a 30 dwelling unit average. The RRDA's 4.2 dwelling units per acre would be inconsistent with this designation. The Suburban Neighborhood designation, making up a smaller portion of the Project site, allows 2-8 dwelling units per acre with a 5 dwelling unit per acre average for new projects. While the RRDA would comport with this designation, it is still below the average number of dwelling units for new projects.

The Project site is located within Subarea 11 – Commercial Entertainment District, as set forth in the General Plan Update 2015. The vision for this subarea provides “a range of residential densities and building types should be encouraged in this subarea, provided they are designed to integrate with the high intensity commercial uses planned for the area. The subarea must also exhibit strong, fine-grained connections to the surrounding neighborhoods of the subarea and the adjacent subareas, allowing community members easy access to shopping and entertainment.” (General Plan Update [2015], p. 04-76.) The RRDA would provide only one type of residential density, not a range of residential densities. Additionally, as set forth above, the reduced number of units in the RRDA would compromise the viability of the commercial areas, limiting future residents' access to shopping and entertainment.

The Policy Direction for Subarea 11 provides for up to 25 percent Suburban Neighborhood in the final designation mix. (General Plan Update [2015], p. 04-76.) Development of 216.48 acres of the Project area as Suburban Neighborhood under the RRDA would compromise the final designation mix set forth in the General Plan Update 2015.

The RRDA would not comply with the current zoning on site, which consists of General Commercial, Residential Single-Family, and Manufacturing Service (Draft EIR, p. 3-12). The RRDA proposes development of 4.2 dwelling units per acre in the area planned for residential uses under the Project. The majority of this acreage is currently designated General Commercial, which does not permit single-family residential uses. Thus, the RRDA is inconsistent with current zoning.

The alternative is economically infeasible because the reduced dwelling units planned under the RRDA would not support a viable mix of commercial uses. Additionally, less fees and funding would be provided through the RRDA to upgrade regional transportation infrastructure, public service and utilities. (Vista Del Agua – Environmental Impact Report (SCH# 2015031003) Discussion of Alternatives to Shadow View Boulevard as Either Primary or Secondary Access to the Vista Del Agua Project, January 31, 2020 (revised April 24, 2020).)

Finding: The City Council rejects Alternative 2: Reduced Residential Density Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet most of the Project objectives; (2) the alternative fails to avoid or reduce the Project’s significant and unavoidable impacts relating to aesthetics and agriculture and would result in increased impacts relating to land use planning; and (3) the alternative is infeasible.

3. Alternative 3: Vista Del Sur Alternative

Description: The Vista del Sur Alternative (VDSA) is being analyzed in the event that the westerly extension of Avenue 48/Shadow View Boulevard cannot be completed due to the need for the Project applicant to acquire the necessary right-of-way to install this roadway. Vista del Sur is a dedicated City roadway which connects to the northerly extension of Street “A.” This alternative would allow for the development of the Project as proposed but with another connection to Dillon Road to the west of the Project site. Under the VDSA scenario, approximately 5,834 linear feet of roadway (at 34’ in width) will be constructed. This is in contrast to the Project’s westerly extension of Avenue 48/Shadow View Boulevard that would involve 11,600 linear feet of roadway improvements. (Draft EIR, p. 5-18.) No improvements to Tyler Street would be required under the VDSA Alternative beyond those previously analyzed in the Traffic Impact Study prepared for Vista Del Agua Project. (Discussion of Alternatives to Shadow View Boulevard as Either Primary or Secondary Access to the Vista Del Agua Project, April 24, 2020.)

Impacts: The VDSA would not involve the removal of aesthetic resources that would occur under the westerly extension of Avenue 48/Shadow View Boulevard, but all other Project impacts to aesthetic resources would remain the same. Accordingly, aesthetic resource impacts from VDSA would be less than that of the proposed Project but would not completely avoid or reduce the significant and unavoidable aesthetic impacts. (Draft EIR, p. 5-18.) With respect to agricultural resources, the VDSA would have less impacts than the Project because it would not involve the removal of agricultural resources that would otherwise occur under the westerly extension of Avenue 48/Shadow View Boulevard if the proposed Project were to proceed. (Draft EIR, p. 5-18.) However, VDSA would not

eliminate or reduce the significant and unavoidable impacts on agricultural resources. Similarly, the VDSA would have reduced air quality impacts than the Project, resulting in a 50% reduction in construction emissions, and less cumulative greenhouse gas emissions, but does not eliminate or reduce the significant and unavoidable air quality/greenhouse gas impacts. (Draft EIR, p. 5-18.)

Finally, VDSA would also have significant and unavoidable transportation/traffic issues. (Draft EIR, p. 5-20.) Thus, implementation of mitigation measures would still be required. The configuration of the intersection of Vista Del Sur and Dillon Road will limit turning movements to and from this intersection, which will further impede traffic circulation and emergency vehicle access. There will be no left-turn movement from southbound Dillon Road to Vista Del Sur. A right-turn movement will be allowed from Dillon Road (northbound) onto Vista Del Sur. Vista Del Sur will only allow for a right-turn movement onto northbound Dillon Road. Under the VDSA, the intersection geometrics will only allow Vista del Sur to serve as secondary access to the Project site. This will actually serve to exacerbate traffic conditions on Dillon Road and at the intersection of Dillon Road and Vista Del Sur. Traffic impacts would be greater due to the inefficient manner in which this intersection will function and the increased number of u-turns that will be required to access the site. This will negatively affect the AM and PM peak hours of this intersection, as well as the Dillon Road segment in proximity of this intersection. (Vista Del Agua – Environmental Impact Report (SCH# 2015031003) Discussion of Alternatives to Shadow View Boulevard as Either Primary or Secondary Access to the Vista Del Agua Project, January 31, 2020 (revised April 24, 2020).)

Attainment of Project Objectives: The VDSA meets all of the Project objectives. (Draft EIR, p. 5-21.)

Feasibility: Alternative 3 does not include Shadowview Boulevard, which is set forth in the City's Circulation Element, as an arterial street (see General Plan, p. O5-7 [Figure 5-1], and p. O5-3 [Table 5-1, Street Typologies]). General Plan Figure 5-1 illustrates that Shadow View Blvd is designated as a Major Arterial with Bicycle Facility (to be developed to a 118-foot right-of-way with six travel lanes) and is planned to connect Dillon Road easterly to Avenue 48.

The intersection geometrics necessary to accommodate Alternative 3 make the alternative infeasible as they lead to an exacerbation of traffic impacts. No left turning movements will be allowed at the intersection of Dillon Road and Vista Del Sur. The increased number of u-turns and inefficient functioning of the intersection will negatively affect the AM and PM peak hours of this intersection, as well as the Dillon Road segment in proximity of this intersection.

Additionally, emergency vehicle access will also be negatively impacted. Emergency vehicles will also be restricted from accessing the Project site via a left turning movement at the intersection of Dillon Road and Vista Del Sur. This could negatively impact response times in the event of an emergency.

Restricted access could result in safety issues for motorists and pedestrians at the Dillon

Road and Vista Del Sur intersection due to the increased number of u-turns. (Vista Del Agua – Environmental Impact Report (SCH# 2015031003) Discussion of Alternatives to Shadow View Boulevard as Either Primary or Secondary Access to the Vista Del Agua Project, January 31, 2020 (revised April 24, 2020).)

Finding: The City Council rejects Alternative 3: Vista del Sur Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to avoid or reduce the Project significant and unavoidable impacts relating to aesthetics, agriculture, air quality and transportation; and (2) the alternative is infeasible.

4. Alternative 4: Tyler Street Southerly Extension from Avenue 47 to 800' south of Avenue 49 (Primary Access) and Extension of Vista Del Sur to Dillon Road (Secondary Access) Alternative

Description: Alternative 4 is being analyzed for Project access without the need for the development of Shadow View Boulevard (for either primary or secondary access to the Project site). Under Alternative 4, Avenue 47 will be extended westerly from Street “A” to Tyler Street and Tyler Street will be extended southerly to 800' south of Avenue 49 (which will tie into the Caltrans State Route 86/Avenue 50 New Interchange Project). This would serve as the primary access to the Project. Avenue 47 and Tyler Street are dedicated City roadways. This 4th alternative was developed in response to comments on the DEIR alternatives analysis. The purpose of this Alternative was to explore an option whereby no portion of the Shadow View Specific Plan, including Shadow View Boulevard would be needed for either primary, or secondary access to the Vista Del Agua Project. Vista Del Sur would become the secondary access. As discussed above in Alternative 3, No left turning movements will be allowed at the intersection of Dillon Road and Vista Del Sur. Vehicles will be required to drive past this intersection and make a u-turn southerly of this intersection. After the u-turn, Vista Del Sur access will be a right-hand turning movement. Traffic impacts would be greater due to the inefficient manner in which this intersection will function and the increased number of u-turns that will be required to access the site. This will negatively affect the AM and PM peak hours of this intersection, as well as the Dillon Road segment in proximity of this intersection.

Vista Del Sur is a dedicated City roadway which connects to the northerly extension of Street “A.” Under the Alternative 4 scenario, approximately 13,721 linear feet of roadway (at 34' in width) will be constructed for Avenue 47, Tyler Street and Vista Del Sur (1,762 feet, 6,125 feet and 5,834 feet, respectively). This equals a total of 2.59 miles of roadway with 0.33 mile for Avenue 47, 1.16 mile for Tyler Street, and 1.10 mile for Vista Del Sur. This is in contrast to the Project's westerly extension of Avenue 48/Shadow View Boulevard that would involve 11,600 linear feet of roadway improvements. (Draft EIR, p. 5-18.)

Impacts: The Project, as well as Alternative 2, involves the westerly extension of Avenue 48/Shadow View Boulevard. Alternative 3 would not allow the westerly extension of Avenue 48/Shadow View Boulevard but would, instead, rely on Vista Del Sur for primary and secondary access. Alternative 4 also does not allow the westerly extension of Avenue

48/Shadow View Boulevard, but instead provides primary access to the site via Tyler Street and Avenue 50. Alternative 4 would involve the removal of aesthetic resources that would occur under the westerly extension of Avenue 48/Shadow View Boulevard; however, Project impacts to aesthetic resources would remain the same along the Tyler Street extension. Accordingly, aesthetic resource impacts from Alternative 4 would be less than that of the proposed Project but would not completely avoid or reduce the significant and unavoidable aesthetic impacts. (Draft EIR, p. 5-18.) With respect to agricultural resources, Alternative 4 would have less impacts than the Project because it would not involve the removal of agricultural resources that would otherwise occur under the westerly extension of Avenue 48/Shadow View Boulevard if the proposed Project were to proceed. (Draft EIR, p. 5-18.) However, Alternative 4 would not eliminate or reduce the significant and unavoidable impacts on agricultural resources.

Alternative 4 would have similar air quality impacts as the Project and does not eliminate or reduce the significant and unavoidable air quality/greenhouse gas impacts. (Draft EIR, p. 5-18.) In fact, as set forth in a Supplemental VMT, GHG, & NO_x analysis for Alternative 4, RK Engineering has found that by extending the distance that must be traveled to access the project (2.7 miles under Alternative 4 compared to 1.5 miles under the Project), the annual VMT increases by approximately 3,192,134 vehicles miles traveled per year. This correlates to an *increase* in NO_x by approximately 5.3 pounds per day. Oxides of Nitrogen (NO_x) are the primary criteria air pollutants of concern because the project was found to exceed the SCAQMD regional thresholds for NO_x and cause a significant unmitigable impact to air quality resources. The increase in VMT also correlates to an *increase* in GHG emissions by 1,280.1 MTCO₂e per year. Therefore, Alternative 4 not only would not reduce significant and unavoidable air quality and greenhouse gas impacts, but it would actually increase these significant impacts as compared to the Project. (Vista Del Agua Specific Plan EIR Alternative 4 Supplemental VMT, GHG & NO_x Analysis, City of Coachella, RK Engineering, March 11, 2020.) Finally, Alternative 4 would have similar significant and unavoidable transportation/traffic issues as that of the Project. (Draft EIR, p. 5-20.) Thus, implementation of mitigation measures would still be required. (Discussion of Alternatives to Shadow View Boulevard as Either Primary or Secondary Access to the Vista Del Agua Project, January 31, 2020 (revised April 24, 2020).)

Attainment of Project Objectives: Similar to the VDSA, Alternative 4 meets all of the Project objectives. (Draft EIR, p. 5-21.)

Feasibility: Alternative 4 does not include Shadowview Boulevard, which is set forth in the City's Circulation Element, as an arterial street (see General Plan, p. O5-7 [Figure 5-1], and p. O5-3 [Table 5-1, Street Typologies]). General Plan Figure 5-1 illustrates that Shadow View Blvd is designated as a Major Arterial with Bicycle Facility (to be developed to a 118-foot right-of-way with six travel lanes) and is planned to connect Dillon Road easterly to Avenue 48. (Vista Del Agua – Environmental Impact Report (SCH# 2015031003) Discussion of Alternatives to Shadow View Boulevard as Either Primary or Secondary Access to the Vista Del Agua Project, January 31, 2020 (revised April 24, 2020).)

Finding: The City Council rejects Alternative 4 as (1) failing to avoid or substantially reduce significant environmental impacts and increasing air quality and GHG impacts, and (2) Alternative 4 is infeasible.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126.6(e)(2) of the State CEQA Guidelines indicates that an analysis of alternatives to a proposed Project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR.

As discussed above, the No Project/No Build Alternative would be environmentally superior to the proposed Project on the basis of the minimization or avoidance of physical environmental impacts. However, according to the CEQA Guidelines, if the environmentally superior alternative is the No Project Alternative, the EIR shall identify an environmentally superior alternative among the other alternatives (Section 15126.6(c).)

In terms of the physical effects on the environment, the environmentally superior alternative (other than the No Project/No Build Alternative) is the RRDA. While RRDA would have less impacts on air quality and transportation/traffic than the proposed Project, it would still have significant and unavoidable impacts on aesthetics and agricultural resources. Furthermore, RRDA does not meet most of the Project objectives, such as providing a balanced mix of economically viable commercial and residential land uses that will promote local job creation; provide a transition blend of rural and suburban lifestyles; and provide a diverse mix of housing options.

SECTION IX
ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to State CEQA Guidelines Section 15093(a), the City Council must balance, as applicable, the economic, legal, social, technological, or other benefits of the Project against its unavoidable environmental risks in determining whether to approve the project. If the specific benefits of the project outweigh the unavoidable adverse environmental effects, those environmental effects may be considered acceptable.

Having reduced the adverse significant environmental effects of the Project to the extent feasible by adopting the mitigation measures; having considered the entire administrative record on the project; the City Council has weighed the benefits of the Project against its unavoidable adverse impacts after mitigation in regards to aesthetics resources, agriculture and forestry resources, air quality – operations, and transportation/traffic. While recognizing that the unavoidable adverse impacts are significant under CEQA thresholds, the City Council nonetheless finds that the unavoidable adverse impacts that will result from the Project are acceptable and outweighed by specific social, economic and other benefits of the Project.

In making this determination, the factors and public benefits specified below were considered. Any one of these reasons is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would be able to stand by its determination that each individual reason is sufficient. The

substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Records of Proceeding.

The City Council therefore finds that for each of the significant impacts which are subject to a finding under CEQA Section 21081(a)(3), that each of the following social, economic, and environmental benefits of the Project, independent of the other benefits, outweigh the potential significant unavoidable adverse impacts and render acceptable each and every one of these unavoidable adverse environmental impacts:

1. **Promote General Plan Land Use Principals, Policies, and Objectives:** The proposed Project will implement the development of a creatively-designed master planned community that expresses and embodies the City's vision of its future as articulated in the fundamental land use principals, policies, and objectives of the City's General Plan.
2. **Provide a Quality, Livable Community:** The proposed Project will provide a quality, livable community through the implementation of a Specific Plan that will ensure a consistent quality of design, allow for the provision and maintenance of community amenities, and create a collection of cohesive, well-defined neighborhoods that provide residents with a clear sense of place and identity within the diverse fabric of the larger community.
3. **Provide a Range of Housing Opportunities:** The proposed Project will provide a range of high-quality housing opportunities by developing a diverse range of housing types that will include both single-family (4.5 to 6.5 dwelling units per acre) and multi-family (12 to 20 dwelling units per acre) options. Such housing will be made available at a variety of price points, responsive to market demand, varying lifestyles, and the developing economic profile of the community.
4. **Promote Sustainability:** The proposed Project will promote the concept of sustainable community development by implementing green building practices in the selection of construction materials, the recycling of construction waste, and the use of energy and water efficient building practices. The Project will integrate eco-friendly design approaches that relate to site, landscape, and building design, including optimizing building orientation; implementing shade strategies; and, promoting use of photovoltaic solar arrays on building roofs or parking lot shade structures.
5. **Promote Water and Energy Efficiency:** The proposed Project will incorporate energy and water efficient design and technology into the planned residential homes, commercial buildings, and landscaping for the Vista Del Agua Specific Plan development to respect the desert environment and promote sustainable development methods.
6. **Conserve Water Resources:** The proposed Project will conserve water resources and reduce demand for potable water within the Specific Plan area by maximizing the use of recycled water where appropriate (including for landscape irrigation); implementing drought-tolerant landscaping; utilizing high-efficiency plumbing fixtures and appliances throughout the Project; and, through Project layout that will be able to accommodate an

onsite sewer/reclaimed water treatment facility, if necessary, to create non-potable water supplies and utilize canal water for irrigation purposes.

7. **Increase Employment Opportunities:** The proposed Project will increase local job opportunities during both the construction and post-construction phases over the 30-year phased buildout. Planned development of approximately 1,500,000 square feet of mixed-use commercial uses, including retail and office space, will provide economic benefits, as well as business and employment opportunities for residents of the local community and surrounding areas.
8. **Promote Ease of Navigation:** The proposed Project will create a community that is easy to navigate through careful use of landscape, signage, and entry design based on the Specific Plan's design objectives.
9. **Provide Recreational Amenities:** The proposed Project includes dedication of an approximately 14-acre parcel in proximity of the Coachella Canal for an approximate 13.8-acre neighborhood park site (PA 9), as well as an approximate 12.6-acre Paseo, which traverses Planning Areas 5 and 6. PA 9 is solely designated for a park site.

According to the Specific Plan, the following are permitted uses in PA9:

- Nature study area
- Public and private parks, greenbelts, common areas
- Pedestrian & bicycle trails
- Rest Stop
- Restroom facilities
- Public utilities facilities
- Flood control facilities
- Trails (hiking, walking)

The planned recreational amenities which will serve the needs of neighborhood residents and others in the City of Coachella and surrounding communities. The proposed Project will result in construction of a mixture of private and public community and neighborhood parks, offering large-scale open areas to accommodate varying community activities, sports facilities, or other commercial activities for public use and a private recreation center for Project residents.

10. **Encourage Safe and Efficient Circulation:** The proposed Project will provide a safe and efficient roadway network, linking all internal elements of the planned community with the surrounding area.
11. **Encourage Alternative Transportation:** The proposed Project will encourage alternative transportation choices through the creation of a walkable community with well-defined pedestrian linkages between neighborhoods, recreational amenities, schools, and commercial uses; the provision of bike paths; the creation of Low Speed Vehicle/Neighborhood Electric Vehicle (LSV/NEV) linkages; and, the development of multi-purpose trails. High-density and medium-density residential uses located in

proximity to transit and mixed-use activity nodes/community cores will reduce dependency on the automobile and encourage the use of alternative transportation.

12. **Provide Improved Vehicular Circulation and Emergency Access:** The proposed Project will result in the extension of Avenues 47 and 48 and Shadow View Boulevard to provide access into the site from existing roadways to the west. The proposed Project would extend these streets to create adequate circulation and emergency access for the proposed development and adjacent properties, enhancing public safety for future residents of the area.
13. **Promote Community Security:** The proposed Project will promote community security and safety through appropriate outdoor lighting; design concepts such as residents having direct views of the streets and outdoor living spaces; privacy and/or perimeter theme walls; and, encouraging community involvement through the area's master homeowner's association.
14. **Address Drainage and Water Quality Issues:** The proposed Project will provide adequate drainage, flood control, and water quality improvements that will satisfy applicable local, State, and federal criteria, while respecting and enhancing/preserving natural onsite and offsite drainage functions and features. Drainages onsite will be maintained to provide open space connections for pedestrian and non-motorized mobility along their edges and for the continued conveyance of stormwater.
15. **Ensure Provision of Public Services:** The proposed Project will ensure the provision of adequate public services, utilities and infrastructure in a timely manner as development occurs.

EXHIBIT B

Mitigation Monitoring and Reporting Program Table including Standard Conditions

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
Aesthetics	b. Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	SC-AES-1 Architectural Review. At the submittal of each Project Tentative Tract Map and/or Site Plan, the Project applicant shall submit detailed Project plans for architectural review and approval by the City Planning Commission.	<i>Submittal of each Project Tentative Tract Map and/or Site Plan.</i>	<i>Planning Division.</i>	<i>Plan check and Conditions of Approval.</i>	
		SC-AES-2 Landscape Review. At the submittal of each Project Tentative Tract Map and/or Site Plan, the Project applicant shall submit detailed Project plans for landscape review and approval by the City Planning Department, per Chapter 17.36.140 of the City's Municipal Code.	<i>Submittal of each Project Tentative Tract Map and/or Site Plan.</i>	<i>Planning Division.</i>	<i>Plan check and Conditions of Approval.</i>	
	d. Would the Project result in the creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	MM-AES-1 Photometric Study. Prior to the approval of any Site Plans for any phase of development, the applicant shall submit to the City of Coachella (City) a photometric (lighting) study (to include parking areas and access way lights, external security lights, lighted signage, and ball field lighting) providing evidence that the project light sources do not spill over to adjacent off-site properties in accordance with the City's Municipal Code. All Project-related outdoor lighting, including but not limited to, street lighting, building security lighting, parking lot lighting, and landscaping lighting shall be shielded to prevent spillover of light to adjacent properties.	<i>Prior to the approval of any permits for lighting.</i>	<i>Planning Division and Building Division.</i>	<i>Plan check and on-site inspection.</i>	

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		Shielding requirements and time limits shall be identified on construction plans for each phase of development.				
Agriculture and Forestry Resources	a. Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	SC-AG-1 The Project applicant shall comply with Assembly Bill 2881. Disclosure shall be provided prior to the close of escrow on the sale of individual homes. This shall be obtained by including the following disclosures on the title report: "The property is located within 1 mile of farmland as designated on the most recent Important Farmland Map."	<i>Prior to the close of escrow on the sale of individual homes.</i>	<i>Planning Department</i>	<i>Include the disclosures on the title report.</i>	
Air Quality & Greenhouse Gas	a. Would the Project conflict with or obstruct implementation of the applicable air quality plan?	<p>MM-AQ-1 Prior to the issuance of a grading permit, the Project applicant shall indicate on the grading plan areas that will be graded and shall not allow any areas more than 5 acres to be disturbed on a daily basis. Said plan shall clearly demarcate areas to be disturbed and limits 5 acres and under.</p> <p>MM-AQ-2 The Project shall require that the construction contractor use construction equipment that have Tier 4, or better, final engines, level 3 diesel particulate filters (DPF), with oxidation catalyst that impart 20% reduction and apply coatings with a VOC content no greater than 10 grams per liter (g/L).</p> <p>MM-AQ-3 EPA Tier 4-Final Emissions Standards. Prior to construction, the construction contractor shall provide the City of Coachella Public Works Director or designee a comprehensive inventory of all off-road construction equipment equal to or</p>	<p>MM-AQ-1 <i>Prior to the issuance of a grading plan.</i></p> <p>MM-AQ-2 <i>During grading.</i></p> <p>MM-AQ-3 <i>Prior to construction.</i></p>	<p>MM-AQ-1 <i>Public Works Department.</i></p> <p>MM-AQ-2 <i>Public Works Department.</i></p> <p>MM-AQ-3 <i>Public Works Department.</i></p>	<p>MM-AQ-1 <i>Plan check.</i></p> <p>MM-AQ-2 <i>On-site inspection & Separate submittal - reports, studies, plans.</i></p> <p>MM-AQ-3 <i>On-site inspection & Separate submittal - reports,</i></p>	

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		<p>greater than 50 horsepower that will be used an aggregate of 40 or more hours during any portion of construction activities for the project. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit's certified Tier specification, best available control technology (BACT) documentation, and California Air Resources Board (ARB) or SCAQMD operating permit shall be provided on site at the time of mobilization of each applicable unit of equipment. Off-road diesel-powered equipment that will be used an aggregate of 40 or more hours during any portion of the construction activities for the project shall meet the United States Environmental Protection Agency (EPA) Tier 4–Final emissions standards, and off-road equipment greater than 300 horsepower shall be equipped with diesel particulate filters.</p> <p>MM-AQ-4 Application of Architectural Coatings. Prior to issuance of any grading permits, the Director of the City of Coachella Public Works Department, or designee, shall verify that construction contracts include a statement specifying that the Construction Contractor shall comply with South Coast Air Quality Management District (SCAQMD) Rule 1113 and any other SCAQMD rules and regulations on the use of architectural coatings or high volume, low-pressure (HVLP) spray methods. Emissions</p>	<p>MM-AQ-4 Prior to the issuance of grading permits.</p>	<p>MM-AQ-4 Public Works Department.</p>	<p><i>studies, plans.</i></p> <p>MM-AQ-4 Plan check.</p>	

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		<p>associated with architectural coatings would be reduced by complying with these rules and regulations, which include using precoated/natural colored building materials, using water-based or low-volatile organic compounds (VOC) coating, and using coating transfer or spray equipment with high transfer efficiency.</p> <p>MM-AQ-5 Construction Equipment Maintenance. Throughout the construction process, general contractors shall maintain a log of all construction equipment maintenance that shows that all construction equipment has been properly tuned and maintained in accordance with manufacturers' specifications. This condition shall be included in development plan specifications.</p> <p>MM-AQ-6 Construction Equipment Operating Optimization. General contractors shall ensure that during construction operations, trucks and vehicles in loading and unloading queues turn their engines off when not in use. General contractors shall phase and schedule construction operations to avoid emissions peaks and discontinue operations during second-stage smog alerts. This condition shall be included in development plan specifications.</p> <p>MM-AQ-7 Construction Generator Use Minimization. General contractors shall ensure that electricity from power poles is</p>	<p>MM-AQ-5 <i>Throughout the construction process.</i></p> <p>MM-AQ-6 <i>During construction.</i></p> <p>MM-AQ-7 <i>During</i></p>	<p>MM-AQ-5 <i>Public Works Department.</i></p> <p>MM-AQ-6 <i>Public Works Department.</i></p> <p>MM-AQ-7 <i>Public Works</i></p>	<p>MM-AQ-5 <i>On-site inspection.</i></p> <p>MM-AQ-6 <i>On-site inspection.</i></p> <p>MM-AQ-7 <i>On-site</i></p>	

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		<p>used rather than temporary diesel- or gasoline-powered generators to the extent feasible. This condition shall be included in development plan specifications.</p> <p>MM-AQ-8 Construction Equipment Idling Minimization. General contractors shall ensure that all construction vehicles are prohibited from idling in excess of 5 minutes, both on site and off site. This condition shall be included in development plan specifications.</p> <p>MM-AQ-9 Construction Phase Overlap. Prior to issuance of any construction permits, the City of Coachella Public Works Director shall restrict the timing of construction phasing in order to assure that thresholds are not exceeded.</p> <p>MM-AQ-10 Construction Waste Management Plan. Prior to issuance of a building permit, the applicant shall submit a Construction Waste Management Plan. The plan shall include procedures to recycle and/or salvage at least 75 percent of nonhazardous construction and demolition debris and shall identify materials to be diverted from disposal and whether the materials would be stored on-site or commingled. Excavated soil and land-clearing debris do not contribute to this credit. Calculation can be done by weight or volume but must be documented.</p>	<p><i>construction.</i></p> <p>MM-AQ-8 <i>During construction.</i></p> <p>MM-AQ-9 <i>Prior to issuance of any construction permits.</i></p> <p>MM-AQ-10 <i>Prior to issuance of a building permit.</i></p>	<p><i>Department.</i></p> <p>MM-AQ-8 <i>Public Works Department.</i></p> <p>MM-AQ-9 <i>Public Works Department.</i></p> <p>MM-AQ-10 <i>Building Division.</i></p>	<p><i>inspection.</i></p> <p>MM-AQ-8 <i>On-site inspection.</i></p> <p>MM-AQ-9 <i>Plan check.</i></p> <p>MM-AQ-10 <i>Plan check.</i></p>	

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		<p>MM-AQ-11 Project shall improve the pedestrian network by incorporating sidewalks and paseos within the property.</p> <p>MM-AQ-12 Project Operations. Prior to issuance of any construction permits, the Project applicant shall submit for review and approval by the City of Coachella Public Works Director, building plans that incorporate measures such as, but not limited to, the following:</p> <p>Operational Mitigation Measures (Materials Efficiency):</p> <ul style="list-style-type: none"> Project plans for each Tentative Tract Map will include the following materials efficiency components. Materials used for buildings, landscape, and infrastructure will be chosen with a preference for the following characteristics: <ul style="list-style-type: none"> Rapidly renewable; Increased recycle content (50 percent or greater); locally sourced materials (within the South Coast Air Basin); Utilization of sustainable harvesting practices; and Materials with low or no volatile organic compounds (VOCs) off-gassing. <p>Operational Mitigation Measures (Transportation):</p> <ul style="list-style-type: none"> Provide one electric car charging station for every 10 high-density 	<p>MM-AQ-11 <i>During any improvement project.</i></p> <p>MM-AQ-12 <i>Prior to issuance of any construction permits.</i></p>	<p>MM-AQ-11 <i>Planning Division.</i></p> <p>MM-AQ-12 <i>Public Works Department.</i></p>	<p>MM-AQ-11 <i>Plan check.</i></p> <p>MM-AQ-12 <i>Plan check.</i></p>	

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		<p>residences and provisions for electric car charging stations in the garages of all residential dwellings as required by the California Energy Commission. Provide at least two designated parking spots for parking of zero emission vehicles (ZEVs) for car-sharing programs in all employee/worker parking areas.</p> <ul style="list-style-type: none"> • Provide incentives for employees and the public to use public transportation such as discounted transit passes, reduced ticket prices at local events, and/or other incentives. • Implement a rideshare program for employees at retail/commercial sites. • Create local "light vehicle" networks, such as neighborhood electric vehicle (NEV) systems. • Require the use of the most recent model year emissions-compliant diesel trucks, or alternatively fueled, delivery trucks (e.g., food, retail, and vendor supply delivery trucks) at commercial/retail sites upon project build out (at the time of operations). If this is not feasible, consider other measures such as incentives, and phase-in schedules for clean trucks, etc. • Prior to issuance of any Site Development permits, the Director of the City of Coachella (City) Public Works Department, or designee, shall include prioritized parking for electric vehicles, hybrid vehicles, and alternative fuel vehicles. 				

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		<p>Operational Mitigation Measures (Landscaping). Project plans shall include following landscaping components:</p> <ul style="list-style-type: none"> • The Project shall require landscaping and irrigation that reduces outside water demand by at least 20%. • The Project shall require that at least 2,406 new trees are planted on-site (approximately 2 trees per residential unit and 25 trees per acre of parks). • The Project shall include Landscape Design Features that will be reflected on the Project plans for each Tentative Tract Map, and will include the following landscape design components: <ul style="list-style-type: none"> ○ Community-based food production within the Project by planning for community gardens; ○ Native plant species in landscaped areas; ○ A landscape plant palette that focuses on shading within developed portions of the site and in areas of pedestrian activity. ○ Tree-lined streets to reduce heat island effects; ○ Non-turf throughout the development areas where alternative ground cover can be used, such as artificial turf and/or xeriscaping; and ○ Landscaping that provides shading of structures within 5 years of building completion. <p>Operational Mitigation Measures (Water Conservation and Efficiency Features).</p>				

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		<p>Project plans for each Tentative Tract Map will include following water efficiency components:</p> <ul style="list-style-type: none"> • Drought-tolerant landscaping, non-potable reclaimed, well, or canal water for irrigation purposes; • High-efficiency plumbing fixtures and appliances that meet or exceed the most current CALGreen Code in all buildings on site; • Efficient (i.e., "Smart") irrigation controls to reduce water demand on landscaped areas throughout the Project; • Restriction of irrigated turf in parks to those uses dependent upon turf areas, such as playing fields and picnic areas; • An integrated storm water collection and conveyance system; and • Dual plumbing within recreation areas, landscaped medians, common landscaped areas, mixed use/commercial areas, and parks to allow the use of reclaimed water when available. <p>Operational Mitigation Measures (Energy Efficiency). Project plans for each Tentative Tract Map will include the following energy efficiency components:</p> <ul style="list-style-type: none"> • Design to United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED); • GreenPoint Rated standard, or better for all new buildings constructed within 				

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		<p>the Project;</p> <ul style="list-style-type: none"> • Energy-efficient light-emitting diode (LED) lighting and solar photovoltaic lighting fixtures in all common areas of the site; • Energy-efficient appliances (ENERGY STAR or equivalent), and high efficiency heating, ventilation, and air conditioning (HVAC) systems in all on-site buildings; • Green building techniques that increase building energy efficiency above the minimum requirements of Title 24; • Installation of photovoltaic panels on a minimum of 25 percent of the buildings on site, or as required by the California Energy Commission in year 2020; and • Utilization of high reflectance materials for paving and roofing materials on residential, commercial, and school buildings <p>Operational Mitigation Measures (Other)</p> <ul style="list-style-type: none"> • Require the use of electric or alternative fueled maintenance vehicles by all grounds maintenance contractors. • All commercial and retail development shall be required to post signs and limit idling time for commercial vehicles, including delivery trucks, to no more than 5 minutes. This condition shall be included on future site development plans for review and approval by the City of Coachella Director of Development Services. 				

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		<ul style="list-style-type: none"> The City shall identify energy efficient street lights which are currently available and which, when installed, would provide a 10 percent reduction beyond the 2010 baseline energy use for this infrastructure, and shall require the use of this technology in all new development. All new traffic lights installed within the project site shall use light emitting diode (LED) technology. <p>MM-AQ-13 The Project (and subsequent projects within the Specific Plan) shall score a minimum of 100 points on the "Development Review Checklist" contained in the City's CAP.</p> <p>SC-AQ-1 The Project is required to comply with regional rules that assist in reducing short-term air pollutant emissions, per Chapter 8.20 of the City's Municipal Code. SCAQMD Rule 403 and 403.1 requires that fugitive dust be controlled with best-available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 403 and 403.1 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. Applicable suppression techniques are as follows:</p> <ul style="list-style-type: none"> Apply nontoxic chemical soil 	<p>MM-AQ-13 <i>Prior to issuance of a building permit.</i></p> <p>SC-AQ-1 <i>During grading /construction.</i></p>	<p>MM-AQ-13 <i>Planning Division.</i></p> <p>SC-AQ-1 <i>Public Works Department.</i></p>	<p>MM-AQ-13 <i>Plan check - Separate submittal - reports, studies, plans.</i></p> <p>SC-AQ-1 <i>On-site inspection.</i></p>	

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		stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas in active for 10 days or more). <ul style="list-style-type: none"> • Water active sites at least three times daily. • Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) section 23114. • Pave construction access roads at least 100 feet onto the site from the main road. Reduce traffic speeds on all unpaved roads to 15 mph or less.				
	b. Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?	See MM-AQ-1 through MM-AQ-13 , and SC-AQ-1 , above.				
	d. Would the Project expose sensitive receptors to substantial pollutant concentrations?	See MM-AQ-1 through MM-AQ-10 , above.				
	e. Would the Project create objectionable odors affecting a substantial number of people?	See MM-HYDRO-1 , below.				
	f. Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	See MM-AQ-1 through MM-AQ-13 , above.				
Biological Resources	a. Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any	MM-BIO-1 To avoid any potential impact to nesting birds and other protected species, including those protected by the Migratory Bird Treaty Act, construction of the Project	MM-BIO-1 Prior to grading/ground disturbance.	MM-BIO-1 Planning Division.	MM-BIO-1 On-site inspection & Separate	

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	species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<p>shall occur outside of the breeding season (February 1 through September 15). As long as trees, shrubs, and herbaceous vegetation with the potential to support nesting birds is removed from September 16 to January 31 (outside of the nesting season), then no further actions are required.</p> <p>Where the nesting season (February 1 to September 15) cannot be avoided during construction, a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, vegetation removal, demolition activities, and grading. The survey area shall include the Project site and an appropriate buffer (consistent with the Migratory Bird Treaty Act) around the site. Any active nests identified shall have an appropriate buffer area established (consistent with Migratory Bird Treaty Act protocol at the time of disturbance) of the active nest. Construction activities shall not occur within the buffer area until the biologist determines that the young have fledged.</p> <p>MM-BIO-2 In the event a burrowing owl is found to be present on site during the preconstruction survey, the Project applicant shall ensure the following applicable avoidance measures, are implemented:</p> <ul style="list-style-type: none"> Avoid disturbing occupied burrows 	MM-BIO-2 Prior to grading/ground disturbance.	MM-BIO-2 Planning Division.	<p>submittal - reports, studies, plans.</p> <p>MM-BIO-2 On-site inspection & Separate submittal - reports, studies, plans.</p>	

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		<p>during the breeding nesting period, from February 1 through August 31. If burrows are occupied by breeding pairs, an avoidance buffer should be established by a qualified biologist. The size of such buffers is generally a minimum of 300 feet, but may increase or decrease depending on surrounding topography, nature of disturbance and location and type of construction. The size of the buffer area will be determined by a qualified biologist. Continued monitoring will be required to confirm that the specified buffer is adequate to permit continued breeding activity.</p> <ul style="list-style-type: none"> • Avoid impacting burrows occupied during the nonbreeding season by migratory or nonmigratory resident burrowing owls. • Avoid direct destruction of occupied burrows through chaining (dragging a heavy chain over an area to remove shrubs) or disking. • Develop and implement a worker awareness program to increase the on-site worker's recognition of and commitment to burrowing owl protection. • Place visible markers near burrows to ensure that equipment and other machinery does not collapse occupied burrows. • Do not fumigate, use treated bait, or other means of poisoning nuisance animals in areas where burrowing owls are known or suspected to occur. <p>If an occupied burrow is present within the</p>				

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		<p>approved development area, the Project applicant shall ensure that a clearance mitigation plan is prepared and approved by the CDFW prior to implementation. This plan will specify the procedures for confirmation and exclusion of nonbreeding owls from occupied burrows, followed by subsequent burrow destruction. There shall also be provisions for maintenance and monitoring to ensure that owls do not return prior to construction. Breeding owls shall be avoided until the breeding cycle is complete.</p> <p>SC-BIO-1 CVMSHCP Mitigation Fee: The Project will be required to pay the appropriate Multiple Species Habitat Conservation Plan Mitigation Fee prior to issuance of a building permit, per Chapter 4.48 of the City's Municipal Code. The fees are assessed based on the particular type of development.</p> <p>SC-BIO-2 Pre-Construction Burrowing Owl Survey: Prior to any ground-disturbing activities a "take avoidance survey" in accordance with CDFW for burrowing owl shall be conducted by a qualified biologist. The "take avoidance survey" shall occur within 14 days prior to any site disturbance, including grading. If burrowing owls are observed or detected on the project site during the pre-construction survey, construction activities shall halt, and the owls shall be relocated/excluded from the site outside of</p>	<p>SC-BIO-1 <i>Prior to issuance of a building permit.</i></p> <p>SC-BIO-2 <i>Prior to any ground-disturbing activities (within 14 days of any site disturbance).</i></p>	<p>SC-BIO-1 <i>Building Division.</i></p> <p>SC-BIO-2 <i>Public Works Department and Planning Division.</i></p>	<p>SC-BIO-1 <i>Conditions of Approval.</i></p> <p>SC-BIO-2 <i>Review Conditions of Approval and Survey.</i></p>	

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		the breeding season following accepted protocols, and subject to the approval of CDFW (see MM-BIO-2, below).				
	b. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	See SC-BIO-1 , above.				
	d. Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	See MM-BIO-1 , above.				
	f. Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	See SC-BIO-1 , above.				
Cultural Resources	a. Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	MM-CUL-1 RIV-7835 Avoidance (Planning Area 5). Prior to the issuance of a grading permit, or any activity that would involve initial ground disturbance in the vicinity of RIV-7835, the Project archaeologist will review said plans/activities to determine that none of the resources located in RIV-7835 shall be impacted by the Project development. The Project archaeologist shall make recommendations, where	MM-CUL-1 Prior to the issuance of a grading permit.	MM-CUL-1 Project archaeologist.	MM-CUL-1 Plan check.	

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		<p>applicable, to protect resources contained in RIV-7835 from potential encroachment from the Project that includes fencing or flagging during all phases of development. The fencing and flagging of RIV-7835 shall be removed after construction is completed and the area shall be planted with low maintenance vegetation.</p> <p>MM-CUL-2 Archaeological and Native American Monitors. Prior to commencement of any grading activity on the Project site and consistent with the findings and recommendations of the cultural resources surveys and reports regarding the sensitivity of each area on the Project site for cultural resources, the City of Coachella (City) Director of Development Services, or designee, shall retain an archaeological monitor and a Native American monitor to be selected by the City after consultation with interested Tribal and Native American representatives. Both monitors shall be present at the pre-grade conference in order to explain the cultural mitigation measures associated with the Project. Both monitors shall be present on site during all ground-disturbing activities (to implement the Project Monitoring Plan) until marine terrace deposits are encountered. Once marine terrace deposits are encountered, archaeological and Native American monitoring is no longer necessary, as the marine deposits are several hundred thousand years old, significantly predating human settlement in</p>	MM-CUL-2 <i>Prior to commencement of any grading activity.</i>	MM-CUL-2 <i>City of Coachella (City) Director of Development Services, or designee.</i>	MM-CUL-2 <i>Plan check.</i>	

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	b. Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<p>this area.</p> <p>See MM-CUL-2, above.</p> <p>MM-CUL-3 Archaeological Monitoring Plan and Accidental Discovery. Prior to commencement of any grading activity on the Project site and consistent with the findings of the cultural resources surveys and reports regarding the sensitivity of each area on the Project site for cultural resources, the City shall prepare a Monitoring Plan. The Monitoring Plan shall be prepared by a qualified archaeologist and shall be reviewed by the City of Coachella Director of Development Services, in consultation with the 29 Band of Mission Indians. The Monitoring Plan will include at a minimum:</p> <p>(1) A list of personnel involved in the monitoring activities;</p> <p>(2) A description of how the monitoring shall occur;</p> <p>(3) A description of frequency of monitoring (e.g., full-time, part-time, spot checking);</p> <p>(4) A description of what resources may be encountered;</p> <p>(5) A description of circumstances that would result in the halting of work at the Project site (e.g., what is considered a "significant" archaeological site);</p> <p>(6) A description of procedures for halting work on site and notification procedures;</p>	MM-CUL-3 Prior to commencement of any grading activity.	MM-CUL-3 City of Coachella Director of Development Services.	MM-CUL-3 Plan check.	

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		<p>and</p> <p>(7) A description of monitoring reporting procedures.</p> <p>If any significant historical resources, archaeological resources, or human remains are found during monitoring, work should stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. Project personnel shall not collect or move any archaeological materials or human remains and associated materials. To the extent feasible, Project activities shall avoid such resources.</p> <p>Where avoidance is not feasible, the resources shall be evaluated for their eligibility for listing in the California Register of Historical Resources. If a resource is not eligible, avoidance is not necessary. If a resource is eligible, adverse effects to the resource must be avoided, or such effects must be mitigated. Mitigation can include but is not necessarily limited to: excavation of the deposit in accordance with a cultural resource mitigation or data recovery plan that makes provisions for adequately recovering the scientifically consequential information from and about the resource (see California Code of Regulations Title</p>				

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		<p>4(3) Section 15126.4(b)(3)(C)). The data recovery plan shall be prepared and adopted prior to any excavation and should make provisions for sharing of information with Tribes that have requested Senate Bill 18 (SB 18) consultation. The data recovery plan shall employ standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the archaeological site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; an interpretive display of recovered archaeological materials at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered archaeological materials. Results of the study shall be deposited with the regional California Historical Resources Information Center (CHRIS) repository.</p> <p>It shall be the responsibility of the City Department of Public Works to verify that the Monitoring Plan is implemented during Project grading and construction. Upon completion of all monitoring/ mitigation activities, the consulting archaeologist shall submit a monitoring report to the City of Coachella Director of Development Services and to the Eastern Information Center c/o Dept. of Anthropology, University of California Riverside summarizing all monitoring/mitigation</p>				

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		activities and confirming that all recommended mitigation measures have been met. The monitoring report shall be prepared consistent with the guidelines of the Office of Historic Preservation's Archaeological Resources Management Reports (ARMR): Recommended Contents and Format. The City of Coachella Director of Development Services or designee shall be responsible for reviewing any reports produced by the archaeologist to determine the appropriateness and adequacy of findings and recommendations.				
	c. Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<p>MM-CUL-5 Paleontological Resources Impact Mitigation Program. Prior to commencement of any grading activity on the Project site and consistent with the findings of the paleontological resources surveys and reports regarding the sensitivity of each area on the Project site for paleontological resources, the City's Director of Development Services, or designee, shall verify that a qualified paleontologist has been retained and will be on site during all rough grading and other significant ground-disturbing activities in paleontologically sensitive sediments.</p> <p>Prior to any ground-disturbing activities, the paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the proposed Project. The PRIMP should be consistent with the guidelines of the Society of Vertebrate Paleontologists (SVP) (1995 and 2010) and should include</p>	<i>Prior to commencement of any grading activity.</i>	<i>City's Director of Development Services, or designee.</i>	<i>Plan check & Separate submittal - reports, studies, plans.</i>	

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		<p>but not be limited to the following:</p> <ul style="list-style-type: none"> • Attendance at the pre-grade conference in order to explain the mitigation measures associated with the Project. • During construction excavation, a qualified vertebrate paleontological monitor shall initially be present on a full-time basis whenever excavation will occur within the sediments that have a High Paleontological Sensitivity rating and on a spot-check basis in sediments that have a Low Sensitivity rating. Based on the significance of any recovered specimens, the qualified paleontologist may set up conditions that will allow for monitoring to be scaled back to part-time as the Project after monitoring has been scaled back, conditions shall also be specified that would allow increased monitoring as necessary. The monitor shall be equipped to salvage fossils and/or matrix samples as they are unearthed in order to avoid construction delays. The monitor shall be empowered to temporarily halt or divert equipment in the area of the find in order to allow removal of abundant or large specimens. • The underlying sediments may contain abundant fossil remains that can only be recovered by a screening and picking matrix; therefore, these sediments shall occasionally be spot-screened through one-eighth to one-twentieth-inch mesh screens to 				

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		<p>determine whether microfossils exist. If microfossils are encountered, additional sediment samples (up to 6,000 pounds) shall be collected and processed through one-twentieth-inch mesh screens to recover additional fossils. Processing of large bulk samples is best accomplished at a designated location within the Project disturbance limits that will be accessible throughout the Project duration but will also be away from any proposed cut or fill areas. Processing is usually completed concurrently with construction, with the intent to have all processing completed before, or just after, Project completion. A small corner of a staging or equipment parking area is an ideal location. If water is not available, the location should be accessible for a water truck to occasionally fill containers with water.</p> <ul style="list-style-type: none"> • Preparation of recovered specimens to a point of identification and permanent preservation. This includes the washing and picking of mass samples to recover small invertebrate and vertebrate fossils and the removal of surplus sediment from around larger specimens to reduce the volume of storage for the repository and the storage cost for the developer. • Identification and curation of specimens into a museum repository with permanent, retrievable storage, such as the Eastern Information Center c/o Dept. of Anthropology, 				

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		<p>University of California Riverside.</p> <ul style="list-style-type: none"> Preparation of a report of findings with an appended, itemized inventory of specimens. When submitted to the City of Coachella Director of Development Services or designee, the report and inventory would signify completion of the program to mitigate impacts to paleontological resources progresses. 				
	d. Would the Project disturb any human remains, including those interred outside of formal cemeteries?	<p>MM-CUL-4 Human Remains. Consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e), if human remains are encountered during site disturbance, grading, or other construction activities on the Project site, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which will determine and notify a most likely descendant (MLD). With the permission of the City of Coachella, the MLD may inspect the site of the discovery.</p> <p>The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive</p>	<i>During site disturbance, grading, or other construction activities.</i>	<i>City's Director of Development Services, or designee.</i>	<i>On-site inspection & Separate submittal - reports, studies, plans.</i>	

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		<p>analysis of human remains and items associated with Native American burials. Consistent with CCR Section 15064.5(d), if the remains are determined to be Native American and an MLD is notified, the City of Coachella shall consult with the MLD as identified by the NAHC to develop an agreement for the treatment and disposition of the remains.</p> <p>Upon completion of the assessment, the consulting archaeologist shall prepare a report documenting the methods and results and provide recommendations regarding the treatment of the human remains and any associated cultural materials, as appropriate, and in coordination with the recommendations of the MLD. The report should be submitted to the City of Coachella Director of Development Services and the Eastern Information Center c/o Dept. of Anthropology, University of California Riverside. The City of Coachella Director of Development Services, or designee, shall be responsible for reviewing any reports produced by the archaeologist to determine the appropriateness and adequacy of findings and recommendations.</p>				
Geology and Soils	a. Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving	MM-GEO-1 Compliance with Geotechnical Investigations. Prior to approval of any future development applications, a project-level, site-specific final geotechnical study	<i>Prior to approval of any future development applications.</i>	<i>Building Division.</i>	<i>Plan check & Separate submittal - reports, studies,</i>	

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	rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<p>for each specific planning area shall be completed by the Project applicant. These studies shall be submitted for review and approval by the City of Coachella (City) Engineer to ensure that each planning area with future development has been evaluated at an appropriate level of detail by a professional geologist. The location and scope of each final geotechnical report shall be tiered off of the two geotechnical reports previously prepared for the overall site, <i>Fault Investigation Report for Land Planning Purposes Alpine 280 Property Located East of Tyler Street, West of Polk Street, West of Polk Street, South of I-10 and North of Avenue 48, City of Coachella, Riverside, California</i>, Petra Geosciences, Inc., April 9, 2007, and <i>Geotechnical Investigation Report</i>, Petra Geosciences, Inc., May 7, 2015.</p> <p>The final geotechnical report for each planning area shall document any artificial fill and delineate the precise locations of any and all active faults and shall determine the appropriate building setbacks and restricted use zones within the planning area. Prior to the issuance of grading permits, the City Engineer shall confirm that all grading and construction plans incorporate and comply with the recommendations included in the final specific geotechnical report for each planning area. Design, grading, and construction would adhere to all of the</p>			plans.	

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		seismic requirements incorporated into the 2010 California Residential Code and 2016 California Building Code (CBC) (or most current building code) and the requirements and standards contained in the applicable chapters of the City of Coachella Municipal Code, as well as appropriate local grading regulations, and the specifications of the Project geotechnical consultant, including but not limited to those related to seismic safety, as determined in the final area-specific geotechnical studies prepared in association with all future development application conditions, subject to review by the City of Coachella Development Services Director, or designee, prior to the issuance of any grading permits.				
	b. Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	<p><i>See MM-GEO-1, above.</i></p> <p>MM-GEO-2 California Building Code Compliance and Seismic Standards. Structures and retaining walls, if proposed, shall be designed in accordance with the seismic regulations as recommended in the CBC. Prior to issuance of any building permits, the Project engineer and the Director of the City of Coachella Development Services, or designee, shall review site plans and building plans to verify that structural design conforms to the CBC.</p>	<i>Prior to issuance of any building permits.</i>	<i>Project engineer and the Director of the City of Coachella Development Services, or designee.</i>	<i>Plan check.</i>	
	c. Would the Project expose people or structures to potential substantial adverse	<i>See MM-GEO-1, above.</i>				

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	effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?					
	e. Would the Project result in substantial soil erosion or the loss of topsoil?	See MM-GEO-1 , above.				
	f. Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<p>See MM-GEO-1, above.</p> <p>MM-GEO-3 Subsidence. Prior to the issuance of grading permits for development applications or entire planning areas, area-specific geotechnical studies shall be prepared by the applicant's qualified geotechnical engineer and submitted to the City of Coachella for review and approval by the City Engineer. These studies shall include testing for collapsible soils. Laboratory analysis shall be conducted on selected samples to provide a more complete evaluation regarding remediation of potentially compressible and collapsible materials. Where appropriate, these studies shall contain specifications for overexcavation and removal of soil materials susceptible to subsidence, or other measures as appropriate to eliminate potential hazards associated with subsidence.</p>	Prior to issuance of any grading permits.	City Engineer.	Plan check.	
	g. Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	MM-GEO-4 Expansive Soils. As planning areas are designed and prior to issuance of grading permits, site-specific geotechnical studies, including laboratory testing for expansive soils, shall be completed by a qualified geotechnical	Prior to issuance of grading permits.	City Engineer.	Plan check & Separate submittal - reports, studies, plans.	

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		<p>engineer and submitted to the City of Coachella for review and approval by the City Engineer. If expansive soils are found within the area of proposed foundations, geotechnical testing shall be employed such as excavation of expansive soils and replacement with nonexpansive compacted fill, additional remedial grading, utilization of steel reinforcing in foundations, nonexpansive building pads, presoaking, and drainage control devices to maintain a constant state of moisture. In addition to these practices, homeowners shall be advised about maintaining drainage conditions to direct the flow of water away from structures so that foundation soils do not become saturated.</p> <p>During construction, the Project engineer shall verify that expansive soil mitigation measures recommended in the final foundation design recommendations are implemented, and the City Building Official shall conduct site inspections prior to occupancy of any structure to ensure compliance with the approved measures.</p>				
Hazards and Hazardous Materials	a. Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	MM-HAZ-1 During grading, and/or during construction, should an accidental release of a hazardous material occur, the following actions will be implemented: construction activities in the immediate area will be immediately stopped; appropriate regulatory agencies will be notified; immediate actions will be implemented to limit the volume and area impacted by the contaminant; the contaminated material, primarily soil, shall be collected and removed to a location	MM-HAZ-1 <i>During grading, and/or during construction.</i>	MM-HAZ-1 <i>Building Division and Department of Environmental Health or the Department of Toxic Substances Control.</i>	MM-HAZ-1 <i>On-site inspection.</i>	

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		<p>where it can be treated or disposed of in accordance with the regulations in place at the time of the event; any transport of hazardous waste from the property shall be carried out by a registered hazardous waste transporter; and testing shall be conducted to verify that any residual concentrations of the accidentally released material are below the regulatory remediation goal at the time of the event. All of the above sampling or remediation activities related to the contamination will be conducted under the oversight of Riverside County Site Cleanup Program. All of the above actions shall be documented and made available to the appropriate oversight agency such as the Department of Environmental Health or the Department of Toxic Substances Control (DTSC) prior to closure of the contaminated area.</p> <p>MM-HAZ-2 During grading, if an unknown contaminated area is exposed, the following actions will be implemented: any contamination found during construction will be reported to the Riverside County Site Cleanup Program and all of the sampling or remediation related to the contamination will be conducted under the oversight of the Riverside County Site Program; construction activities in the immediate area will be immediately stopped; appropriate regulatory agencies will be identified; a qualified professional</p>	MM-HAZ-2 During grading.	MM-HAZ-2 Building Division and Department of Environmental Health or the Department of Toxic Substances Control.	MM-HAZ-2 On-site inspection.	

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		<p>(industrial hygienist or chemist) shall test the contamination and determine the type of material and define appropriate remediation strategies; immediate actions will be implemented to limit the volume and area impacted by the contaminant; the contaminated material, primarily soil, shall be collected and removed to a location where it can be treated or disposed of in accordance with the regulations in place at the time of the event; any transport of hazardous waste from the property shall be carried out by a registered hazardous waste transporter; and testing shall be conducted to verify that any residual concentrations of the accidentally released material are below the regulatory remediation goal at the time of the event. All of the above actions shall be documented and made available to the appropriate oversight agency such as the Department of Environmental Health or the Department of Toxic Substances Control prior to closure of the contaminated area.</p> <p>MM-HAZ-3 Prior to the issuance of a grading permit, the applicant shall contact the Riverside County Community Health Agency, Department of Environmental Health, Water Engineering Department in Indio, California to ascertain the locations of wells. If determined by this oversight agency that the closure of the wells is required, then they shall be closed in accordance with the specific requirements</p>	MM-HAZ-3 <i>Prior to the issuance of a grading permit.</i>	MM-HAZ-3 <i>Riverside County Community Health Agency, Department of Environmental Health, Water Engineering Department.</i>	MM-HAZ-3 <i>Plan check.</i>	

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		<p>for the closure of wells of the Riverside County Community Health Agency, Department of Environmental Health, Water Engineering Department.</p> <p>MM-HAZ-4 Prior to the issuance of a grading permit, the applicant shall conduct sampling of the near surface soil to assess whether residual concentrations exceed State of California action levels is recommended in areas that were in agricultural use prior to 1972. The presence of pesticides in the soil may represent a health risk to tenants or occupants on the Property and the soil may require specialized handling and disposal. A grid shall be used to take representative samples where crops were grown on the Property. Any samples shall be analyzed for pesticides using EPA Method 8081. A qualified contractor shall be contacted to remove such materials. Any work conducted shall be in compliance with guideline set by an oversight agency such as the Department of Environmental Health or the Department of Toxic Substances Control.</p> <p>MM-HAZ-5 If any materials are discovered at the site during any future activities that may contain asbestos, a qualified contractor be contacted to remove such materials. As it pertains to the shed roof, it shall be tested prior to any demolition. All</p>	<p>MM-HAZ-4 <i>Prior to the issuance of a grading permit.</i></p> <p>MM-HAZ-5 <i>Prior to grading permit final.</i></p>	<p>MM-HAZ-4 <i>Department of Environmental Health or the Department of Toxic Substances Control.</i></p> <p>MM-HAZ-5 <i>Department of Environmental Health or the Department of Toxic</i></p>	<p>MM-HAZ-4 <i>Plan check.</i></p> <p>MM-HAZ-5 <i>Plan check.</i></p>	

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		work conducted shall be in compliance with guidelines set by an oversight agency such as the Department of Environmental Health or the Department of Toxic Substances Control, prior to grading permit final.		<i>Substances Control.</i>		
	b. Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	See MM-HAZ-1 through MM-HAZ-5 , above.				
Hydrology and Water Quality	a. Would the Project violate any water quality standards or waste discharge requirements?	SC-HYD-1 Construction General Permit. Prior to issuance of a grading permit, the applicant shall obtain coverage for each phase of the project under the State Water Resources Control Board National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, Permit No. CAS000002) (Construction General Permit), or subsequent issuance. The applicant shall provide the Waste Discharge Identification Numbers to the City of Coachella Director of Public Works to demonstrate proof of coverage under the Construction General Permit, per Chapter 13.16 of the City's Municipal Code. A SWPPP shall be prepared and implemented for each phase of the project in compliance with the requirements of the Construction General Permit. The SWPPPs shall identify construction BMPs to be implemented to	SC-HYD-1 Prior to issuance of a grading permit.	SC-HYD-1 Public Works Department.	SC-HYD-1 Review Waste Discharge Identification Numbers.	

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		<p>ensure that the potential for soil erosion and sedimentation is minimized and to control the discharge of pollutants in storm water runoff as a result of construction activities.</p> <p>SC-HYD-2 Water Quality Management Plans. Prior to issuance of grading permits, the applicant shall submit a Final Water Quality Management Plan for each phase of the project to the City of Coachella Director of Public Works for review and approval, per Chapter 13.16 of the City's Municipal Code. The Final WQMPs shall be consistent with the requirements of the Whitewater River Region Water Quality Management Plan for Urban Runoff (January 2011 or subsequent issuance). Project-specific Site Design, Source Control, and Treatment Control BMPs contained in the Final WQMPs shall be incorporated into final design. The BMPs shall be properly designed and maintained to target pollutants of concern and reduce runoff from the project site. The WQMPs shall include an operations and maintenance plan for the prescribed Treatment Control BMPs to ensure their long-term performance.</p> <p>Site Design BMPs to be considered and incorporated into the Project where feasible include conserving natural areas and minimizing urban runoff, impervious footprint, and directly connected impervious areas. Nonstructural Source Control BMPs to be considered and incorporated into the project where</p>	SC-HYD-2 <i>Prior to issuance of a grading permit.</i>	SC-HYD-2 <i>Public Works Department.</i>	SC-HYD-2 <i>Review Final WQMP.</i>	

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		<p>feasible include education/training for property owners, operators, tenants, occupants, or employees; activity restrictions; irrigation system and landscape maintenance; common area litter control; street sweeping of private streets and parking lots; and drainage facility inspection and maintenance.</p> <p>Structural Source Control BMPs to be considered and incorporated into the Project where feasible include storm drain inlet stenciling and signage; landscape and irrigation system design; protection of slopes and channels; provision of community car wash racks; provision of wash water controls for food preparation areas; and proper design and maintenance of fueling areas, air/water supply area drainage, trash storage areas, loading docks, maintenance bays, vehicle and equipment wash areas, outdoor material storage areas, and outdoor work areas or processing areas.</p> <p>Treatment Control BMPs to be considered and incorporated into the project where feasible include biofilters (grass swales, grass strips, wetland vegetation swales, and bioretention), detention basins (extended/dry detention basins with grass lining and extended/dry detention basins with impervious lining), infiltration BMPs (infiltration basins, infiltration trenches, and porous pavement), wet ponds or wetlands (permanent pool wet ponds and construction wetlands), filtration systems (sand filters and media filters), water quality inlets, hydrodynamic separator</p>				

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		<p>systems (hydrodynamic devices, baffle boxes, swirl concentrators, or cyclone separators), and manufactured or proprietary devices.</p> <p>SC-HYD-3 Best Management Practices (BMP) Maintenance and Management Program. Prior to the issuance of a grading permit, a detailed maintenance and management program for construction and post-construction storm water facilities shall be prepared that includes, but is not be limited to: detailed landscaped design criteria, a detailed plan for the control of vectors indigenous to wetlands, a detailed plan for the control of mosquitos (in addition to a separate Vector Control Program for nonstorm water facilities – see below), and a plan to evaluate the overall health of the facility on a regular schedule and implement any corrective actions necessary to maintain the facility's ability to improve water quality, per Chapter 13.16 of the City's Municipal Code.</p>	SC-HYD-3 <i>Prior to issuance of a grading permit.</i>	SC-HYD-3 <i>Public Works Department.</i>	SC-HYD-3 <i>Review maintenance and management program.</i>	
	c. Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<p>See SC-HYD-1 through SC-HYD-3, above.</p> <p>SC-HYD-4 Hydrology Reports. Prior to issuance of grading permits, the applicant shall submit a final hydrology report for each phase of the Project to the City of Coachella City Engineer-1 for review and approval, per Chapter 13.16 of the City's Municipal Code. The hydrology reports shall demonstrate, based on hydrologic calculations, that the Project's on-site storm conveyance and retention facilities are designed in accordance with the requirement of the Riverside County Flood</p>	<i>Prior to issuance of a grading permit.</i>	<i>Public Works Department.</i>	<i>Review Final Hydrology Report.</i>	

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		Control and Water Conservation District Hydrology Manual.				
	e. Would the Project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantially additional sources of polluted runoff?	<i>See SC-HYD-1 through SC-HYD-4, above.</i>				
	f. Would the Project otherwise substantially degrade water quality?	<p><i>See SC-HYD-2 and SC-HYD-3, above.</i></p> <p>MM-HYD-1 Vector Control Program. Prior to issuance of grading permits, the applicant shall develop a Vector Control Program in coordination with the Coachella Valley Mosquito and Vector Control District. The Vector Control Program shall address control of flies, eye gnats, imported red fire ants, and mosquitos. The vector control program shall include measures such as landscape maintenance, removal of vegetation and landscape clippings, irrigation management, use of desert landscaping, irrigation management, and turf management.</p>	<i>Prior to issuance of grading permits.</i>	<i>Coachella Valley Mosquito and Vector Control District.</i>	<i>Plan check & Separate submittal - reports, studies, plans.</i>	
Land Use and Planning	b. Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?	<i>See SC-BIO-1, above.</i>				
Noise	a. Would the Project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise	<p>MM-NOI-1 During any earth movement construction activities during any phase of development the developer shall:</p> <ul style="list-style-type: none"> Locate stationary construction noise sources such as generators or pumps at least 300 feet from sensitive land uses, 	<i>MM-NOI-1 During any earth movement construction activities.</i>	<i>MM-NOI-1 Building Division.</i>	<i>MM-NOI-1 On-site inspection.</i>	

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	ordinance, or applicable standards of other agencies?	<p>as feasible;</p> <ul style="list-style-type: none"> • Locate construction staging areas as far from noise sensitive land uses as feasible; • Ensure all construction equipment is equipped with appropriate noise attenuating devices to reduce the construction equipment noise by 8 to 10 dBA; • Turn off idling equipment when not in use; • Maintain equipment so that vehicles and their loads are secured from rattling and banging; • Limit the amount of heavy machinery equipment operating simultaneously to two (2) pieces of equipment within a 50-foot radius of each other (when located with 100 feet of existing residential units); and • Install temporary noise control barriers that provide a minimum noise level attenuation of 10.0 dBA when Project construction occurs near existing noise-sensitive structures. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the noise source. Unnecessary openings shall not be made. <ul style="list-style-type: none"> ○ The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired. ○ The noise control barriers and 				

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		<p>associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity.</p> <p>MM-NOI-2 Prior to the approval of an implementing project, the Project applicant shall submit plans to the Building and Safety Department that will demonstrate the necessary performance standards for adequate noise reduction for residences located in PA2, PA3 and PA8, that are adjacent to Avenue 47:</p> <ul style="list-style-type: none"> • Areas Exceeding 70 dBA CNEL (within 23 feet from centerline of Avenue 47): 8 foot (combination of earthen berm and maximum 6' high wall) for ground level outdoor living areas such as backyards or patios. • Areas Exceeding 65 dBA CNEL (within 73 feet from centerline of Avenue 47): 6 foot for ground level outdoor living areas such as backyards or patios. • Areas Exceeding 60 dBA CNEL (within 231 feet from centerline of Avenue 47): 5 foot for ground level outdoor living areas such as backyards or patios. <p>MM-NOI-3 Prior to the approval of an implementing project, the Project applicant shall submit plans to the Building and Safety Department that will demonstrate the necessary performance standards for adequate noise reduction for residences</p>	<p>MM-NOI-2 <i>Prior to the approval of an implementing project</i></p> <p>MM-NOI-3 <i>Prior to the approval of an implementing project.</i></p>	<p>MM-NOI-2 <i>Building Division.</i></p> <p>MM-NOI-3 <i>Building Division.</i></p>	<p>MM-NOI-2 <i>Plan check.</i></p> <p>MM-NOI-3 <i>Plan check.</i></p>	

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		<p>located in PA5, PA7 and PA10, that are adjacent to Avenue 48:</p> <ul style="list-style-type: none"> • Areas Exceeding 70 dBA CNEL (within 23 feet from centerline of Avenue 47): 8 foot (combination of earthen berm and maximum 6' high wall) for ground level outdoor living areas such as backyards or patios. • Areas Exceeding 65 dBA CNEL (within 73 feet from centerline of Avenue 47): 6 foot for ground level outdoor living areas such as backyards or patios. • Areas Exceeding 60 dBA CNEL (within 231 feet from centerline of Avenue 47): 5 foot for ground level outdoor living areas such as backyards or patios. <p>MM-NOI-4 Prior to the approval of an implementing project, the Project applicant shall submit plans to the Building and Safety Department that will demonstrate the necessary performance standards for adequate noise reduction for residences located in PA5, PA6 and PA7, that are adjacent to Street "A":</p> <ul style="list-style-type: none"> • Areas Exceeding 70 dBA CNEL (within 18 feet from centerline of Street "A"): 8 foot (combination of earthen berm and maximum 6' high wall) for ground level outdoor living areas such as backyards or patios. • Areas Exceeding 65 dBA CNEL (within 57 feet from centerline of Street "A"): 6 foot for ground level outdoor living areas such as backyards or patios. 	<p>MM-NOI-4 Prior to the approval of an implementing project.</p>	<p>MM-NOI-4 Building Division.</p>	<p>MM-NOI-4 Plan check</p>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<ul style="list-style-type: none"> Areas Exceeding 60 dBA CNEL (within 181 feet from centerline of Street "A"): 5 foot for ground level outdoor living areas such as backyards or patios. <p>MM-NOI-5 The Project will require a final acoustical analysis (for each implementing project) once a site plan or tract map has been developed. The acoustical analyses must demonstrate the interior noise level will not exceed the City's 45 dBA CNEL noise limit. Potential mitigation may include a "windows closed" condition and possibly upgraded windows (increased STC window/door ratings).</p> <p>SC-NOI-1 The City has established certain hours during the day when construction can occur to minimize potential disturbance to sensitive receptors. The Project applicant shall comply with these requirements, which are shown below: <i>October 1st through April 30th</i></p> <ul style="list-style-type: none"> Monday—Friday: 6:00 a.m. to 5:30 p.m. Saturday: 8:00 a.m. to 5:00 p.m. Sunday: 8:00 a.m. to 5:00 p.m. Holidays: 8:00 a.m. to 5:00 p.m. <p><i>May 1st through September 30th</i></p> <ul style="list-style-type: none"> Monday—Friday: 5:00 a.m. to 7:00 p.m. Saturday: 8:00 a.m. to 5:00 p.m. Sunday: 8:00 a.m. to 5:00 p.m. 	<p>MM-NOI-5 <i>Prior to the approval of an implementing project.</i></p> <p>SC-NOI-1 <i>During construction.</i></p>	<p>MM-NOI-5 <i>Building Division.</i></p> <p>SC-NOI-1 <i>Building Division.</i></p>	<p>MM-NOI-5 <i>Plan check & Separate submittal - reports, studies, plans.</i></p> <p>SC-NOI-1 <i>On-site inspection.</i></p>	

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		<ul style="list-style-type: none"> Holidays: 8:00 a.m. to 5:00 p.m. 				
	b. Would the Project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	See MM-NOI-2 through MM-NOI-5 , above.				
	c. Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	See MM-NOI-2 and SC-NOI-1 , above.				
Public Services	a. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for Fire Protection and Emergency Response Services?	SC-PS-1 Development Impact Fee. The Project applicant shall pay Development impact fees at the time an application is made for a building permit.	Prior to the issuance of a building permit	Planning Division and Building Division.	Review project Conditions of Approval.	
	b. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for Sheriff Law Enforcement Services?	See SC-PS-1 , above.				

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
	c. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for School/Education Services?	SC-PS-2 School Fees. The Project applicant shall pay school fees at the time an application is made for a building permit.	<i>Prior to the issuance of a building permit</i>	<i>Planning Division and Building Division.</i>	<i>Review project Conditions of Approval.</i>	
	d. Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	See SC-PS-1 , above. SC-REC-1 Quimby Requirement. Prior to the recordation of a final map, the Project applicant shall offer dedication of land and/or make in-lieu payment of Quimby Fees for park or recreational purposes shall be at the rate of three acres per 1,000 residents.	<i>Prior to the recordation of a final map.</i>	<i>Planning Division.</i>	<i>Plan check and Conditions of Approval.</i>	
	e. Would the Project Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	See SC-PS-1 and SC-REC-1 , above.				
	f. Other Services – Library Services	See SC-PS-1 , above.				
Transportation/Traffic	a. Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account	MM-TR-1 For Existing Plus Project Conditions, the Project applicant is required to make the following improvements at the following intersections and roadway segments (prior to the 1st occupancy):	MM-TR-1 <i>Prior to the 1st occupancy.</i>	MM-TR-1 <i>Public Works Department.</i>	MM-TR-1 <i>Plan check.</i>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
	all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<p>Roadway Segment Improvements</p> <ul style="list-style-type: none"> o Construct new extension of Shadow View Boulevard from to Dillon Road to Avenue 48; o Construct new extension of Avenue 47 from Tyler Street to Shadow View Boulevard; and o Construct new extension of Avenue 48 from Tyler Street to Shadow View Boulevard. <ul style="list-style-type: none"> • Intersection of Dillon Road and Shadow View Boulevard: <ul style="list-style-type: none"> o Install traffic signal o Install southbound (SB) left-turn lane. o Install westbound (WB) left-turn lane. o Install WB right-turn signal. • Intersection of Tyler Street and Avenue 47: <ul style="list-style-type: none"> o Install all-way stop signs. • Intersection of Tyler Street and Avenue 48: <ul style="list-style-type: none"> o Install all-way stop signs. • Intersection of Street "A" and Vista Del Sur: <ul style="list-style-type: none"> o Install all-way stop signs. o Install NB left-turn lane. o Install EB right-turn signal. • Intersection of Street "A" and Avenue 47: <ul style="list-style-type: none"> o Install all-way stop signs. o Install northbound (NB) left-turn lane. o Install NB thru-turn lane. o Install NB thru/right-turn lane. o Install SB left-turn lane. o Install SB thru-turn lane. 				

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		<ul style="list-style-type: none"> ○ Install SB thru/right-turn lane. ○ Install eastbound (EB) left-turn lane. ○ Install EB thru-turn lane. ○ Install EB thru/right-turn lane. ○ Install WB left-turn lane. ○ Install WB thru-turn lane. ○ Install WB thru/right-turn lane. <ul style="list-style-type: none"> ● Intersection of Street "A" and Avenue 48: <ul style="list-style-type: none"> ○ Install all-way stop signs. ○ Install NB left-turn lane. ○ Install NB thru-turn lane. ○ Install NB thru/right-turn lane. ○ Install SB left-turn lane. ○ Install SB thru-turn lane. ○ Install SB thru/right-turn lane. ○ Install EB left-turn lane. ○ Install EB thru-turn lane. ○ Install EB thru/right-turn lane. ○ Install WB left-turn lane. ○ Install WB thru-turn lane. ○ Install WB thru/right-turn lane. ● Intersection of Polk Street and Avenue 48: <ul style="list-style-type: none"> ○ Install all-way stop signs. <p>MM-TR-2 For Project Completion (Year 2022) With Project Conditions, the Project applicant is required to make the following improvements at the following intersections (prior to the 1st occupancy):</p> <ul style="list-style-type: none"> ● Tyler Street and Avenue 47: <ul style="list-style-type: none"> ○ Install NB left-turn lane. ○ Install NB thru-turn lane. 	MM-TR-2 Prior to the 1 st occupancy.	MM-TR-2 Public Works Department.	MM-TR-2 Plan check.	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<ul style="list-style-type: none"> ○ Install SB left-turn lane. ○ Install SB thru-turn lane. ○ Install EB left-turn lane. ○ Install EB thru-turn lane. ○ Install WB left-turn lane. ○ Install WB thru-turn lane. • Intersection of SR-86 and Avenue 50: <ul style="list-style-type: none"> ○ Install a traffic signal. <p>MM-TR-3 For Project Completion (Year 2022) With Project and Cumulative Projects Conditions, the Project applicant shall make a fair-share contribution for the following improvements at the following intersections, as shown on Table 4.14.4-12 (prior to the 1st occupancy):</p> <ul style="list-style-type: none"> • Dillon Road and I-10 WB Ramps: 13.5% <ul style="list-style-type: none"> ○ Install Traffic Signal • Dillon Road and I-10 EB Ramps: 17.94% <ul style="list-style-type: none"> ○ Install Traffic Signal • Dillon Road and Shadow View Boulevard: 20.86% <ul style="list-style-type: none"> ○ Install Two (2) NB right-turn lanes ○ Install NB right-turn overlap phase ○ Install One (1) additional SB left-turn lane ○ Install One (1) additional WB left-turn lane ○ Install WB right-turn overlap phase • Dillon Road and SR-86 NB Ramps: 22.83% <ul style="list-style-type: none"> ○ Install One (1) additional NB thru lane • Dillon Road and SR-86 SB Ramps: 	MM-TR-3 Prior to the 1 st occupancy.	MM-TR-3 Public Works Department.	MM-TR-3 Plan check.	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<ul style="list-style-type: none"> 24.14% <ul style="list-style-type: none"> ○ Install One (1) additional NB thru lane ○ Install One (1) additional NB right-turn lane • Dillon Road and Avenue 48: 23.96% <ul style="list-style-type: none"> ○ Install One (1) additional EB right-turn lane ○ Install One (1) additional WB right-turn lane • Tyler Street and Avenue 47: 48.34% <ul style="list-style-type: none"> ○ Install Traffic Signal ○ Install One (1) additional NB left-turn lane • Tyler Street and Avenue 48: 32.62% <ul style="list-style-type: none"> ○ Install Traffic Signal ○ Install NB left-turn lane ○ Install NB thru lane ○ Install SB left-turn lane ○ Install SB thru lane ○ Install EB left-turn lane ○ Install EB thru lane ○ Install WB left-turn lane ○ Install WB thru lane • Tyler Street at Avenue 50: 13.82% <ul style="list-style-type: none"> ○ Install Traffic Signal ○ Install Three (3) NB left-turn lanes ○ Install One (1) additional SB thru lane ○ Install Two (2) additional SB right-turn lanes ○ Install SB right-turn overlap phase ○ Install Two (2) EB left-turn lanes ○ Install Two (2) EB right-turn lanes ○ Install EB right-turn overlap phase • SR-86 and Avenue 50: 13.59% <ul style="list-style-type: none"> ○ Install One (1) additional NB thru lane ○ Install Two (2) additional SB right- 				

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<ul style="list-style-type: none"> ○ turn lanes ○ Install Two (2) additional EB left-turn lanes ○ Install One (1) additional EB thru lane ○ Install One (1) EB right-turn lane ○ Install One (1) WB right-turn lane ○ Install One (1) additional WB thru lane ○ Improve signal phasing to protected east/west • Polk Street at Avenue 50: 3.33% <ul style="list-style-type: none"> ○ Install Traffic Signal ○ Install NB left-turn lane ○ Install NB thru turn lane ○ Install SB left-turn lane ○ Install SB thru turn lane ○ Install EB left-turn lane ○ Install EB thru turn lane ○ Install WB left-turn lane ○ Install WB thru turn lane <p>SC-TR-1 Regional Funding Mechanisms. The applicant shall participate in any approved transportation or development impact fees, such as TUMF fees, required by the City of Coachella per Chapter 4.40 of the City's Municipal Code.</p>				
	b. Would the Project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or	<p><i>See MM-TR-2, MM-TR-3, and SC-TR-1, above.</i></p>				

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
	highways?					
	c. Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<p>MM-TR-4 Prior to any construction on the Project site, the Project applicant shall submit a traffic control plan (TCP) to the City Engineering Department for review and approval. Said TCP shall be prepared for any subsequent implementing project and will contain, at a minimum, the following: lane closures, detouring, qualifications of work crews, duration of the plan and signing.</p> <p>MM-TR-5 Concurrent with subsequent development projects within the Specific Plan, Sunline Transit District shall be consulted to coordinate the potential for expanded transit/bus service and vanpools and to discuss and implement potential transit turnout locations within the Project area.</p>	<p>MM-TR-4 <i>Prior to any construction on the Project site.</i></p> <p>MM-TR-5 <i>Concurrent with subsequent development projects within the Specific Plan.</i></p>	<p>MM-TR-4 <i>City Engineering Department.</i></p> <p>MM-TR-5 <i>City Engineering Department and Sunline Transit District.</i></p>	<p>MM-TR-4 <i>Plan check & Separate submittal - reports, studies, plans.</i></p> <p>MM-TR-5 <i>Plan check.</i></p>	
	d. Would the Project result in inadequate emergency access?	See MM-TR-4 , above.				
	e. Would the Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	See MM-TR-5 , above.				
Utilities and Service Systems	b. Would the Project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of	SC-UTIL-1 Prior to the issuance of a building permit, the Project proponent shall pay the applicable connection fee for water and sewer.	<i>Prior to the issuance of a building permit.</i>	<i>Public Work Department.</i>	<i>Review receipt of paid fees.</i>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
	which could cause significant environmental effects?					
	c. Would the Project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	See SC-HYD-1 , SC-HYD-2 , SC-HYD-3 , and SC-HYD-4 , above.				
	d. Would the Project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<p>See SC-UTIL-1, above.</p> <p>SC-UTIL-2 The Project shall implement the following measures to ensure the efficient use of water resources and to meet and maintain the goals of the 2010 CVWMP:</p> <ol style="list-style-type: none"> 1. To the greatest extent practicable, native plant materials and other drought-tolerant plants will be used in all non-turf areas of Project landscaping. Large expanses of lawn and other water-intensive landscaped areas shall be kept to the minimum necessary and consistent with the functional and aesthetic needs of the Project, while providing soil stability to resist erosion; 2. Potential use of the Coachella Canal for construction water and Project landscaping may further reduce Project demand for potable water. This will be reviewed for feasibility and subject to agreements between the City and CVWD since the Project lies outside of the IID boundary; 3. In the event recycled water becomes available to the Project, the potential 	SC-UTIL-2 Submittal of building plans for implementing projects.	SC-UTIL-2 Planning Division and Building Division.	SC-UTIL-2 Plan check.	

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		<p>use of tertiary treated water will be reviewed to determine feasibility of its use for on-site landscaped areas to reduce the use of groundwater for irrigation;</p> <p>4. The installation and maintenance of efficient on-site irrigation systems will minimize runoff and evaporation, and maximize effective watering of plant roots. Drip irrigation and moisture detectors will be used to the greatest extent practicable to increase irrigation efficiency;</p> <p>5. The use of low-flush toilets and water-conserving showerheads and faucets shall be required in conformance with Section 17921.3 of the Health and Safety Code, Title 20, California Code of Regulations Section 1601(b), and applicable sections of Title 24 of the State Code.</p> <p>SC-UTIL-3 Implementing Projects within the Specific Plan shall incorporate the following design features:</p> <p>Design strategies for water efficiency include:</p> <ul style="list-style-type: none"> • Reduce potable water demand through landscaping, non-potable reclaimed, well or canal water for irrigation purposes (when available), and high efficiency plumbing fixtures and appliances; • Utilize high efficiency plumbing and fixtures; • Utilize efficient irrigation controls to 	SC-UTIL-3 <i>Submittal of building plans for implementing projects.</i>	SC-UTIL-3 <i>Planning Division and Building Division.</i>	SC-UTIL-3 <i>Plan check.</i>	

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		<p>reduce water;</p> <ul style="list-style-type: none"> • Reduce the amount of irrigated turf in parks; • Minimum of 75% of all front yard landscaping shall be limited to desert-scape or xeriscape materials; • Implement an integrated stormwater collection and conveyance system designed to treat and convey development-related runoff; provide 100-year flood protection to flood prone areas; increase groundwater recharge (where practical) through on-site retention basins, and improve water quality on-site and downstream through on-site water quality basins; • Support the development of reclaimed water supplies in the City of Coachella and the Specific Plan. <p>Landscape design strategies include:</p> <ul style="list-style-type: none"> • Utilize native plant choices to the greatest extent possible; • Develop a plant palette that focuses on shading of pedestrian activity areas will promote use of non-motorized transportation and reduce the urban heat island effect; • Promote the development of tree-lined streets to encourage walking, biking, and transit use, and reduce urban heat island effects; • Minimum of 75% of all front yard landscaping shall be limited to desert-scape or xeriscape materials. • Incorporate natural site elements (significant rock outcroppings, drainage corridors, bioswales) as 				

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		<p>design features;</p> <ul style="list-style-type: none"> • Use Low Impact Development (LID) techniques to control stormwater flows on-site; • Incorporate stormwater and/or water quality facilities close to the source within each planning area, protecting site and regional water quality by reducing sediment and nutrient loads to water bodies on-site and downstream; and • Mimic the predevelopment site hydrology by using site design techniques that store, infiltrate, evaporate, and retain runoff to reduce off-site runoff and facilitate groundwater recharge. <p>General direction for design of the landscaped places:</p> <ul style="list-style-type: none"> • Implementation of landscape concepts that use drought tolerant plant pallets that are low-water use and well adapted to the desert climates; • Incorporate eco-friendly designs, such as optimizing building orientation, reducing potable water use for irrigation and implementing shade strategies; • Alley-loaded design concepts, which maximize streetscapes with emphasis on pedestrians by providing shade, amenities and connectivity throughout the project site; • Incorporate the latest design principles of environmental sensitivity, conservation, and sustainability into 				

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		<p>the landscape planning and design;</p> <ul style="list-style-type: none"> Promote design concepts that create lots fronting to open space areas, creating community-gathering places for local residents; Provide structures, pedestrian friendly streets, bicycle lanes, sidewalks and public gathering places that facilitate local, non-vehicular transportation; Planting areas and medians will be irrigated with high efficiency automatic irrigation system; Collection and treatment of urban runoff using multiple water quality basins throughout the project; Utilize high-efficiency plumbing fixtures that meet or exceed the CALGREEN code. 				
	f. Would the Project be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	<p>SC-UTIL-4 The Project shall comply with the following provisions of the Municipal Code regulates impacts on construction solid waste:</p> <ol style="list-style-type: none"> Meet the diversion requirement of at least fifty (50) percent of all construction waste. Submit a construction and demolition waste plan (on the required forms). Submit a performance security along with the application required for a construction permit. City-owned projects will not be required to pay the performance security. <p>SC-UTIL-5 The Project shall participate in curbside recycling and compliance with Riverside County's IWMP will reduce Project impacts on existing solid waste</p>	<p>SC-UTIL-4 <i>Prior to the issuance of a grading permit.</i></p> <p>SC-UTIL-5 <i>Prior to the issuance of a certificate of</i></p>	<p>SC-UTIL-4 <i>Building Division.</i></p> <p>SC-UTIL-5 <i>Building Division.</i></p>	<p>SC-UTIL-4 <i>Plan check.</i></p> <p>SC-UTIL-5 <i>Plan check.</i></p>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		facilities and mandated AB 939 diversion goals.	<i>occupancy for implementing projects.</i>			
	g. Would the Project comply with federal, state, and local statutes, and regulations related to solid waste?	SC-UTIL-4 and SC-UTIL-5				
	h. Would the Project require or result in the construction of new facilities or the expansion of existing facilities; the construction of which could cause significant environmental effects to Electricity?	SC-UTIL-6 The Project shall be consistent with the provisions of California Code of Regulations Title 24, Part 6, California's Energy Efficiency Standards for Residential and Nonresidential Buildings.	<i>Prior to the issuance of a building permit for implementing projects.</i>	<i>Building Division.</i>	<i>Plan check.</i>	

RESOLUTION NO. 2020-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA APPROVING GENERAL PLAN AMENDMENT NO. 14-01 ADD THE SPECIFIC PLAN LAND USE OVERLAY DESIGNATION ON APPROXIMATELY 275 ACRES OF VACANT LAND (VISTA DEL AGUA SPECIFIC PLAN) GENERALLY LOCATED ON THE SOUTH SIDE OF INTERSTATE 10 AND VISTA DEL SUR, NORTH OF AVENUE 48, EAST OF TYLER STREET AND WEST OF POLK STREET. CVP PALM SPRINGS, LLC (APPLICANT)

WHEREAS, the Applicant has filed an application for General Plan Amendment 14-01 for a land use designation amendment, along with Specific Plan 14-01, Change of Zone 14-01(map amendment), TPM 36872 (large lot financing map), (collectively the "Project Approvals"), to allow for the future development of a residential and commercial project including open space on approximately 275 acres of vacant land on the south side of Interstate 10 and Vista Del Sur, north of Avenue 48; east of Tyler street and west of Polk street, as well as approximately 29 acres of off-site infrastructure improvements. (the "Vista Del Agua Project" or the "Project"); and

WHEREAS, the 275-acre project site is currently designated General Neighborhood, Urban Neighborhood, Suburban Retail District, Suburban Neighborhood and Neighborhood Center on the Coachella General Plan, 2035; and

WHEREAS, the purpose of the land use designation amendment is to provide for a Specific Plan Land Use designation within the Land Use Element of the City's General Plan; and

WHEREAS, the City has processed the Project Approvals including the General Plan Amendment pursuant to the Coachella Municipal Code and the State Government Code, and the California Environmental Quality Act as amended, under which Draft Environmental Impact Report 14-04 (SCH # 2015031003) was prepared (DEIR); and

WHEREAS, the DEIR was circulated as required by law and, together with all comments and responses to those comments, was provided to the City Council as the Final EIR (FEIR) for the project; and

WHEREAS, as required by Govt. Code Sections 65351 and 65352.3, the Native American Heritage Commission was notified as part of the DEIR Notice of Preparation on March 4, 2015, to determine the tribes to contact for potential consultation, and thereafter transmitted to such tribes, and one tribe requested consultation and submitted comments on the DEIR pursuant to 65351 and 65352.3; and

WHEREAS, notice was provided to public agencies as required by Govt. Code Section 65352 as part of the Draft Environmental Impact Report noticing; and

WHEREAS, on June 19, 2019 the Planning Commission of the City of Coachella held a duly noticed Public Hearing at which interested persons had an opportunity to testify in support of, or opposition to, the General Plan Amendment and at which the Planning Commission considered the General Plan Amendment as presented by the applicant, together with the

recommendations of the Development Services Director; and

WHEREAS, on February 10, 2020 the City gave public notice as required by mailing notices to property owners within at least 300 feet of the Project and on February 16, 2020 published a public notice in the Desert Sun of the holding of a public hearing at which the Vista Del Agua Project and the General Plan Amendment would be considered; and

WHEREAS, the City Council continued the February 26, 2020 public hearing to the April 8, 2020 City Council meeting and again to the May 13, 2020 City Council meeting in order to respond to two written comments received; and

WHEREAS, in compliance with the requirements of the California Environmental Quality Act (CEQA), prior to recommending approval of General Plan Amendment 14-01 the City Council of the City of Coachella adopted Resolution 2020-02 certifying the final Environmental Impact Report, adopting CEQA findings and Statement of Overriding Considerations for the Vista Del Agua Project Approvals; and

WHEREAS, the City Council in light of the whole record before it, including but not limited to the recommendation of the Development Services Director as provided in the Staff Report dated May 13, 2020 and documents incorporated therein by reference and any other evidence within the record or provided at the public hearing of this matter, hereby finds that the General Plan Amendment is within the scope of that EIR; and

WHEREAS, the evidence before the City Council supports the conclusion that General Plan Amendment 14-01 be approved as does the record consisting of the staff report, case file, exhibits on display and public hearing testimony; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE BE IT RESOLVED, that the City Council, in light of the whole record before it, including but not limited to the recommendation of the Development Services Director as provided in the Staff Report dated May 13, 2020 and documents incorporated therein by reference and any other written or oral evidence within the record or provided at the public hearing of this matter, hereby approves General Plan Amendment 14-01 based upon the following findings:

1. The proposed General Plan Amendment will protect and promote the general safety and welfare of the public; the proposed General Plan Amendment will allow for residential housing supporting the housing needs for the future anticipated growth of the City; Additionally, the residential housing types adds to the City's diverse mix of housing types that will be maintained to a high standard that will preserve the real estate values and quality of life for future residents consistent with the City's General Plan goals;

2. The proposed General Plan Amendment is consistent with the Land Use Element and the other adopted elements of the General Plan and will contribute to the achievement of the goals of the General Plan as outlined on Pages 04-02 and 04-03 of the General Plan and the staff report along with the record of the hearing; The Project includes a mixture of single family and multi-

family dwelling units at various densities that will provide housing opportunities for future residents; the Specific Plan will create a walkable and interconnected neighborhoods through the project's design along with creating usable areas of active and passive open space areas along with two commercial planning areas that will provide neighborhood and suburban commercial uses to future residents of Vista Del Agua and the surrounding areas that are planned for urban densities and uses by the General Plan;

3. The proposed General Plan Amendment is consistent with the goals, policies, standards and maps of the Zoning Code, as amended, the Development Code and all applicable codes and ordinances adopted by the City of Coachella; the project proposes to utilize the provisions of the Specific Plan Zone that mirrors the development standards and design guidelines contained within the specific plan.

PASSED, APPROVED, and ADOPTED this 13th day of May 2020.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2020-03 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on this 13th day of May 2020 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk

RESOLUTION NO. 2020-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA APPROVING TENTATIVE PARCEL MAP NO. 36872 FOR THE SUBDIVISION OF APPROXIMATELY 275 ACRES OF VACANT LAND INTO 6 NUMBERED AND 1 LETTERED LOT FOR FINANCE AND CONVEYANCE PURPOSES ONLY. THE SUBJECT SITE IS LOCATED SOUTH OF I-10 AND VISTA DEL SUR, EAST OF TYLER STREET, SOUTH OF AVENUE 47 AND NORTH OF AVENUE 48. CVC PALM SPRINGS, LLC, APPLICANT.

WHEREAS, CVC Palm Springs, LLC, has filed an application for Tentative Parcel Map No. 36872 to allow the subdivision of 275 acres of land into 6 numbered and 1 lettered lot for financing and conveyance purposes only on property located south of I-10 and Vista Del Sur, east of Tyler Street, south of Avenue 47 and north of Avenue 48; APN No's (603-130-003, 603-130-004, 603-130-009, 603-150-004, 603-150-005, 603-150-007, 603-150-008, 603-150-009, 603-150-010, 603-150-011, 603-150-012, 603-122-005); and,

WHEREAS, the City has processed said application pursuant to the City Subdivision Ordinance, the Subdivision Map Act (commencing with Section 66400 of the Government Code) and the California Environmental Quality Act of 1970 as amended; and,

WHEREAS, on June 19, 2019, the Planning Commission of the City of Coachella held a duly noticed and published Public Hearing and considered the Tentative Parcel Map as presented by the applicant, adopting the findings, conditions, and staff recommendations; and,

WHEREAS, in compliance with the requirements of the California Environmental Quality Act (CEQA), prior to recommending approval of Tentative Parcel Map 36872 the City Council of the City of Coachella has adopted Resolution 2020-02 certifying the Environmental Impact Report for the Vista Del Agua Project which includes the subject Tentative Parcel Map, and,

WHEREAS, on February 10, 2020 the City gave public notice as required under Government Code Section 66451.3 by mailing notices to property owners within at least 300 feet of the project and on February 16, 2020 published a public notice in the Desert Sun of the holding of a public hearing at which the project would be considered; and,

WHEREAS, the City Council continued the February 26, 2020 public hearing to the April 8, 2020 City Council meeting and again to the May 13, 2020 City Council meeting in order to respond to two written comments received; and

WHEREAS, the City Council has previously certified Environmental Impact Report 14-04 (SCH # 2015031003) for compliance with the California Environmental Quality Act; and,

WHEREAS, Tentative Parcel Map No. 36872 is in conformance with the Coachella Municipal Code, the land use pattern and development standards of the Subdivision Ordinance when viewed in conjunction with the conditions that are imposed; and,

WHEREAS, the City Council of the City of Coachella finds that this subdivision is consistent with the goals, objectives, policies and implementation measures of the Coachella General Plan 2035 and meets the findings required by the Municipal Code;

WHEREAS, on May 13, 2020 the City Council of the City of Coachella held a duly noticed and published Public Hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Tentative Parcel Map and at which time the City Council considered the Tentative Parcel Map as presented by the applicant, together with the recommendations of the Planning Commission and Development Services Director;

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Coachella does hereby approve Tentative Parcel Map 36872 subject to the findings listed below, and subject to the conditions of approval attached herein as Exhibit “A”.

SECTION 2. The Mayor shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

Findings for Approval of Tentative Parcel Map No. 36872

1. The proposed parcel map is consistent with the goals, objectives, policies and implementation measures of the Coachella General Plan 2035 as amended and the Vista Del Agua Specific Plan which is the zoning for the affected property. The Parcel Map as prepared and conditioned is consistent with the General Plan objectives and City Zoning Ordinance. The Project will not have an adverse impact on public health, safety, and welfare because the Project is for financing and conveyance purposes only and no grading or construction is permitted. Lastly, the Parcel Map is consistent with the Subdivision Map Act.

2. Tentative Parcel Map 36872 is consistent with the objectives, policies, general land uses and programs specified in the Vista Del Agua Specific Plan. The parcel map is for financing and conveyance purposes only and the above-mentioned plans will not be modified, affected or implemented through the approval and recordation of this map. The map configuration has no applicability in terms of development. Subsequent Subdivision Maps for development purposes must be approved prior to the physical development of the property.

3. The site is physically suitable for the type of development proposed under Tentative Parcel Map 36872 in that the acreages and exterior boundaries of the proposed map are consistent with the site acreage and boundaries, and no densities or development is proposed or entitled through the approval of this map.

4. The design of the subdivision is not likely to cause substantial environmental damage nor substantially and avoidable injure fish or wildlife or their habitat in that the map is for financing and conveyance purposes only. No development can occur and no development

entitlements are approved in conjunction with this map.

5. The design of the subdivision is not likely to cause serious health problems in that the map is for financing and conveyance purposes only. No development can occur and no development entitlements are approved in conjunction with this map.

6. The design of the subdivision will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision in that the map is for financing and conveyance purposes only. No development can occur and no development entitlements are approved in conjunction with this map. In addition, access easements are provided on the map replacing easements to be vacated prior to or in conjunction with recordation of a final map.

7. Sufficient water supply will be available to serve the proposed subdivision, in that the map is for financing and conveyance purposes only. No development can occur and no development entitlements are approved in conjunction with this map.

8. The City Council in light of the whole record before it, including but not limited to recommendation of the Development Services Director as provided in the Staff Report dated May 13, 2020 and documents incorporated therein by reference and any other evidence within the record or provided at the public hearing of this matter, hereby finds that Tentative Parcel Map 36872 is within the scope of the project analyzed in the Vista Del Agua Final Environmental Impact Report 14-04 (FEIR) and CEQA findings and Statements of Overriding Considerations (Resolution 2020-02).

9. The evidence before the City Council supports the conclusion that Tentative Parcel Map No. 36872 be approved as does the record consisting of the staff report, case file, exhibits on display and public hearing. The proposed tentative map is for finance and conveyance purposes only. No grading and/or building permits will be issued for the parcel map. consistent with the General Plan and the City of Coachella Official Zoning Map.

PASSED, APPROVED, and ADOPTED this 13th day of May 2020.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2020-04 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on this 13th day of May 2020 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk

Exhibit "A"

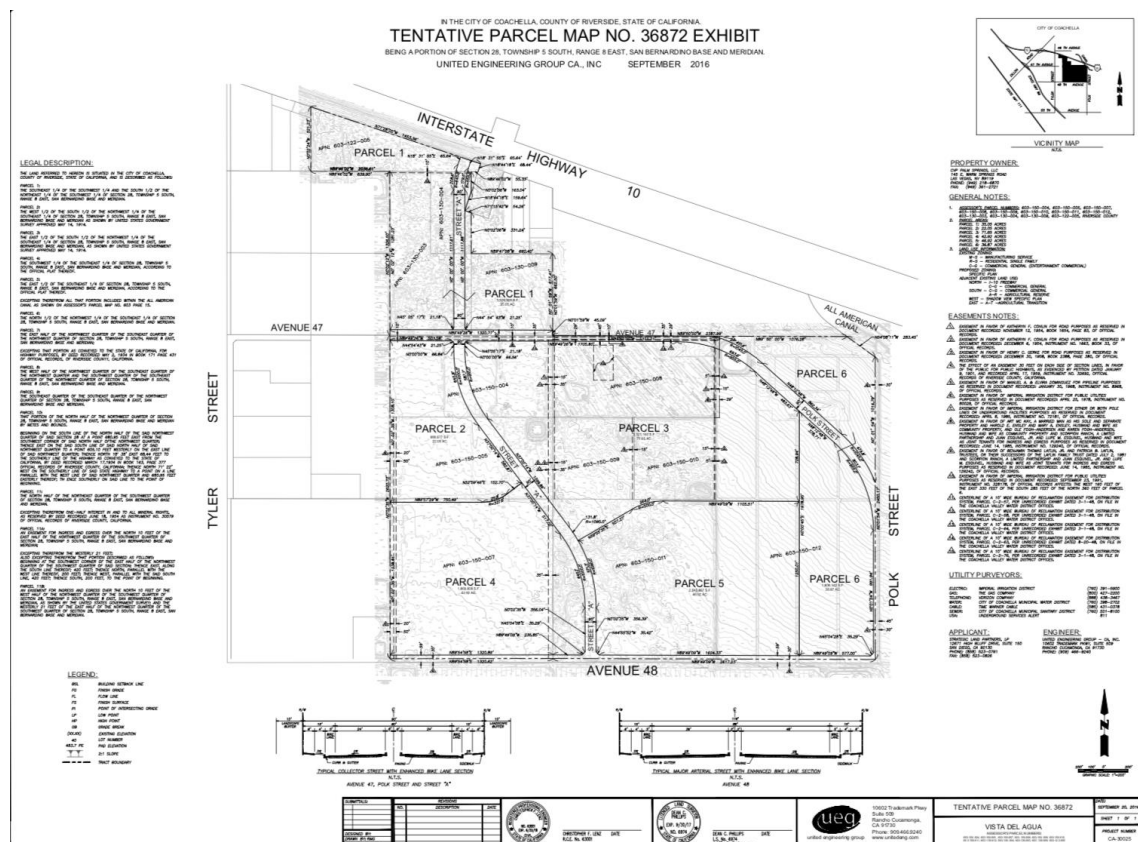
Conditions of Approval for Tentative Parcel Map 36872

- I. The applicant shall defend, indemnify and hold harmless the City of Coachella, its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any project approval or condition of approval of the City concerning this project, including but not limited to any approval or condition of approval or mitigation measure imposed by the City Council or Planning Commission. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the matter. The applicant shall execute an indemnification agreement, in a form acceptable to the City Attorney, within five days of the effective date of this approval.
2. This map is for financing and conveyance purposes only. No development entitlements are associated with Tentative Parcel Map No. 36872.
3. The following statement must be clearly printed on the face of Tentative Parcel Map No. 36872:

FOR FINANCE AND CONVEYANCE PURPOSES ONLY. THIS MAP DOES NOT CREATE ANY LEGAL BUILDING SITES. FURTHER APPLICATIONS ARE NECESSARY TO DEVELOP THIS PROPERTY.

4. Tentative Parcel Map No. 36872 is approved for 24 months from the final date of City Council approval unless a one-year time extension is requested by the applicant and approved by the Planning Commission unless these timeframes are superseded by the terms of the Vista Del Agua Development Agreement.
5. Tentative Parcel Map No. 36872 must be consistent with Vista Del Agua Specific Plan.
6. No development or improvement of any portion of this map shall be permitted until a subsequent Builder's Tentative Map or Commercial Map is recorded in accordance with the applicable provisions of the Vista Del Agua Specific Plan Conditions of Approval, Subdivision Map Act, and the City of Coachella Subdivision Ordinance for the subdivision described in this map.
7. The Final Parcel Map shall comply with the Subdivision Map Act and City of Coachella Subdivision Ordinance.

8. In accordance and compliance with Condition No. 31 of the Conditions of Approval for SP 14-01 (Vista Del Agua) , developer's facilities obligations may be financed through the use of one or more Financing Districts including, without limitation, a Community Facilities Financing District for improvements, public services, including without limitation police and fire services, fees or maintenance costs. Any Vista Del Agua specific Financing District must include a component for police and fire services. In the event that a Vista Del Agua-specific Financing District is not formed, prior to recordation of the Final Map, the applicant or successor in interest shall annex the subject property into the City's Community Facilities District (CFD 2005-01) for City Police, Fire and Paramedic services. The applicant shall cooperate with the City to include the subject property in CFD 2005-01.
9. Approval of Tentative Parcel Map No. 36872 is contingent upon City Council certification of EIR 14-04 and City Council approval of General Plan Amendment 14-01, Specific Plan No.14-01 and Change of Zone 14-01.



ORDINANCE NO. 1156

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA APPROVING CHANGE OF ZONE NO. 14-01. THE CHANGE OF ZONE WILL CHANGE THE CURRENT CITY ZONING DESIGNATIONS ON THE PROJECT SITE WHICH INCLUDE: GENERAL COMMERCIAL (C-G), RESIDENTIAL SINGLE FAMILY (R-S) AND MANUFACTURING SERVICE (M-S) TO A SPECIFIC PLAN ZONE TO BE DEVELOPED IN ACCORDANCE WITH THE VISTA DEL AGUA SPECIFIC PLAN; CVP PALM SPRINGS, APPLICANT; (*FIRST READING*)

WHEREAS, the Applicant has filed an application for General Plan Amendment 14-01 for a land use designation amendment respectively along with Specific Plan 14-01, Change of Zone 14-01 (map amendment), Tentative Parcel Map (TPM) 36872 (finance and conveyance map), (collectively the "Project Approvals"), to allow for the future development of a mixed use residential and commercial project with various public facilities and open space on approximately 275 acres of vacant land located south of and adjacent to the I-10 freeway and Vista Del Sur, north of Avenue 48 and east of Tyler Street, as well as approximately 29 acres of off-site infrastructure improvements (the "Vista Del Agua Project" or the "Project"); and

WHEREAS, the 275 acre project area are currently zoned General Commercial (C-G), Residential Single Family (R-S), Manufacturing –Service (M-S); and

WHEREAS, the City has processed the Project Approvals pursuant to the Coachella Municipal Code and the State Government Code, and the California Environmental Quality Act as amended under which a Draft EIR was prepared (DEIR); and

WHEREAS, the DEIR was circulated as required by law and, together with all comments and responses to those comments, was provided to the City Council as the Final EIR (FEIR) for the Project; and

WHEREAS, in compliance with the requirements of the California Environmental Quality Act (CEQA), prior to recommending approval of this Change of Zone, the Planning Commission of the City of Coachella adopted Resolution PC 2019-54 recommending that the City Council certify the final Environmental Impact Report for the Vista Del Agua Project Approvals (SCH # 2015031003) which include the Change of Zone; and

WHEREAS, on June 19 , 2019 the Planning Commission of the City of Coachella held a duly noticed and Public Hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Change of Zone and at which the Planning Commission considered the Change of Zone as presented by the Applicant, together with the recommendations of the Development Services Director; and

WHEREAS, on February 10, 2020 the City gave public notice as required under Government Code section 66451.3 by mailing notices to property owners within at least 300 feet of the Project and on February 16, 2020 published a public notice in the Desert Sun of the holding of a public hearing at which the Project would be considered, and

WHEREAS, the City Council continued the February 26, 2020 public hearing to the

April 8, 2020 City Council meeting and again to the May 13, 2020 City Council meeting in order to respond to two written comments received; and

WHEREAS, in compliance with the requirements of the California Environmental Quality Act (CEQA), prior to recommending approval of Change of Zone 14-01 the City Council of the City of Coachella adopted Resolution 2020-02 certifying the final Environmental Impact Report, adopting CEQA findings and Statement of Overriding Considerations for the Vista Del Agua Project Approvals; and

WHEREAS, on May 13, 2020 the City Council of the City of Coachella held a duly noticed and published Public Hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Change of Zone and at which the City Council considered the Change of Zone and appeal as presented by the Applicant, together with the recommendations of the Development Services Director and the Planning Commission; and

WHEREAS, the City Council, considering the entire record before it, including but not limited to recommendation of the Development Services Director as provided in the Staff Report dated May 13, 2020 and documents incorporated therein by reference and any other written or oral evidence within the record or provided at the public hearing of this matter, hereby finds that Change of Zone 14-01 is within the scope of EIR 14-01; and

WHEREAS, the evidence before the City Council supports the conclusion that Change of Zone 14-01 be approved as does the record consisting of the staff report, case file, exhibits on display and public hearing testimony; and

WHEREAS, all other prerequisites to the adoption of this Ordinance have occurred; and

WHEREAS, the City Council, considering the entire record before it, including but not limited to the recommendation of the Development Services Director as provided in the Staff Report dated May 13, 2020 and documents incorporated therein by reference and any other written or oral evidence within the record or provided at the public hearing of this matter, makes the following findings:

1. The proposed Change of Zone will serve the public necessity, convenience, general welfare, and will provide good zoning practice for the vicinity of the site so that is consistent with the overall vision of the Specific Plan, as amended. The Specific Plan provides a balance of land uses including residential and commercial land uses and will provide a diverse mix of housing opportunities at varying densities for current and future residents. The Specific Plan proposes active and passive open space consistent with the City's General Plan.

2. The proposed Change of Zone is consistent with the intent and purpose of the General Plan, as amended by General Plan Amendment 14-01, in that the proposed Specific Plan zone allows commercial uses, single family and multifamily residential development that is in keeping with the goals and policies of the General Plan, as amended. The General Plan seeks to define and raise the profile and image of the City, to obtain needed infrastructure and thus to improve the quality of life. The Project would not adversely affect the

public convenience, health, safety, or general welfare, or result in an illogical land use pattern as the Project site currently has General Plan designations of General Neighborhood, Suburban Retail District, Suburban Neighborhood, and Neighborhood Center. The development standards in the Specific Plan will result in an enhanced development design for the subject property rather than using standard zoning and development regulations. Any development within the Project will be developed in accordance with the Vista Del Agua Specific Plan including the design guidelines.

3. The proposed Project will extend access and infrastructure from Dillon Road via Shadow View Blvd, Vista Del Sur, Avenue 47 and Avenue 48 into this area of the City. It also will provide for associated commercial and residential development. The Project would not adversely affect the public convenience, health, safety, or general welfare, or result in an illogical land use pattern as the Project site currently has General Plan designations of General Neighborhood, Suburban Retail District, Suburban Neighborhood and Neighborhood Center. The development standards in the Specific Plan will result in an enhanced development design for the subject property rather than using standard zoning and development regulations. Any development within the Project will be developed in accordance with the Vista Del Agua Specific Plan including the design guidelines.

4. This Project is consistent with the goals and policies of the Housing Element of the General Plan because it provides a range and diversity of housing types and densities including single family and multi-family housing at various densities.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Adoption. The City Council does hereby adopt Zone Change 14-01 for the 275-acre project site pursuant to the facts and reasons stated herein and in the Planning Commission Resolution PC 2019-20, a copy of which is on file in the office of the City Clerk and incorporated herein by reference.

SECTION 2. Effective Date. This Ordinance shall take effect thirty (30) days after its second reading by the City Council.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 4. Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to

be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

SECTION 5. CEQA. The City Council finds that this Change of Zone is subject to the California Environmental Quality Act (CEQA). Change of Zone 14-01 is within the scope of EIR 14-04 and the City Council has adopted Resolution No. 2020-02, certifying Final Environmental Impact Report 14-04: an Environmental Impact Report that has been prepared for the Vista Del Agua Project Approvals in accordance with the California Environmental Quality Act (CEQA) along with specific findings and a statement of overriding considerations.

ORDINANCE PASSED, APPROVED AND ADOPTED on this ____th day of _____ 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven A Hernandez, Mayor
City of Coachella

ATTEST:

Angela M. Zepeda, City Clerk,
City of Coachella

APPROVED AS TO FORM

Carlos Campos, City Attorney
City of Coachella

State of California)
County of Riverside) s.s.
City of Coachella)

I, Angela M. Zepeda, City Clerk, hereby certify that the foregoing is a true copy of Ordinance No. 1156, introduced at a regular meeting held on the 13th day of May 2020, and duly adopted by the City Council of the City of Coachella, California at a regular meeting thereof held on the _____ day of _____, 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

ANGELA M. ZEPEDA, CITY CLERK

ORDINANCE NO. 1157

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, APPROVING THE VISTA DEL AGUA SPECIFIC PLAN (14-01) THAT PROPOSES RESIDENTIAL, COMMERCIAL, OPEN SPACE AND PARK LAND USES ALONG WITH DEVELOPMENT STANDARDS AND DESIGN GUIDELINES FOR THE DEVELOPMENT OF APPROXIMATELY 275 ACRES GENERALLY LOCATED ON THE SOUTH SIDE OF INTERSTATE 10 AND VISTA DEL SUR, NORTH OF AVENUE 48; EAST OF TYLER STREET AND WEST OF POLK STREET. CVP PALM SPRINGS LLC, APPLICANT. *(FIRST READING)*

WHEREAS, the Applicant has filed an application for General Plan Amendment 14-01 for a general plan land use designation amendment along with Specific Plan 14-01, Change of Zone 14-01 (map amendment), Tentative Parcel Map (TPM) 36872 (large lot financing map), and Development Agreement (collectively the "Project Approvals"), to allow for the future development of a residential and commercial project with various public facilities and open space on approximately 275 acres of vacant land located on the south side of Interstate 10 and Vista Del Sur, north of Avenue 48; east of Tyler street and west of Polk street. Access to the site will be provided by the easterly extension of Shadow View Blvd from Dillon Road to the project site, Vista Del Sur, Avenue 47 and Tyler Street; and

WHEREAS, the 275 acre project site is currently designated General Neighborhood, Suburban Retail District, Suburban Neighborhood and Neighborhood Center on the Coachella General Plan, 2035; and

WHEREAS, the City has processed the Project Approvals including this Specific Plan pursuant to the Coachella Municipal Code and the State Government Code, and the California Environmental Quality Act as amended, under which a Draft Environmental Impact Report 14-04 (SCH # 2015031003) was prepared (DEIR); and

WHEREAS, the DEIR was circulated as required by law and, together with all comments and responses to those comments, was provided to the City Council as the Final Environmental Impact Report 14-04 (FEIR) for the project; and

WHEREAS, the Native American Heritage Commission was notified as part of the DEIR Notice of Preparation in March 2015 to determine the tribes to contact for potential consultation, and thereafter transmitted to such tribes, and one tribe requested consultation and submitted comments on the DEIR pursuant to 65351 and 65352.3; and

WHEREAS, Chapter 17.36 of the City of Coachella Municipal Code prescribes the process to process a Specific Plan, the substance of a Specific Plan and the review and adoption of a Specific Plan; and

WHEREAS, on June 19, 2019 the Planning Commission of the City of Coachella held a duly noticed Public Hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Specific Plan and at which the Planning Commission considered the Specific Plan as presented by the applicant, together with the recommendations of the Development Services Director and recommended that the City Council hold a public

hearing and approve the Vista Del Agua Project; and

WHEREAS, on February 10, 2020 the City gave public notice as required by mailing notices to property owners within at least 300 feet of the Project and on February 16, 2020 published a public notice in the Desert Sun of the holding of a public hearing at which time the Vista Del Agua Project including this Specific Plan would be considered; and

WHEREAS, the City Council continued the February 26, 2020 public hearing to the April 8, 2020 City Council meeting and again to the May 13, 2020 City Council meeting in order to respond to two written comments received; and

WHEREAS, in compliance with the requirements of the California Environmental Quality Act (CEQA), prior to approving this Specific Plan, the City Council of the City of Coachella adopted Resolution 2020-02 certifying the Final Environmental Impact Report, and adopting CEQA findings and Statement of Overriding Considerations for the Vista Del Agua Project Approvals; and

WHEREAS, the City Council, in light of the whole record before it, including but not limited to recommendation of the Development Services Director as provided in the Staff Report dated May 13, 2020 and documents incorporated therein by reference and any other evidence within the record or provided at the public hearing of this matter, hereby finds that Specific Plan 14-01 is within the scope of that EIR; and

WHEREAS, the evidence before the City Council supports the conclusion that Specific Plan 14-01 be approved as does the record consisting of the staff report, case file, exhibits on display and public hearing testimony, and.

WHEREAS, all other prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE BE IT RESOLVED, that the City Council, in light of the whole record before it, including but not limited to the recommendation of the Development Services Director as provided in the Staff Report dated May 13, 2020 and documents incorporated therein by reference and any other written or oral evidence within the record or provided at the public hearing of this matter, hereby finds as follows:

1. Specific Plan No. 14-01 is consistent with the City of Coachella General Plan, and authorized by General Plan Amendment 14-01; the Specific Plan provides a balance of land uses including residential and commercial land uses and will provide a diverse mix of housing opportunities at varying densities for current and future residents. The Specific Plan proposes active and passive open space consistent with the City's General Plan.
2. Specific Plan 14-01 is compatible with anticipated development in the Specific Plan area, provides adequate circulation in the area, and the proposed uses are compatible with the zoning of adjacent properties as set forth in Chapter 17.36 of the City of Coachella Municipal Code; The Project would not adversely affect the public convenience, health, safety, or general welfare, or result in an illogical land use pattern as the Project site currently has General Plan designations of General Neighborhood, Suburban Retail District, Suburban Neighborhood and Neighborhood Center. The

development standards in the Specific Plan will result in an enhanced development design for the subject property rather than using standard zoning and development regulations. Any development within the Project will be developed in accordance with the Vista Del Agua Specific Plan including the design guidelines.

3. Specific Plan 14-01 is suitable and appropriate for the subject property as set forth in Chapter 17.36 of the City of Coachella Municipal Code; The Project site currently has General Plan designations of General Neighborhood, Suburban Retail District, Suburban Neighborhood and Neighborhood Center. Implementation of the Specific Plan will result in a superior development than if the property was developed without the specific plan.
4. The Vista Del Agua Specific Plan Mitigation Measures and Conditions of Approval dated June 19, 2019 and the Mitigation Monitoring and Reporting Program (MMRP) for the Vista Del Agua Specific Plan are adequate to avoid the creation of any conditions that would be materially detrimental to the public health, safety and welfare and will reduce the impacts of the development of the Specific Plan area to a level of non-significance except as otherwise set out in the Statement of Overriding Considerations.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Adoption. The City Council does hereby adopt Specific Plan 14-01 for the Vista Del Agua Project within the City of Coachella pursuant to the facts and reasons stated herein and in the Planning Commission Resolution 2019-19, a copy of which is on file in the office of the City Clerk and incorporated herein by reference.

SECTION 2. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 4. Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

SECTION 5. CEQA. The City Council finds that this Specific Plan is subject to the California Environmental Quality Act (CEQA) and that the specific plan is within the scope of EIR 14-01 and the City Council has adopted Resolution No. 2020-02, certifying

Final Environmental Impact Report 14-04: an Environmental Impact Report that has been prepared for the Vista Del Agua Project Approvals in accordance with the California Environmental Quality Act (CEQA) along with specific findings and a statement of overriding considerations.

ORDINANCE PASSED, APPROVED AND ADOPTED on this 13th day of May, 2020, by the following vote:

ROLL CALL: Ayes:
 Noes:
 Absent:
 Abstaining:

Steven A. Hernandez, Mayor
City of Coachella

ATTEST:

Angela M. Zepeda, City Clerk
City of Coachella

APPROVED AS TO FORM:

Carlos Campos
City Attorney

State of California)
County of Riverside) s.s.
City of Coachella)

I, Angela M. Zepeda, City Clerk, hereby certify that the foregoing is a true copy of Ordinance No. 1157, introduced at a regular meeting held on the 13th day of May 2020, and duly adopted by the City Council of the City of Coachella, California at a regular meeting thereof held on the _____ day of _____, 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

ANGELA M. ZEPEDA, CITY CLERK

VISTA DEL AGUA

Volume IV – Final EIR

Final Environmental Impact Report

SCH NO. 2015031003

Lead Agency
CITY OF COACHELLA



Developed by:

CVP Palm Springs, LLC
145 E. Warm Springs Road
Las Vegas, NV 89119

In Affiliation with:

Strategic Land Partners, L.P.
12671 High Bluff Drive, Suite 150
San Diego, CA 92130
James Kozak - President
858-523-0761

Prepared by:

Matthew Fagan Consulting Services, Inc.
42011 Avenida Vista Ladera
Temecula, CA 92591
951-265-5428

June 2019

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1.0 INTRODUCTION

The Final Environmental Impact Report (Final EIR) for the proposed Vista del Agua Specific Plan has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines and the City of Coachella policies for implementing CEQA.

The following is an excerpt from State CEQA Guidelines section 15132 that states: “The Final EIR shall consist of:

- (a) The Draft EIR or a version of the draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.”

The Final EIR includes all of these required components. Volumes I and II are the EIR and EIR Appendices, respectively. Volume III is the Draft Specific Plan, which forms the basis for the “Project” being evaluated in this EIR. This Volume IV document includes all of the additional items needed to comprise the Final EIR.

In accordance with section 15088 of the State CEQA Guidelines, the City of Coachella, as the lead agency for the proposed Project, evaluated comments received on the EIR (State Clearinghouse No. 2015031003) and has prepared the following responses to the comments received. The preceding Table of Contents provides of a list of all persons, organizations, and public agencies commenting on the EIR. Section 2.0 includes the Responses to Comments received by the City of Coachella on the EIR. It should be noted that responses to comments also resulted in various editorial clarifications and corrections to the original EIR text. Added or modified text is shown in Section 3.0, Errata, by underlining (example) while deleted text is shown by striking (~~example~~). The additional information, corrections, and clarifications do not substantively affect the conclusions within the EIR.

Responses to comments have also been sent directly to commenting agencies. This satisfies the requirement of Section 21092.5 of CEQA to send responses to the public agency comments received on the EIR at least 10 days prior to Project approval.

BACKGROUND

On March 2, 2015, the City of Coachella issued a Notice of Preparation (NOP) for the proposed Project to identify the potential environmental impacts of the project (refer to Program EIR Appendix A). An NOP is a document that is sent by the lead agency to notify public agencies and interested parties that the lead agency plans to prepare an EIR for the Project. The purpose of the NOP is to solicit comments from public agencies and interested parties, and to identify issues that should be considered in the EIR.

The NOP for the proposed Project was sent to trustee and responsible agencies, members of the public, other interested parties, and the California Office of Planning and Research, State Clearinghouse for the required 30-day public review period, which ended on April 1, 2015. During the review period, public agencies and members of the public had the opportunity to respond to the NOP to identify issues of special concern to them and to suggest additional issues to be considered in the EIR.

In addition, the City held a public scoping meeting on March 12, 2015 to discuss characteristics of

the proposed Project, its planning status, the nature of its potential environmental effects, and the scope (i.e., the specific issues) of the EIR analysis. The scoping meeting provided further opportunities for public input regarding environmental concerns and issues that should be addressed in the EIR.

The EIR for the proposed Project was distributed to trustee and responsible agencies, members of the public, other interested parties, and the California Office of Planning and Research, State Clearinghouse on June 8, 2018. This began the 45-day public review period, which ended on July 23, 2018. Public comments were received by the City of Coachella Development Services Department and have been responded to by the City in accordance with CEQA requirements; there were a total of 12 Comment Letters received.

Due to a noticing technicality, the EIR for the proposed Project was re-distributed to trustee and responsible agencies, members of the public, other interested parties, and the California Office of Planning and Research, State Clearinghouse on August 10, 2018 (Refer to Appendix 1, EIR Distribution List.). This began a second 45-day public review period, which ended on September 24, 2018. Public comments were received by the City of Coachella Development Services Department and have been responded to by the City in accordance with CEQA requirements; there were a total of 4 Comment Letters received on the re-distributed EIR.

Section 3.0 includes any additional or clarifying information resulting from preparation of the Responses to Comments as well as any minor revisions (additions or deletions) to the text of the EIR. Additionally, it should be noted that these Responses to Comments and Errata merely clarify, amplify, and expand on the fully adequate analysis and significance conclusions that were already set forth in the EIR for public review. CEQA Guidelines Section 15088.5 makes clear that such clarifications and amplifications are appropriate under CEQA and do not require recirculation of the EIR. Specifically, Section 15088.5 states:

“(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.*
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.*

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR."

As set forth in more detail in these Responses to Comments and Errata, none of the clarifications or amplifications set forth herein change the significance conclusions presented in the EIR or the substantially alters the analysis presented for public review. Furthermore, the EIR circulated for public review, and re-circulated, was fully adequate under CEQA such that meaningful public review was not precluded. Thus, the clarifications provided in these Responses to Comments and Errata do not constitute significant new information that might trigger recirculation.

2.0 COMMENTS AND RESPONSES

2.0 a. COMMENTS RECEIVED FROM INITIAL EIR CIRCULATION – JUNE 2018

Comment Letter No. 1.1

Scott Morgan, Director
State Clearinghouse, State Office of Planning and Research (6-7-18)

- 1.1a This is a transmittal letter from the State Clearinghouse to the City of Coachella indicating that the City has complied with CEQA notification procedures relative to State Agencies. No further response is required.

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH# 2015031003

Project Title: Vista Del Agua

Lead Agency: City of Coachella Contact Person: Luis Lopez, Dev. Svcs. Director
 Mailing Address: 1515 6th Street Phone: 760.398.3102
 City: Coachella Zip: 92236 County: Riverside

Project Location: County: Riverside City/Nearest Community: Coachella
 Cross Streets: Avenue 48 and Polk Street Zip Code: 92236

Longitude/Latitude (degrees, minutes and seconds): 0' 0" N / 0' 0" W Total Acres: 275
 Assessor's Parcel No.: 603-130-003, 603-130-004, 603-130-009, 603-150-004, 603-150-005, 603-150-007, 603-150-008, 603-150-009, 603-150-010, 605-150-011, 603-150-102, and 603-112-004 Section: 28 Twp.: 5S Range: 8E Base: SBBM

Within 2 Miles: State Hwy #: I-10 Waterways: Coachella Storm Water Channel and the All Airports: N/A Railways: Southern Pacific
 Schools: N/A

Document Type:

CEQA:	NOP	X Draft EIR	NEPA:	NOI	Other:	Joint Document
	Early Cons	Supplement/Subsequent EIR		EA		Final Document
	Neg Dec	(Prior SCH No.)		Draft EIS		Other:
	Mit Neg Dec	Other:		FONSI		

Local Action Type:

General Plan Update X	Specific Plan X	Rezone X	Annexation
General Plan Amendment	Master Plan	Prezone	Redevelopment
General Plan Element	Planned Unit Development	Use Permit	Coastal Permit
Community Plan	Site Plan	Land Division (Subdivision, etc.) X	Other: <u>Comm.</u>
			<u>Facilities Dist.</u>

Development Type:

Residential: Units 1640 Acres 275
 Office: Sq.ft. _____ Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq.ft. TBD Acres 26 Employees TBD Mining: Mineral _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ MW _____
 Educational: _____ Waste Treatment: Type _____ MGD _____
 Recreational: _____ Hazardous Waste: Type _____
 Water Facilities: Type _____ MGD _____ Other: Open Space/Trails 23 acres

Project Issues Discussed in Document:

Aesthetic/Visual X	Fiscal X	Recreation/Parks X	Vegetation X
Agricultural Land X	Flood Plain/Flooding X	Schools/Universities X	Water Quality X
Air Quality X	Forest Land/Fire Hazard X	Septic Systems	Water Supply/Groundwater X
Archeological/Historical X	Geologic/Seismic X	Sewer Capacity X	Wetland/Riparian
Biological Resources X	Minerals X	Soil	Growth Inducement X
		Erosion/Compaction/Grading X	
Coastal Zone	Noise X	Solid Waste X	Land Use X
Drainage/Absorption X	Population/Housing Balance X	Toxic/Hazardous X	Cumulative Effects X
Economic/Jobs	Public Services/Facilities X	Traffic/Circulation X	Other: _____

Present Land Use/Zoning/General Plan Designation:

Present Land Use: The Project site is currently undeveloped, with numerous unimproved area, trails from off-road recreational vehicles and paint ball activities.
 Current Zoning: General Commercial (C-G), Open Space (O-S), Residential Single-Family
 General Plan Designation: Entertainment Commercial (C-E).
 The proposed Change of Zone will rezone the Project site to the Specific Plan (SP).

FILED / POSTED

County of Riverside
 Peter Aldana
 Assessor-County Clerk-Recorder

E-201800679
 08/07/2018 01:09 PM Fee: \$ 0.00
 Page 1 of 3

Project Description: (please use a separate page if necessary) See attached sheet

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number at previous draft document) please fill in.

Removed: _____ By: _____ Deputy

 Revised 2010

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

<input checked="" type="checkbox"/> Air Resources Board	Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	Pesticide Regulation, Department of
<input checked="" type="checkbox"/> Caltrans District # 8	<input checked="" type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB # 7
<input type="checkbox"/> Caltrans Planning	Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	State Lands Commission
<input type="checkbox"/> Delta Protection Commission	SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region #	Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	Water Resources, Department of
<input type="checkbox"/> General Services, Department of	
<input checked="" type="checkbox"/> Health Services, Department of	Other: _____
<input type="checkbox"/> Housing & Community Development	Other: _____
<input checked="" type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date June 7, 2018 Ending Date July 23, 2018

Lead Agency (Complete if applicable):

Consulting Firm: Matthew Fagan Consulting Services, Inc.
Address: 42011 Avenida Vista Ladera City/State/Zip: Temecula, CA 92591
Contact: Matthew Fagan Phone: 951.265.542

Applicant: CVP Palm Springs, LLC
Address: 145 E. Warm Springs Road
City/State/Zip: Las Vegas, NV 89119
Phone: 858.699.7440
In affiliation with:
Strategic Land Partners, LLC
Address: 12671 High Bluff Drive, Suite 150
City/State/Zip: San Diego, CA 92130

Signature of Lead Agency Representative: _____

Date: 6/4/18

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Revised 2010

Project Description

CVP Palm Springs, LLC, in affiliation with Strategic Land Partners, L.P., (together, "Project proponent") is proposing "Vista del Agua", a master planned development on approximately 275 acres (as well as approximately 29 acres of off-site infrastructure improvements, totaling approximately 304 acres, both on and off-site) within the City of Coachella, within Riverside County, California (hereafter, "Project"). The Project includes 1,640 multi-family and single-family residential units, general commercial and neighborhood commercial uses, and open space in the form of a community park and trails and paseos. The Project also proposes onsite infrastructure, as well as approximately 29 acres of offsite infrastructure improvements in the City of Coachella, Riverside County, California.

As presently proposed, the Project proponent has prepared a draft specific plan (Vista Del Agua Specific Plan No. 14-01), that would allow conversion of the Project site to residential, commercial (suburban retail and neighborhood commercial), and open space (neighborhood park and paseo) uses. To accomplish this, the Project proponent seeks approval from the City for a General Plan Amendment (GPA), a Specific Plan (SP), a Change of Zone (CZ), a Tentative Parcel Map (TPM), and a Development Agreement (DA).

The City's case numbers are:

- General Plan Amendment No. 14-01;
- Specific Plan No. 14-01;
- Change of Zone No. 14-01;
- Tentative Parcel Map No. 36872;
- Development Agreement; and
- Environmental Impact Report (EA No. 14-04).

The GPA, SP, CZ, and TPM, area are generally located south of Interstate 10 (I-10) and Vista Del Sur, east of Tyler Street, and north of Avenue 48.

PA	LAND USE	ACRES	UNITS	DENSITY	SQUARE FOOTAGE
1	General Commercial	16.80	N/A	N/A	191,337
	Open Space	0.81	N/A	N/A	N/A
2	Multi-Family Residential	7.34	147	20.0	N/A
3	Multi-Family Residential	10.10	202	20.0	N/A
4	Multi-Family Residential	22.05	265	12.0	N/A
5	Single Family Residential	42.92	236	5.5	N/A
6	Single Family Residential	71.65	466	6.5	N/A
7	Single Family Residential	46.92	258	5.5	N/A
8	Single Family Residential	14.78	66	4.5	N/A
9	Park	13.82	N/A	N/A	N/A
10	Neighborhood Commercial*	8.27	N/A	N/A	90,060
	Backbone Streets	19.92	N/A	N/A	N/A
TOTAL		275.38	1,640	7.6	281,397

* May be developed as 41 Single Family Units.

Revised 2010

Comment Letter No. 1.2

Scott Morgan, Director
State Clearinghouse, State Office of Planning and Research (6-14-18)

- 1.2a This is a copy of a transmittal letter from the State Clearinghouse to the Reviewing Agencies indicating that the City corrected information regarding the Project. No further response is required.



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Memorandum

Date: June 14, 2018
To: All Reviewing Agencies
From: Scott Morgan, Director
Re: SCH # 2015031003
Vista Del Agua Specific Plan

The Lead Agency has corrected some information regarding the above-mentioned project. Please see the attached materials for more specific information. All other project information remains the same.

1.2a

cc: Luis Lopez
City of Coachella
1515 6th Street
Coachella, CA 92236

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
1-916-445-0613 FAX 1-916-558-3164 www.opr.ca.gov

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95834 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH# 2015031003

Project Title: Vista Del AguaLead Agency: City of CoachellaContact Person: Luis Lopez, Dev. Svcs. DirectorMailing Address: 1315 6th StreetPhone: 760.398.3102City: CoachellaZip: 92236County: RiversideProject Location: County: RiversideCity/Nearest Community: CoachellaCross Streets: Avenue 48 and Polk StreetZip Code: 92236Longitude/Latitude (degrees, minutes and seconds): 33° 11' N 116° 50' W Total Acres: 275Assessor's Parcel No.: 603-130-003, 603-130-004, 603-130-009, 603-150-004, 603-150-005, 603-150-007, 603-150-008, 603-150-009, 603-150-010, 603-150-011, 603-150-012, and 603-112-004 Section: 28 Twp.: 4S Range: 8E Base: SBBMWithin 2 Miles: State Hwy #: 1-10 Waterways: Coachella Storm Water Channel and the All. Airports: N/A Railways: Southern Pacific
 Schools: N/A

Document Type:

CHQA:

NOP

Early Cons

Neg Dec

Mit Neg Dec

X Draft EIR

Supplement/Subsequent EIR

(Prior SCH No.)

Other:

NEPA:

NOI

EA

Draft EIS

Other:

Joint Document

Final Document

Other:

Governor's Office of Planning & Research

Local Action Type:

General Plan Update X

General Plan Amendment

General Plan Element

Community Plan

Specific Plan X

Master Plan

Planned Unit Development

Site Plan

Rezone X

Prezone

Use Permit

Land Division (Subdivision, etc.) X

Annexation

Development

Coastal Permit

Other: Comm.

Facilities Dist.

Development Type:

Residential: Units 1,640 Acres 275Office: Sq. ft. _____ Acres _____Commercial: Sq. ft. TBD Acres 26Industrial: Sq. ft. _____ Acres _____Water Facilities: Type _____ MGD _____Employees _____Employees TBDEmployees _____MGD _____Transportation: Type _____Mining: _____Power: _____Type _____ MW _____Other: Open Space/Trails 23 acres

Project Issues Discussed in Document:

Aesthetic/Visual X

Agricultural Land X

Air Quality X

Archaeological/Historical X

Biological Resources X

Coastal Zone

Drainage/Absorption X

Economic/Job

Fiscal X

Flood Plain/Flooding X

Forest Land/Fire Hazard X

Geologic/Seismic X

Minerals X

Noise X

Population/Housing Balance X

Public Services/Facilities X

Recreation/Parks X

Schools/Universities X

Sewer Systems

Sewer Capacity X

Soil

Erosion/Compaction/Grading X

Solid Waste X

Toxic/Hazardous X

Traffic/Incubation X

Vegetation X

Water Quality X

Water Supply/Groundwater X

Wetland/Riparian

Growth Inducement X

Land Use X

Cumulative Effects X

Other:

Present Land Use/Zoning/General Plan Designation:

Present Land Use: The Project site is currently undeveloped, with numerous unimproved dirt roads from use of agricultural activities in the area, trails from off-road recreational vehicles and paint ball activities.

Current Zoning: General Commercial (C-G), Open Space (O-S), Residential Single-Family (R-S), and Manufacturing Service (M-S).

General Plan Designation: Entertainment Commercial (C-E).

The proposed Change of Zone will rezone the Project site to the Specific Plan (SP).

Project Description: (please use a separate page if necessary)

CVP Palm Springs, LLC, in affiliation with Strategic Land Partners, L.P., (together, "Project proponent") is proposing "Vista del Agua", a master planned development on approximately 275 acres (as well as approximately 29 acres of off-site infrastructure improvements, totaling approximately 304 acres, both on and off-site) within the City of Coachella, within Riverside County, California (hereafter, "Project"). The Project includes 1,640 multi-family and single-family residential units, general commercial and neighborhood commercial uses, and open space in the form of a community park and trails and poses. The Project also proposes onsite infrastructure, as well as approximately 29 acres of off-site infrastructure improvements in the City of Coachella, Riverside County, California.

State Clearinghouse Contact: 6x
 (916) 445-0613

State Review Began: 6-1-2018

SCH COMPLIANCE 1-23-2018

Project Sent to the following State Agencies

X Resources

Boating & Waterways

Central Valley Flood Prot.

Coastal Comm

Colorado Rvr Bd

Conservation

CDFW # 6

Cal Fire

Historic Preservation

Parks & Rec

Bay Cons & Dev Comm.

DWR

Cal EPA

ARB: Airport & Freight

ARB: Transportation Projects

ARB: Major Industrial/Energy

Resources, Recycle & Recovery

SWRCB: Div. of Drinking Water

SWRCB: Div. Drinking Wtr #

SWRCB: Div. Financial Assist.

SWRCB: Wtr Quality

SWRCB: Wtr Rights

X Reg. WQCB # 7

Toxic Sub. Ctl-CTC

Yth/Adlt Corrections

Corrections

Independent Comm

Delta Protection Comm

Delta Stewardship Council

Energy Commission

X NAHC

Public Utilities Comm

X Santa Monica Bay Restoration

State Lands Comm

Tahoe Rgl Plan Agency

Conservancy

Other:

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2015031003

Please forward late comments directly to the Lead Agency

AQMD/APCD 33

(Resources: 6/9)

Comment Letter No. 2

Lijin Sun, J.D., Program Supervisor
South Coast Air Quality Management District (SCAQMD) (6-14-18)

- 2a These are introductory statements that do not require a response.
- 2b Comments provided by SCAQMD staff are addressed in Responses 2d through 2j, below.
- 2c These are introductory statements that do not require a response.
- 2d This comment pertains to information contained in Chapter 3, Project Description of the EIR. According to pp. 4-4-35, Air Quality and Greenhouse Gas of the EIR:

“Construction was anticipated to begin no sooner than January 2015 with a time horizon for completion by 2022. To represent a worst-case scenario, the Project was analyzed in a single phase of construction.”

In addition:

“The CalEEMod default construction equipment list was multiplied by three (3) to meet the expedited schedule.”

As stated above, for construction purposes, and to present a conservative, worst-case scenario, one (1) phase of construction is proposed, and this phase will be expedited in order to meet rigorous construction timelines. Therefore, the amount of anticipated overlap between construction and operations will be minimal. Regional construction emissions were deemed to be less than significant with the incorporation of **Standard Condition SC-AQ-1**, and **Mitigation Measures MM-AQ-1** through **MM-AQ-10**. Localized construction emissions were deemed to be under SCAQMD thresholds.

As stated on p. 4.4-56 of the EIR:

“When the Project is fully operational, the Project would exceed SCAQMD regional thresholds for VOC, NO_x and CO. Even with the incorporation of mitigation measures the Project would have a significant and unavoidable impact as it pertains to air quality. There will be a time gap between construction and “fully operational” thereby, further supporting the fact that the amount of anticipated overlap between construction and operations will be minimal.”

The Project was analyzed at the program level and the specific construction phasing and timing of each tract and planning area is not known at this time. The EIR has put into place several specific mitigation measures to ensure daily emissions levels do not exceed the allowable thresholds; including limiting the amount of daily disturbance area, using clean diesel equipment, using low VOC paints and coating techniques, and restricting construction phasing to assure thresholds are not exceeded. As part of that analysis, a current baseline will be utilized, as well as an understanding of other activities (construction or operations), which would encompass any overlap that could have an effect on emissions. Thresholds will not be allowed to be exceeded.

Lastly, Per SCAQMD requirements for analyzing and reporting emissions, as stated in the SCAQMD CEQA Air Quality Handbook (1993), Chapter 9, Page 9-15, construction and

operation related emissions should be considered separately when comparing results to the thresholds of significance.

Therefore, additional analysis of overlapping phases is not required to comply with the established SCAQMD guidelines. The analysis considers the worst-case, daily emissions from all Project phases occurring simultaneously. Additional analysis is not required.

2e This comment reiterates information from the Health Risk Assessment (HRA) analysis contained in the EIR. No additional response is required.

2f Per the California Supreme Court Case, *California Building Industry Association v. Bay Area Air Quality Management District* (December 17, 2015, Case No. S213478) (CBIA), CEQA does not generally consider the existing environment's effect on a project's future users or residents. This means, in this case, that the impact from diesel emission exposure (a known human carcinogen) caused by this project, on project residents along the I-10 Freeway does not fall under CEQA's purview. However, this issue is still a factor that decision-makers may consider in determining whether or not to approve the proposed Project. Further, SCAQMD does not support siting homes, schools and other sensitive uses along freeways, and doing so would be in conflict with CARB's Land Use Handbook and the Strategies to Reduce Air Pollution Exposure near High-Volume Roadways.

In addition, the following General Plan policy would apply to the City's position in terms of siting sensitive receptors in proximity to the I-10 Freeway:

SUSTAINABILITY + NATURAL ENVIRONMENT:

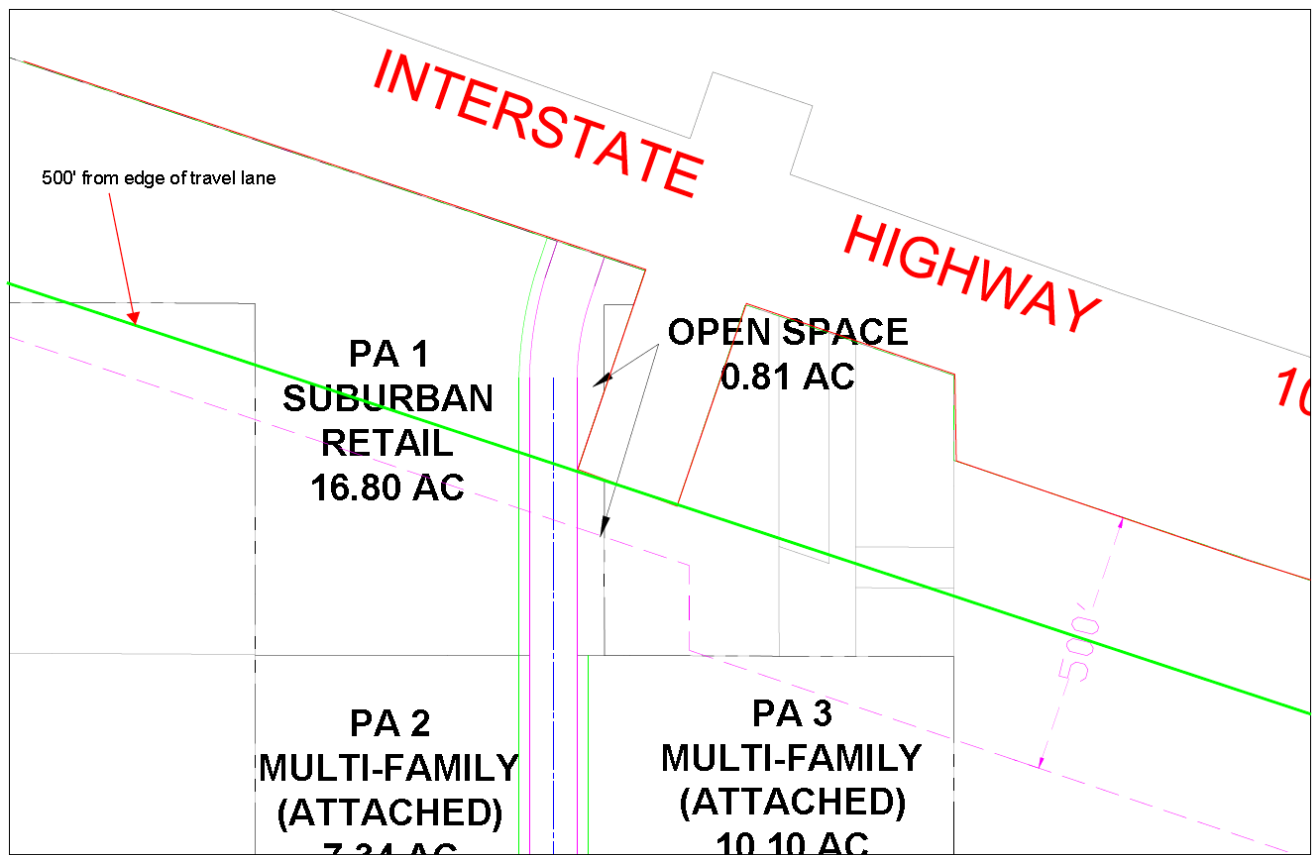
11.3 "Sensitive receptors. Prohibit the siting of land uses that adversely impact existing sensitive receptors, including schools, childcare centers, senior housing, and subsidized affordable housing. The minimum distance separating these uses should be 500 feet."

As measured from the outermost travel lane of the I-10 Freeway, the closest sensitive receptor (PA 3 – Multi-Family Attached) would be well over 500 feet as shown on the Figure below.

As previously described above, based on the CBIA case findings, the impact from diesel emission exposure to residents along the I-10 Freeway does not fall under CEQA's purview.

The Project is consistent with the SCAQMD Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, CARBs AIR QUALITY AND LAND USE HANDBOOK: A COMMUNITY HEALTH PERSPECTIVE, and the City of Coachella's General Plan, as the Project has no residential units that will be located within 500 feet from the travel way of the freeway, which is the area where higher pollution concentrations would occur. The discussion of ADT on the I-10 is not considered a screening threshold, but rather informational data which describes the existing environmental setting within the context of the relative concentration of diesel particulate matter in relation to the distance from the edge of a freeway. The guidance documents describe busy roads with ADT of 50,000 to 100,000 vehicles having high pollution levels within 500 feet; therefore, siting a residential development further than 500 feet away from a roadway with less than 50,000 vehicles would be consistent with State's recommendations. A condition of approval will be added to the Project to ensure no residential homes are located within 500 feet of the I-

10, this may require designating a small portion of the northeast corner of PA 3 to be restricted to parking, storage, or open space area only.



- 2g Please reference the discussion in Response to Comment 2f, above.
- 2h Based on the information in Response to Comment 2f, above, no additional analysis is required. No additional mitigation is required. Therefore, no filtration systems (MERV 13 or better) will be needed.
- 2i Please reference the discussion in Response to Comment 2f, above. No filters will be required. No enforcement will be required.
- 2j The recommended language change to Mitigation Measure MM-AQ-2, requiring the use of Tier 4 or better, has been made. Please reference Section 3.0, Errata.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178

(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

LLopez@coachella.org

Luis Lopez

City of Coachella – Planning Division

1515 6th Street

Coachella, CA 92236

June 14, 2018

Draft Environmental Impact Report (EIR) for the Proposed Vista Del Agua Specific Plan (SCH No.: 2015031003)

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to build 1,640 residential units, 281,397 square feet of commercial uses, a 13.8-acre park, 12.7 acres of paseo and trail uses, and 29 acres of off-site infrastructure improvements on 304 acres (Proposed Project). Based on a review of Project Location and aerial photographs, SCAQMD staff found that Planning Area 3 with a multifamily residential designation is located in a close proximity to Interstate 10 (I-10). The Proposed Project is expected to be developed over time with an expected buildout year of 2022¹.

SCAQMD Staff's Summary of the Air Quality and Health Risk Assessment (HRA) Analyses

In the Air Quality Analysis, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to SCAQMD air quality CEQA regional and localized thresholds of significance. The Lead Agency found that the Proposed Project's construction air quality impacts would be less than significant after incorporating Standard Condition (SC)-AQ-1 and Mitigation Measure (MM)-AQ-1 through MM-AQ-10². However, the Proposed Project would result in significant and unavoidable impacts from NOx, VOC, and CO emissions during operation after incorporating MM-AQ-11 through MM-AQ-13³.

Furthermore, The Lead Agency discussed SCAQMD's guidance document, "*Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, (A Reference for Local Governments Within the South Coast Air Quality Management District)*" in the Health Risk Assessment (HRA) analysis⁴. The Lead Agency stated that "the busiest roadway segment near the Project site is Interstate 10, which will have an estimated 40,855 average daily traffic (ADT) in Year 2035⁵." Since the I-10 segment that is closest to the Proposed Project has a lower ADT than the ADTs used to define freeways and busy roadways in urban areas, and since cancer risk from diesel particulate matter emissions decrease as the distance from the edge of a freeway increases, the Lead Agency found that the Proposed Project's HRA impact would be less than significant⁶.

2a

¹ Draft EIR. Page 4.4-4.

² Draft EIR. Pages 4.4-54 to 56.

³ Draft EIR. Pages 4.4-56.

⁴ Draft EIR. Pages 4.4-46.

⁵ *Ibid.*

⁶ Draft EIR. Page 4.4-47.

Luis Lopez

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SCAQMD Staff's General Comments

SCAQMD staff has comments on the air quality analysis methodology. Please see the attachment for more information. Additionally, notwithstanding the court rulings, SCAQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of SCAQMD's concern about the potential public health impacts of siting sensitive land uses such as residential uses within a close proximity of freeways, SCAQMD staff recommends that the Lead Agency consider the health impacts on people at the Proposed Project when making local planning and land use decisions. See the attachment for more information.

2b

Closing

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful or useful to decision makers and to the public who are interested in the Proposed Project.

2c

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact me at lsun@aqmd.gov or Daniel Garcia, Program Supervisor, at dgarcia@aqmd.gov if you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment
LS
RVC180612-05
Control Number

Luis Lopez

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ATTACHMENT

Air Quality Analysis – Overlapping Construction and Operational Impacts

1. The Proposed Project would be developed over time in six phases⁷. Construction of one phase may overlap with operation of another phase. However, it did not appear that the Lead Agency analyzed a scenario where construction activities overlap with operational activities in the Draft EIR. If an overlapping construction and operation scenario is reasonably foreseeable, and to analyze a worst-case impact scenario, SCAQMD staff recommends that the Lead Agency identify the overlapping years, combine construction emissions (including emissions from demolition) with operational emissions, and compare the combined emissions to SCAQMD air quality CEQA *operational* thresholds of significance to determine the level of significance in the Final EIR. In the event that the Lead Agency, after revising the Air Quality Analysis, finds that the Proposed Project's air quality impacts would be significant, the Lead Agency should evaluate if this is a new significant impact requiring new mitigation measures in addition to the existing MM-AQ-1 through MM-AQ-13.

2d

Health Risk Assessment (HRA) Analysis

2. As stated above, the Lead Agency used the SCAQMD guidance document to support the finding that the Proposed Project's HRA impact would be less than significant⁸. The reason to support this finding is that the busiest segment of I-10 near the Proposed Project has 40,855 average daily traffic (ADT) in Year 2035, which is far below the 100,000 ADT and 50,000 ADT for defining freeways and busy roadways⁹.

2e

SCAQMD staff is concerned with this analysis. First, SCAQMD staff does not agree with using the ADT values as a screening threshold to determine if a quantitative HRA analysis would be warranted in CEQA for projects that are located in a close proximity to freeways. The ADTs are used to define freeways and busy traffic corridors in urban and rural areas¹⁰. They are not intended to be used as a screening tool to determine the level of significance for the Proposed Project's health risk impacts. Second, the SCAQMD guidance document includes advisory recommendations on siting sensitive land uses such as residences, schools, daycare centers, playgrounds, or medical facilities near freeways and high-volume roads. The guidance document is intended to assist Lead Agencies in evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Therefore, the guidance document is not intended to be used as substantial evidence to support the Lead Agency's finding that the Proposed Project's HRA impact would be less than significant. Third, as shown in Table 2-2 in Appendix D to the Draft EIR, while cancer risks from diesel particulate matter decrease within the first 100 – 150 meters from the edge of a roadway in both urban and rural areas, they substantially exceed SCAQMD CEQA significance threshold of 10 in a million for cancer risks.

2f

3. Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, parks, playgrounds, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, SCAQMD staff found that Planning Area 3 of the Proposed Project is located in a close proximity to I-10. Residents living in the Planning Area 3 would be exposed to diesel particulate matter emissions from vehicles and diesel-fueled heavy-duty trucks traveling on I-10. Diesel particulate matter is a toxic air contaminant and a carcinogen. To facilitate the purpose and goal of CEQA on public disclosure, SCAQMD staff recommends that the Lead Agency consider the health impacts on people at the

2g

⁷ Draft EIR. Page 3-7.

⁸ Draft EIR. Page 4.4-47.

⁹ *Ibid.*

¹⁰ South Coast Air Quality Management District. May 6, 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, (A Reference for Local Governments Within the South Coast Air Quality Management District)*. Page 2-5.

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Proposed Project by performing a HRA¹¹ analysis to disclose the potential health risks in the Final EIR¹².

2g

Limits to Enhanced Filtration Units

4. Many strategies are available to reduce exposure, including, but are not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Because of the potential adverse health risks involved with siting sensitive receptors near sources of air pollution, it is essential that any proposed strategy must be carefully evaluated before implementation.

In the event that enhanced filtration units are proposed for installation at the multifamily residences in Planning Area 3 either as a new mitigation measure or project standard condition, SCAQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters¹³, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased operational costs in energy. It is typically assumed that the filters operate 100 percent of the time while people are indoors, and the environmental analysis does not generally account for the times when people have their windows open or are outdoors (e.g., in common space areas of the project). In addition, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to diesel particulate matter emissions.

2h

Enforceability of Enhanced Filtration Units

5. If enhanced filtration units are installed, and to ensure that they are enforceable throughout the lifetime of the Proposed Project as well as effective in reducing exposures to diesel particulate matter emissions, SCAQMD staff recommends that the Lead Agency provide additional details on ongoing, regular maintenance of filters in the Final EIR. To facilitate a good faith effort at full disclosure and provide useful information to future residents at the Proposed Project, at a minimum, the Final EIR should include the following information:

- Disclose the potential health impacts to prospective residents from living in a close proximity of I-10 and the reduced effectiveness of air filtration system when windows are open and/or when residents are outdoor (e.g., in the common areas);
- Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are installed on-site at the multifamily residences in Planning Area 3 before a permit of occupancy is issued;
- Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are inspected regularly;
- Provide information to residents on where the MERV filters can be purchased;
- Disclose the potential increase in energy costs for running the HVAC system to prospective residents;

2i

¹¹ South Coast Air Quality Management District. Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

¹² SCAQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When SCAQMD acts as the Lead Agency, SCAQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

¹³ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by SCAQMD: <http://d7.igair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

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- Provide recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units to prospective residents;
- Identify the responsible entity such as residents themselves, Homeowner's Association, or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);
- Identify, provide, and disclose any ongoing cost sharing strategies, if any, for the purchase and replacement of the enhanced filtration units;
- Set City-wide or Project-specific criteria for assessing progress in installing and replacing the enhanced filtration units; and
- Develop a City-wide or Project-specific process for evaluating the effectiveness of the enhanced filtration units at the Proposed Project.

2i

Recommended Change to MM-AQ-2: Tier 4 Construction Equipment or Better

6. MM-AQ-2 requires the use of Tier 4 construction equipment¹⁴. Since the Proposed Project will be developed over time, and technology continues to improve and advance at a rapid pace, SCAQMD staff recommends that the Lead Agency revise MM-AQ-2 to require the use of Tier 4 or better construction equipment rated at 50 horsepower or greater during construction in the Final EIR.

2j

¹⁴ Draft EIR. Page 1-13.

Comment Letter No. 3

Anthony Madrigal Jr., Tribal Historic Preservation Officer
Twenty-Nine Palms Band of Mission Indians (6-11-18)

- 3a These are introductory statements that do not require a response.
- 3b These are restatements of information contained in Subchapter 4.6, Cultural Resources of the EIR that do not require a response.
- 3c This is a restatement of Mitigation Measure MM-CUL-1 as it pertains to avoidance of RIV-7835 (Planning Area 5). The Tribal Historic Preservation Officer (THPO) met with the City and modification to the language contained in Mitigation Measure MM-CUL-1 was provided. Please reference Section 3.0, Errata.
- 3d This is a restatement of Mitigation Measure MM-CUL-2 as it pertains to Archaeological and Native American Monitors. No modifications were requested by the THPO to Mitigation Measure MM-CUL-2.
- 3e This is a restatement of Mitigation Measure MM-CUL-3 as it pertains to an Archaeological Monitoring Plan and Accidental Discovery. The THPO met with the City and modification to the language contained in Mitigation Measure MM-CUL-3 was provided. Please reference Section 3.0, Errata.
- 3f This is a restatement of Mitigation Measure MM-CUL-4 as it pertains to disposition of Human Remains. No modifications were requested by the THPO to Mitigation Measure MM-CUL-4.
- 3g The Tribe will be notified of modifications to Mitigation Measures MM-CUL-1 through Mitigation Measure MM-CUL-4 through the Final EIR process. The last paragraph is a closing statement that does not require a response.



TWENTY-NINE PALMS BAND OF MISSION INDIANS

46-200 Harrison Place, Coachella, California, 92236, Ph. 760.863.2444, Fax: 760.863.2449

June 11, 2018

CERTIFIED MAIL # 7013 2250 0001 8740 5124

RETURN RECEIPT REQUESTED

Luis Lopez
City of Coachella – Planning Division
1515 6th Street
Coachella, CA 92236

RE: Notice of Completion of Draft Environmental Impact Report
Vista Del Agua Specific Plan and Development Agreement
APN: 603-130-003, 603-130-004, 603-130-009, 603-150-004, 603-150-005, 603-150-007, 603-150-008, 603-150-009, 603-150-010, 603-150-011, 603-150-102, and 603-112-004

Dear Mr. Lopez,

This letter is in regards to consultation under the California Environmental Quality Act (CEQA) for the Vista Del Agua Specific Plan and Development Agreement (Project). This project proposes a phased development of a new master-planned community in the City of Coachella. A total of approximately 304 acres of development both on and off-site is anticipated. The Project includes 1,640 multi-family and single-family residential units, general commercial and neighborhood commercial uses, and open space in the form of a community park and trails and paseos. This project is approximately 1-mile from the Twenty-Nine Palms Band of Mission Indians (Tribe) Reservation located near the City of Coachella.

3a

The Tribal Historic Preservation Office dedicated to protect and preserve cultural resources that concern the Twenty-Nine Palms Band of Mission Indians (Tribe), are not aware of any additional cultural resources within the project area. However, Environmental Impact Report (EIR) summarizes that the project contains three previously recorded prehistoric sites and two newly recorded historic sites; RIV-7834, RIV-7835, RIV-7836, RIV-11775, and RIV-11776. One of these sites, RIV-7835, continued surface ceramic scatter that may represent a seasonally occupied campsite alongside the former shoreline of prehistoric Lake Cahuilla. While this site initially was determined not a significant resource; after Phase II testing the site was determined to be significant as a rare resource affected by the project, and significant under Criterion D (National Register Bulletin VIII) because of its potential to provide information important to prehistory. This resource was recommended to be avoided, which would cause levels of impact to be reduced to a less than significant level.

3b

In the Draft Environmental Impact Report, there were measures established to reduce the level of impacts to Cultural Resources to less than significant with mitigation. These included:

3c

MM-CUL-1 RIV-7835 Avoidance (Planning Area 5): Prior to the issuance of a grading plan, or any

activity that would involve initial ground disturbance in the vicinity of RIV-7835, the Project archaeologist will review said plans/activities to determine that none of the resources located in RIV-7835 shall be impacted by the Project development. The Project archaeologist shall make recommendations, where applicable, to protect resources contained in RIV-7835 from potential encroachment from the Project.

After review of the site plans and location of CA-RIV-7835, it is recommended that the THPO meets with the City and Developer to ensure that measures are in place to avoid CA-RIV-7835. While an Open Space area has been established, detailed planning documents that include the Paseo and Open Space are needed to ensure that the site is properly avoided. Environmentally Sensitive Area (ESA) fencing/flagging is recommended around CA-RIV-7835, in a buffer area to ensure that there will be no impacts from construction activities. ESA fences should be placed prior to project activities along the edge of the APE and monitored periodically by a qualified archaeological and Native American monitor during any ground disturbing activities related to the construction of this Project. An archaeological monitor should be on site during fence installation, and spot check should occur during construction to ensure that the ESA fencing is maintained. Removal of the fence should only occur after all ground disturbing activities have taken place in PA 5 and removal should be monitored and signed off by the project archaeologist and Native American Monitor(s).

3c

MM-CUL-2 Archaeological and Native American Monitors: Prior to commencement of any grading activity on the Project site and consistent with the findings and recommendations of the cultural resources surveys and reports regarding the sensitivity of each area on the Project site for cultural resources, the City of Coachella (City) Director of Development Services, or designee, shall retain an archaeological monitor and a Native American monitor to be selected by the City after consultation with interested Tribal and Native American representatives. Both monitors shall be present at the pre-grade conference in order to explain the cultural mitigation measures associated with the Project. Both monitors shall be present on site during all ground-disturbing activities (to implement the Project Monitoring Plan) until marine terrace deposits are encountered. Once marine terrace deposits are encountered, archaeological and Native American monitoring is no longer necessary, as the marine deposits are several hundred thousand years old, significantly predating human settlement in this area.

3d

The THPO agrees that both an archaeological monitor and Native American Monitor(s) should be obtained for the project. The Tribe requests that monitors from the Twenty-Nine Palms Band of Mission Indians be present during ground-disturbing activities. Depending on the amount of ground disturbance, work area, and the number of construction vehicles in service, additional monitors should be on-site if warranted by workload demands.

MM-CUL-3 Archaeological Monitoring Plan and Accidental Discovery: Prior to commencement of any grading activity on the Project site and consistent with the findings of the cultural resources surveys and reports regarding the sensitivity of each area on the Project site for cultural resources, the City shall prepare a Monitoring Plan. The Monitoring Plan shall be

3e

prepared by a qualified archaeologist and shall be reviewed by the City of Coachella Director of Development Services. The Monitoring Plan will include at a minimum:

- (1) A list of personnel involved in the monitoring activities;*
- (2) A description of how the monitoring shall occur;*
- (3) A description of frequency of monitoring (e.g., full-time, part-time, spot checking);*
- (4) A description of what resources may be encountered;*
- (5) A description of circumstances that would result in the halting of work at the Project site (e.g., what is considered a "significant" archaeological site);*
- (6) A description of procedures for halting work on site and notification procedures; and*
- (7) A description of monitoring reporting procedures.*

If any significant historical resources, archaeological resources, or human remains are found during monitoring, work should stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. Project personnel shall not collect or move any archaeological materials or human remains and associated materials. To the extent feasible, Project activities shall avoid such resources.

Where avoidance is not feasible, the resources shall be evaluated for their eligibility for listing in the California Register of Historical Resources. If a resource is not eligible, avoidance is not necessary. If a resource is eligible, adverse effects to the resource must be avoided, or such effects must be mitigated. Mitigation can include, but is not necessarily limited to: excavation of the deposit in accordance with a cultural resource mitigation or data recovery plan that makes provisions for adequately recovering the scientifically consequential information from and about the resource (see California Code of Regulations Title 4(3) Section 15126.4(b)(3)(C)). The data recovery plan shall be prepared and adopted prior to any excavation and should make provisions for sharing of information with Tribes that have requested Senate Bill 18 (SB 18) consultation. The data recovery plan shall employ standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the archaeological site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; an interpretive display of recovered archaeological materials at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered archaeological materials. Results of the study shall be deposited with the regional California Historical Resources Information Center (CHRIS) repository.

It shall be the responsibility of the City Department of Public Works to verify that the Monitoring Plan is implemented during Project grading and construction. Upon completion of all monitoring/ mitigation activities, the consulting archaeologist shall submit a monitoring report to the City of Coachella Director of Development Services and to the San Bernardino

3e

Archaeological Information Center summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. The monitoring report shall be prepared consistent with the guidelines of the Office of Historic Preservation's Archaeological Resources Management Reports (ARMR): Recommended Contents and Format. The City of Coachella Director of Development Services or designee shall be responsible for reviewing any reports produced by the archaeologist to determine the appropriateness and adequacy of findings and recommendations.

While the Tribe agrees that a Monitoring Plan should be established and overseen by the project archaeologist, consulting Tribe(s) should also review the document before it is approved by the City of Coachella Director of Development Services. The consulting Tribe(s) should be notified and consulted on the disposition of resources that are not able to be avoided or reburied should be

3e

It should also be noted that the San Bernardino Archaeological Information Center is no longer in service and all subsequent documentation should be received and submitted to the applicable Information Center. The closest Information Center would be the Eastern Information Center located in Riverside, California (serving Inyo, Mono, and Riverside Counties).

MM-CUL-4 Human Remains: *Consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e), if human remains are encountered during site disturbance, grading, or other construction activities on the Project site, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which will determine and notify a most likely descendant (MLD). With the permission of the City of Coachella, the MLD may inspect the site of the discovery.*

The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Consistent with CCR Section 15064.5(d), if the remains are determined to be Native American and an MLD is notified, the City of Coachella shall consult with the MLD as identified by the NAHC to develop an agreement for the treatment and disposition of the remains. Upon completion of the assessment, the consulting archaeologist shall prepare a report documenting the methods and results and provide recommendations regarding the treatment of the human remains and any associated cultural materials, as appropriate, and in coordination with the recommendations of the MLD. The report should be submitted to the City of Coachella Director of Development Services and the San Bernardino Archaeological Information Center. The City of Coachella Director of Development Services, or designee, shall be responsible for reviewing any reports produced by the archaeologist to determine the appropriateness and adequacy of findings and recommendations.

3f

As previously stated the San Bernardino Archaeological Information Center is no longer in service. All subsequent documentation should be submitted to the applicable Information Center.

3f

In order to cause less than a significant impact to cultural resources for the Vista Del Agua Project, specific mitigation measures would have to be followed (MM CUL 1 – 4). These measures described specific performance criteria for migration at the time of project approval. If there have been any changes to the Draft Environmental Impact Report or publication of a Final Environmental Impact Report, please notify the Tribe.

3g

The Tribe and THPO look forward to continuing working with the City of Coachella on this project. If you have any questions, please do not hesitate to contact the Tribal Historic Preservation Office at (760) 775-3259 or by email: TNPConsultation@29palmsbomi-nsn.gov.

Sincerely,



Anthony Madrigal, Jr.
Tribal Historic Preservation Officer

cc: Darrell Mike, Twenty-Nine Palms Tribal Chairman
Sarah Bliss, Twenty-Nine Palms Cultural Resources Manager

Comment Letter No. 4.1

Richard Drury

Lorzeau / Drury LLP on behalf of the Laborers International Union of North America, Local Union 1184 (6-13-18)

- 4.1a These are introductory statements that do not require a response.
- 4.1b This is a request for notification of any and all actions or hearings related to activities undertaken related to the Project. Consistent with the notification for the EIR, the offices of Lozeau Drury LLP will be notified of any actions taken pursuant to CEQA, as well as any hearings related to the Project.
- 4.1c This is a statement reiterating Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092 as it pertains to the City of Coachella mailing notices to any person who has filed a written request. No response is needed.



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Oakland, Ca 94607

www.lozeaudrury.com
richard@lozeaudrury.com

Via Email and U.S. Mail

June 13, 2018

William Pattison, City Manager
City Manager's Office
City of Coachella
1515 Sixth Street
Coachella, CA 92236
wpattison@coachella.org

Angela M. Zepeda, City Clerk
City of Coachella
1515 Sixth Street
Coachella, CA 92236
azepeda@coachella.org

Luis Lopez, Community Development Director
1515 Sixth Street
Coachella, CA 92236
(760) 398-3502
llopez@coachella.org

**Re: CEQA and Land Use Notice Request for the Vista Del Agua Specific Plan,
SCH2015031003**

Dear Mr. Pattison, Ms. Zepeda, Mr. Lopez:

I am writing on behalf of the Laborers International Union of North America, Local Union 1184 and its members living in Riverside County and/or the City of Coachella ("LIUNA"), regarding the Vista Del Agua Specific Plan, aka SCH2015031003, Specific Plan (#14-01), and Change of Zone (#14-01) including all actions related or referring to the proposed development and construction of a master planned development on approximately 275 acres (as well as approximately 29 acres of off-site infrastructure improvements, totaling approximately 304 acres, both on and off-site) within the City of Coachella, within Riverside County, California ("Project").

4.1a

We hereby request that the City of Coachella ("City") send by electronic mail, if possible or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:

4.1b

June 13, 2018

CEQA and Land Use Notice Request for the Vista Del Agua Specific Plan, SCH2015031003

Page 2 of 2

- Notices of any public hearing held pursuant to CEQA.
- Notices of determination that an Environmental Impact Report ("EIR") is required for a project, prepared pursuant to Public Resources Code Section 21080.4.
- Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
- Notices of preparation of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21092.
- Notices of availability of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notices of approval and/or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that a project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

4.1b

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

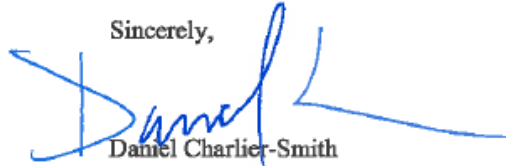
Please send notice by electronic mail, if possible or U.S. Mail to:

Richard Drury
Daniel Charlier-Smith
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607
510 836-4200
richard@lozeaudrury.com
daniel@lozeaudrury.com

4.1c

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Daniel Charlier-Smith
Paralegal
Lozeau | Drury LLP

Comment Letter No. 4.2

Douglas Chermack

Lorzeau / Drury LLP on behalf of the Laborers International Union of North America, Local Union 1184 (7-10-18)

- 4.2a These are introductory statements that do not require a response.
- 4.2b This comment states that the EIR fails as an informational document but does not identify any specific issues relating to the EIR's analyses or mitigation measures. The City notes this comment, but no further discussion is required by CEQA. The Final EIR will be provided a minimum of ten (10) days prior to the public hearing for this Project. Comment noted about reserving the right to supplement the comments in this comment letter.



T 510.836.4200
F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
doug@lozeaudrury.com

Via Email and U.S. Mail

July 10, 2018

William Pattison, City Manager
City Manager's Office
City of Coachella
1515 Sixth Street
Coachella, CA 92236
bpattison@coachella.org

Angela M. Zepeda, City Clerk
City of Coachella
1515 Sixth Street
Coachella, CA 92236
azepeda@coachella.org

Luis Lopez
Community Development Director
1515 Sixth Street
Coachella, CA 92236
(760) 398-3502
llopez@coachella.org

**Re: Vista Del Agua Specific Plan – Draft Environmental Impact Report
(SCH2015031003)**

Dear Mr. Pattison, Ms. Zepeda, and Mr. Lopez:

I am writing on behalf of the Laborers International Union of North America, Local Union 1184 and its members living in Riverside County and/or the City of Coachella ("LIUNA"), regarding the Vista Del Agua Specific Plan, aka SCH2015031003, Specific Plan (#14-01), and Change of Zone (#14-01) including all actions related or referring to the proposed development and construction of a master planned development on approximately 275 acres (as well as approximately 29 acres of off-site infrastructure improvements, totaling approximately 304 acres, both on and off-site) within the City of Coachella, within Riverside County, California ("Project").

4.2a

After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. Commenters request that the City of Coachella Development Services Department,

4.2b

July 10, 2018
Vista Del Agua Specific Plan
CEQA Comment
Page 2

City Council, and your staffs address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq., prior to considering approvals for the Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

4.2b

Sincerely,



Douglas J. Chermak

Comment Letter No.5

Luke Milick, AFM
Riverside County Fire Department (7-11-18)

- 5a These are introductory statements that do not require a response.
- 5b The Project will not be solely responsible for the need for an additional fire station.

According to p. 4.13-5 of the EIR:

“The City of Coachella has one (1) Fire Station, Battalion 6 Coachella Fire Station #79, located at 1377 Sixth Street in the City of Coachella, which serves the incorporated portions of the City. To ensure adequate fire protection services in the event of an emergency, the City maintains a mutual aid agreement with surrounding city and county jurisdictions where additional resources are available to the City when the need arises.

Other existing stations proximate to the City of Coachella and the Project site include:

- *Fire Station #86, located approximately 5.5 miles west of the Project site at 46990 Jackson Street in the City of Indio;*
- *Fire Station #87, located approximately 4.5 miles northwest of the Project site at 42900 Golf Center Parkway in the City of Indio; and,*
- *Fire Station #39, located approximately 7.5 miles south of the Project site at 86911 Avenue 58 in the unincorporated community of Thermal.*

Through the Regional Fire Service System, the City of Coachella receives an immediate response from the outlying stations, including personnel and equipment for any major event or multiple events that may occur within the City. The City of Coachella is also in a cost sharing agreement with the Cities of Indio, La Quinta and Riverside County for the use of the 100' ladder truck located at Fire Station #86.”

According to p. 4.13-6 of the EIR:

“The station serving this area is the Coachella Fire Station #79, located approximately 3.5 miles southwest of the Project site. This station staffs 11 full-time firefighters including one (1) paramedic and is equipped with one (1) Type-1 fire engine that provides 24-hour, year around service. Fire engine staffing includes three (3) to four (4) persons per engine per day and includes paramedic staff. (Staffing, unit types, and hours verified through verbal communication).

Based on this information, Fire Station #79 would arrive within approximately 9 minutes; Fire Station #86 within approximately 13 minutes; Fire Station #87 within approximately 9 minutes; and Fire Station #39 within approximately 13 minutes. These times are approximate and actual response times currently meet or exceed the Urban Land Use protection goals found in the Fire Protection Master Plan. According to the Riverside County Map My County, the Project site is not located within a hazardous fire area.”

It should be noted that according to the Specific Plan, fire stations are a permitted use in the following Planning Areas:

- Planning Area 1 (Commercial),

It should also be noted that according to the Specific Plan, fire stations are a conditionally permitted use in the following Planning Areas:

- Planning Area 2 (Residential),
- Planning Area 3 (Residential),
- Planning Area 4 (Residential),
- Planning Area 5 (Residential),
- Planning Area 6 (Residential),
- Planning Area 7 (Residential),
- Planning Area 8 (Residential),

5c The Project site is located within an area that is planned for conversion of existing agricultural uses to urban style development. As also stated on p. 4.13-5 of the EIR:

"It should be noted that the General Plan Update Final EIR (2015) recommended that the City of Coachella consider the addition of new fire service facilities to meet the increased demand for future fire protection and emergency medical services under the General Plan Update Final EIR (2015). The La Entrada Project Development Agreement (https://laentradacommunity.com/download/ordinance_1067/FINAL%20APPROVE%20La%20Entrada%20Development%20Agreement.pdf) requires that upon issuance of a certificate of occupancy for the 1,500th Unit, the Master Developer shall provide the necessary land and facilities for a three-person engine company.

Chapter 4.45 of the Coachella Municipal Code establishes a Development Impact Fee be placed on all new development within the City which is directly related to the funding and construction of fire protection and emergency response facilities necessary to address direct and cumulative impacts generated by new development. According to Section 4.45.030 of Chapter 4.45 of the Coachella Municipal Code the following public facilities must be constructed, installed and paid for or financed: General Government facilities; library facilities, park and recreation facilities, street facilities, fire facilities and police facilities. Development Impact Fees are reviewed and adjusted administratively on an annual basis each fiscal year."

In addition, as stated on p. 4.13-19 of the EIR:

"The FIA demonstrates the annual recurring revenues to the City's General Fund at Project build-out will equal \$2,434,685 compared to recurring fiscal costs of \$2,376,070; a net benefit to the City of approximately \$58,615. The largest sources of revenue will result from property tax, property tax in lieu of vehicle license fees, and sales tax. This finding demonstrates that the Project's future demands on the provision of fire protection and emergency response services will be more than fulfilled in the future after it is developed."

Lastly, according to p. 4.13-15 of the EIR:

“Information obtained from Fire Station #79 indicates that actual response times currently meet or exceed the Urban Land Use protection goals established in the City’s Fire and Emergency Medical Services Master Plan.”

Fire facilities planning will be coordinated between the Riverside County Fire Department (RVCFD) and the City of Coachella in order to assure that all future projects (including the proposed Project) will be adequately served.

Lastly, all plans will be submitted to the Riverside County Fire Marshall, prior to building permit issuance. This is a standard condition and is required per Municipal Code Section 15.24 (Fire Code). No additional mitigation measures are necessary.

- 5d Mitigation for adverse impacts will be provided by the Project through adherence to Section 15.24, Fire Code of the Municipal Code, payment of Development Impact Fees (Chapter 4.45 of the Municipal Code) and generation of recurring revenues to the City’s General Fund.

According to p. 4.13-5 of the EIR, payment of Development Impact Fees, as summarized in response 5c, and the Specific Plan providing for the location of Fire Stations in various Planning Areas, as discussed in response 5b, will ensure that the need for an additional fire station can be met.

- 5e All plans, which demonstrate Fire Department emergency vehicle access road locations and design (in accordance with California Fire Code, Riverside County Ordinance 787, and Riverside County Fire Department Standards) will be submitted to the Riverside County Fire Marshall, prior to building permit issuance. This is a standard condition.
- 5f All Fire Department waster system(s) plans, (in accordance with California Fire Code, Riverside County Ordinance 787, and Riverside County Fire Department Standards) will be submitted to the Riverside County Fire Marshall, prior to building permit issuance. This is a standard condition.
- 5g All plans, (in accordance with California Fire Code, Riverside County Ordinance 787, and Riverside County Fire Department Standards) will be submitted to the Riverside County Fire Marshall, prior to building permit issuance. This is a standard condition.
- 5h Comment noted. No additional response is required.



CAL FIRE - RIVERSIDE UNIT RIVERSIDE COUNTY FIRE DEPARTMENT

DANIEL R. TALBOT - FIRE CHIEF

Office of the Fire Marshal (East)

77-933 Las Montanas Rd., Ste 201, Palm Desert, CA 92211

Bus: (760) 863-8886 ~ Fax: (760) 863-7072 ~ www.rvcfire.org

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City of Coachella
Attn:
1515 6TH ST
COACHELLA, CA 92236

July 11, 2018

Project Name:	Vista del Agua (EA14-04/ SCH#2015031003)	Permit Number:	FPEIR1800002
Project Address:	S. Vista del Sur, E Tyler Street N. Avenue 48, W. Polk Street Coachella, CA 92236	Case Type:	Fire Environmental Impact Re
APN(s):	603150005; 603122005; 603130009; 603150008; 603150010; 603150012; 603150011; 603130003; 603150009; 603150004; 603150007; 603130004	Reviewer:	Luke Millick
		Review Number:	2

Riverside County Fire Department (RVCFD) Office of the Fire Marshal (OFM) has reviewed the submitted plans for the referenced project and they are approved with the following conditions.

015 - Fire

Fire

Please include the following comments on your response to the City regarding the project referenced above:

With respect to the Draft Environmental Impact Report for the Vista Del Agua Specific Plan, the Riverside County Fire Department offers the following:

Fire protection for the above referenced project will be provided by the Coachella Fire Station 79, located at 1377 6th Street in Coachella and will respond with one Type 1 Engine providing paramedic service. This station is staffed 24 hours a day, 7 days a week, with a 3-person engine crew providing paramedic service. The distance from the station to the proposed development is approximately three and a half (3.5) miles. This is outside our standard for a travel time of 4 minutes for the first arriving engine company and a total response time of 7 minutes. Therefore, an additional fire station with engine and crew is required to serve the area and will be needed prior to occupancy.

The proposed project will have an incremental, cumulative adverse impact on the Fire Department's ability to provide an acceptable level of service. These impacts include an increased number of emergency and public service calls due to the increased presence of structures, traffic and population. It is recommended that the City collect proportional development impact fees to help fund mitigation measures to address impacts to fire services. While Development Impact Fees (DIF) might assist in the one-time mitigation for capital projects, considering ongoing governmental funding challenges, we encourage your administrative staff and legislative bodies to review and determine if mitigations are necessary for ongoing fiscal impacts to our operational services. An example of a mitigation to assist with operational funding is a Community Facilities District. Other ongoing funding methods could be explored.

Please be advised that prior to building permit issuance, plans will be required to be submitted to the Riverside County Fire Marshal for review and approval. Please contact the County Fire Marshals Office at 951-955-4777 for more information regarding submittal requirements.

If we can be of further assistance, please feel free to contact the Riverside County Fire Department Strategic Planning Division at RRUStrategicPlanningBureau@fire.ca.gov

Sincerely,

Dexter Galang

Gen - Custom



CAL FIRE - RIVERSIDE UNIT RIVERSIDE COUNTY FIRE DEPARTMENT

DANIEL R. TALBOT - FIRE CHIEF

Office of the Fire Marshal (East)

77-933 Las Montanas Rd., Ste 201, Palm Desert, CA 92211

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ADVERSE IMPACTS

The proposed project will have a cumulative adverse impact on the Fire Department's ability to provide an acceptable level of service. These impacts include an increased number of emergency and public service calls due to the increased presence of structures, traffic and population. The project proponents/developers will be expected to provide for a proportional mitigation to these impacts via capital improvements and/or impact fees.

5d

ACCESS

Fire Department emergency vehicle apparatus access road locations and design shall be in accordance with the California Fire Code, Riverside County Ordinance 460, Riverside County Ordinance 787, and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.

5e

WATER

Fire Department water system(s) for fire protection shall be in accordance with the California Fire Code, Riverside County Ordinance 787 and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.

5f

FIRE CONSTRUCTION PERMITS REQUIRED

Submittal to the Office of the Fire Marshal for development, construction, installation and operational use permitting will be required.

5g

Construction shall remain accessible and exposed for inspection purposes until approved by the Fire Department. The approval of plans and specifications does not permit the violation, deletion, omission or faulty installation of any requirements of California Code of Regulations, Title 19, Title 24, and locally adopted ordinances.

5h

Should you have additional questions, please contact me via phone at 760-393-3386 or email at Luke.Milick@fire.ca.gov.


Luke Milick
AFM

2300 Market Street, Ste 150, Riverside, CA 92501 - (951) 955-4777 ~ Fax: (951) 955-4886

Comment Letter No.6

Mark Roberts, ACIP

California Department of Transportation (7-18-18)

- 6a These are introductory statements, which includes the Project location and Project description, that do not require a response.
- 6b This comment about Caltrans jurisdiction of the State Highway System is noted. No response is required.
- 6c Comment noted. No response is required.
- 6d This comment indicates that Caltrans is requesting a current, full Traffic Impact Study (TIS); that all State facilities within a 5-mile radius of the Project site should be analyzed; the data in the TIS should not be more than 2 years old; based on the 2016 Southern California of Government 2016 Regional Transportation Model; and lastly, use the Highway Capacity Manual 6 methodology for all traffic analysis.

A full Project Specific TIS (*The City of Coachella General Plan, Traffic Impact Study City of Coachella, California*, prepared by RK Engineering Group, Inc., dated October 14, 2014, revised June 14, 2016) was provided as Appendix O to the EIR.

The Project study area was based on the Riverside County TIA guidelines criteria. The minimum study area includes any intersection of "Collector" or higher classification street, with "Collector" or higher classification streets, at which the proposed project will add 50 or more peak hour trips, not exceeding a 5-mile radius from the Project site (p. 4.14-5 of the EIR). Caltrans facilities analyzed are included in Table 4.13.2-2 (p. 4.14-6 of the EIR).

**Table 4.14.2-2
Study Area Intersections**

	North-South Street	East-West Street
1.	Dillon Road	I-10 WB Ramps
2.	Dillon Road	I-10 EB Ramps
3.	Dillon Road	Vista Del Sur
4.	Dillon Road	Shadow View Boulevard
5.	Dillon Road	SR-86 NB Ramps
6.	Dillon Road	SR-86 SB Ramps
7.	Dillon Road	Avenue 48
8.	Grapefruit Boulevard (Hwy 111)	Avenue 48
9.	Tyler Street	Vista Del Sur
10.	Tyler Street	Avenue 47
11.	Tyler Street	Avenue 48
12.	Tyler Street	Avenue 50
13.	SR-86	Avenue 50
14.	Street "A"	Vista Del Sur
15.	Street "A"	Avenue 47
16.	Street "A"	Avenue 48
17.	Polk Street	Avenue 48
18.	Polk Street	Avenue 50

The baseline for the analysis in this EIR is the conditions at the time the Notice of Preparation (NOP) was issued. The NOP review period began on March 2, 2015 and ended 30 days later on April 1, 2015. The environmental setting has changed little since the NOP was issued. This was validated through the revisions to the Air Quality, Greenhouse Gas, Noise, and Traffic technical studies in mid-2016 (p. 4.14-3 of the EIR). Traffic counts were conducted in May 2014. The standard acceptable time period for establishing baseline conditions is usually within of year of the Notice of Preparation (NOP) for the EIR (2015). The traffic counts were conducted within a one (1) year period of the NOP filing and should be considered an adequate representation of baseline conditions. Based on discussion with City of Coachella staff, there has not been significant development in the area since traffic counts were obtained and cumulative development traffic has not significantly changed. Traffic counts from May 2014 are still considered adequate for analysis of baseline conditions (p. 4.14-7 of the EIR). Therefore, the data is not more than 2 years old.

The Southern California Association of Governments noted that new development be

guided toward existing infrastructure and services and reviewed for conformity with the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) pursuant to SB 375 (Letter #11). SB 375 is also addressed under subchapter 4.4 Air Quality and Greenhouse Gas. Please refer to Subchapter 4.12, Population and Housing, for the Project consistency analysis with the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) (p. 4.14-3 of the EIR).

Lastly, as it pertains to the Highway Capacity Manual (HCM), according to p. 4.14-4 of the EIR:

“The current technical guide to the evaluation of traffic operations is the Highway Capacity Manual (HCM). The HCM defines level of service as a qualitative measure which describes operational conditions within a traffic stream, generally in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. The criteria used to evaluate LOS (Level of Service) conditions vary based on the type of roadway and whether the traffic flow is considered interrupted or uninterrupted.

The level of service is typically dependent on the quality of traffic flow at the intersections along a roadway. The HCM methodology expresses the level of service at an intersection in terms of delay time for the various intersection approaches.

The HCM uses different procedures depending on the type of intersection control. The levels of service determined in the TIS are determined using the HCM methodology.

For signalized intersections, average control delay per vehicle is used to determine level of service. Levels of service at signalized study intersections have been evaluated using the HCM intersection analysis program.”

- 6e The Project Specific TIS (The City of Coachella General Plan, *Traffic Impact Study City of Coachella, California*, prepared by RK Engineering Group, Inc., dated October 14, 2014, revised June 14, 2016) was provided as Appendix O to the EIR. No new TIS will be prepared.

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 8

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*Making Conservation
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July 18, 2018

Mr. Luis Lopez
City of Coachella
Planning Division
1515 6th Street
Coachella, CA 92236

Dear Mr. Lopez:

Vista Del Agua Specific Plan, SCH#2015031003
08-RIV – 10, PM 59.419, GTS# 2018-00219

The California Department of Transportation (Caltrans) reviewed the Draft Environmental Impact for the Vista Del Agua Specific Plan. This proposed project is located on 275 acres, south of Interstate 10 (I-10) and Vista Del Sur, east of Tyler Street, and north of Avenue 48. It will consist of 1,640 multi-family and single-family residential units, general and neighborhood commercial, parks, trails and paseos. Due to the Project being located immediately adjacent to State right-of-way, we are concerned with potential impacts to existing facilities that may result with the proposed development.

6a

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act (CEQA), it is also our responsibility to ensure mitigation measures are provided where appropriate to offset associated impacts with the proposed project.

6b

Although this project is under the jurisdiction of the City of Palm Springs, due to the project's potential impact to the State facility it is also subject to the policies and regulations that govern the SHS. Our areas of concern, pertaining to State facilities, include transportation/traffic issues. Due to these potential impacts to I-10 we have the following comments:

6c

The initial Notice of Preparation and Scoping hearing was in 2015. Traffic counts were conducted in May 2014. Development within the Coachella Valley has changed within those four years. We are therefore asking for a current full Traffic Impact Study (TIS). All State facilities within a 5-mile radius of the Project should be analyzed in the TIS. The data used in the TIS should not be more than 2 years old, and shall be based on the Southern California Association of Governments

6d

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

Mr. Luis Lopez

July 18, 2018

Page 2

2016 Regional Transportation Plan Model. Use the Highway Capacity Manual 6 methodology for all traffic analyses (see *Caltrans Guide for the Preparation of Traffic Impact Studies* at http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)

6d

Submit two hard copies of the TIS and appendices, two electric files (CD), and a Synchro analysis for review.

6e

Sincerely,

for Lorna Foster

MARK ROBERTS, ACIP
Office Chief
IGR/Community & Regional Planning

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

Comment Letter No. 7

M. Katherine Jensen, Rutan & Tucker, LLP
DiMare - Shadow View T.I.C. - Rutan (7-20-18)

7a These are introductory statements that do not require a response.

7b The locations of the off-site improvements were coordinated with information contained in the City's General Plan Circulation Element, as well as the Shadow View Specific Plan. This is public information. The Project has been planned utilizing this information. As shown in the Specific Plan, improvements are anticipated to take place on privately owned property of the Shadow View Owners.

The EIR reasonably assumes the construction of Shadow View Boulevard, based on that roadway's inclusion in various, long-standing planning documents. Specifically, the Shadow View Specific Plan shows Shadow View Boulevard as a proposed street crossing the Shadow View Specific Plan area (see Shadow View Specific Plan, p. 3-11 [Exhibit 3-5]). The Shadow View Specific Plan also includes Shadow View Boulevard cross sections, indicating that Shadow View Boulevard will ultimately be constructed to a 120-foot right of way (see Shadow View Specific Plan, p. 3-12 [Exhibit 3-6]). Finally, the Shadow View Specific Plan shows Shadow View Boulevard as a road to be constructed by the residential developer of Shadow View (see Shadow View Specific Plan, pp. 3-9 and -10).

Further, the City of Coachella General Plan 2035 shows Shadow View Boulevard as part of the City's Circulation Element, as an arterial street (see General Plan, p. O5-7 [Figure 5-1], and p. O5-3 [Table 5-1, Street Typologies]).

Construction of Shadow View Boulevard has already been analyzed under the California Environmental Quality Act as part of the Coachella General Plan 2035 Program EIR, which was certified by the City Council on April 22, 2015 via Resolution 2015-03.

General Plan Figure 5-1 illustrates that Shadow View Blvd is designated as a Major Arterial with Bicycle Facility (to be developed to a 118-foot right-of-way with six travel lanes) and is planned to connect Dillon Road easterly to Avenue 48.

City administrative practice allows minor re-alignments of Section-Line streets. Shadow View Boulevard is currently aligned with the Avenue 48 section line and the old section-line street easement will be adjusted to connect northwesterly to Dillon Road, pursuant to the General Plan.

Further, Tentative Tract Map 34993, which approved the residential villages subdivision for Shadow View, recorded the street right-of-way through the Shadow View properties. However, the owners let the tentative map expire. (See City Resolution No. 2007-73 for Tentative Tract Map No. 34865 [adopted September 12, 2007].) Shadow View Boulevard is described as running from Dillon Road to the intersection of Tyler Street and Avenue 48 on this Tentative Map.

7c All available Project documents have been provided to the Shadow View Owners. Without further specificity as to which Project documents they are claiming to have been denied, no further response is required. Comment noted pertaining to the right to provide additional comments.

- 7d Comment noted. No response is required.
- 7e "This comment is general in nature and does not provide specific information as to how the Notices of Completion supposedly fails to comply with Public Resources Code Section 21092(b)...As described throughout the EIR, it has been prepared in compliance with Public Resources Code Section 21092(b)."
- 7f The EIR was recirculated from August 10, 2018 to September 24, 2018. Notice of the public review and comment period for the recirculated EIR was provided consistent with CEQA Guidelines (Section 15105), resulting in a comment period of 45 days.
- 7g The EIR was originally circulated on June 8, 2018. The letter that was sent on June 13, 2018 (mentioned in the comment letter from Rutan & Tucker, LLP) was an addendum to the original notice revising the Project APNs; this was not the re-circulation notice. As described in 7g, the EIR was recirculated from August 10, 2018 to September 24, 2018. Notices were mailed out on August 7, 2018 and the City's review period began on August 10, 2018, giving three (3) days for the mail to travel (The review period, per CEQA, begins when the Office of Planning and Research receives the document/package, which was on August 9, 2018; however, the City wanted to grant extra time for mail to travel.). Notice of the public review and comment period for the recirculated EIR was provided consistent with the CEQA Guidelines (Section 15105. Public Review Period for an EIR or a Proposed Negative Declaration or Mitigated Negative Declaration) with a 45 day review period, the EIR was recirculated and the length and description of the public review was correct, and the comment period was for the correct 45 days. A full 45 days was provided under the second notice.
- 7h All Notices of Completion/Availability (dated June 8, 2018 for the original notice and August 7, 2018 for the re-circulation) of the EIR that were issued, identified the City of Coachella as the lead agency, and provided the contact person, mailing address and phone number. This satisfies the requirement to identify the address at which copies of all documents can be made available for inspection. All available Project documents have been provided to the Shadow View Owners. See Response 7i with respect to comment about City's alleged denial of access to documents.
- 7i At this time, the Applicant and the City are still negotiating the terms of the Development Agreement (DA) and therefore no DA is currently before the City for review and approval. When and if a DA is completed, it will come before the City for consideration, review and approval at a duly noticed public hearing. However, the DA terms will focus on administrative and financial issues associated with the Project, and therefore the terms are not anticipated to result in any physical environmental impacts different from those analyzed and disclosed in the EIR. Regardless, if and when a DA is brought forward, its terms will be compared against the EIR for consistency with the Project Description provided in the EIR, and to ensure that the terms will not result in any new or substantially more severe environmental impacts. As required by CEQA, in the unanticipated event that the terms of a DA are determined to result in potentially significant impacts different than those disclosed in the EIR, supplemental environmental review would be required prior to execution of the DA.
- 7j Please refer to response to comment 7i.
- 7k Comment noted that tentative maps have expired and that no roadway or other right-of-way dedications has been provided. The alignments of the roadways were coordinated

with information contained in the City's General Plan Mobility Element, as well as the Conceptual Amendment to the Shadow View Specific Plan as illustrated as Figure 4-25 of the Coachella General Plan. Furthermore, Policy Directive 11 located on p. 04-77 of the General Plan Update states:

"Require an amendment to portions of the Shadow View Specific Plan in general, conceptual conformance with the site plan concept shown in Figure 4-25. With this modification, and notwithstanding the percentages set forth in Policy Directive No. 12, the remaining components of the Shadow View Specific Plan, as shown on Exhibit 3-4, Land Use Master Plan, of the approved Specific Plan, including the single family residential development, is determined to be consistent with the goals and policies of the Commercial Entertainment District."

The Vista Del Agua EIR used the general alignment of Shadow View Boulevard as shown on Figure 5-1, Transportation Network contained in the Mobility Element of the General Plan and Figure 4-25, Conceptual Amendments to the Shadow View Specific Plan as shown on Figure 4-25 of the Coachella General Plan for the general alignment of Shadow View Boulevard for the analysis in the EIR.

Based on that information, no analysis was deferred. Upon submittal of future plans that have a definitive roadway alignment, said plans will be reviewed for consistency with the EIR. If they are consistent with the analysis contained in the EIR, then no further analysis will be required. If they are inconsistent, then additional analysis may be required pursuant to CEQA Sections 15162 (Subsequent EIRs and Negative Declarations) and/or 15163 (Supplement to an EIR). Section 3.5 does not identify the approvals necessary for the acquisition of property within the Shadow View Specific Plan area. Chapter 3.5, as well as the analysis contained in the EIR, focuses upon the physical effects of these improvements upon the environment.

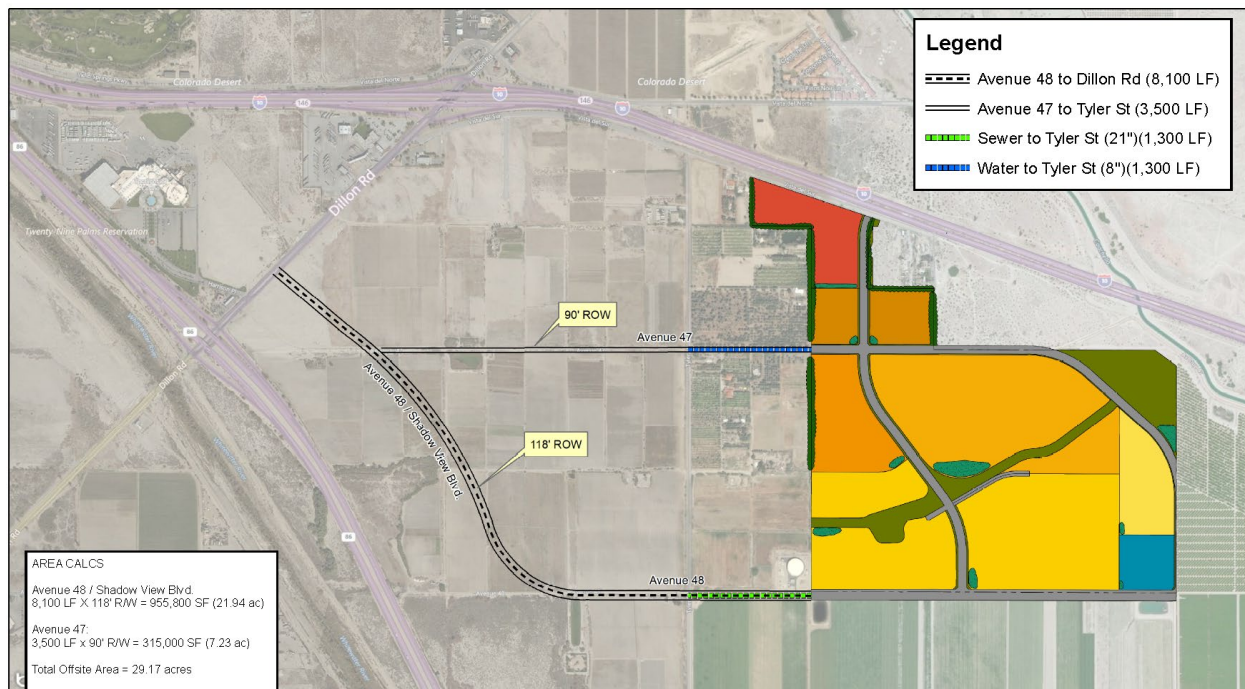
As stated in Response 7b, the Shadow View Property owners were contacted by the Project applicant subsequent to receiving this comment letter.

- 7l Chapter 3, Project Description describes the nature and locations of the off-site Project components. According to the General Plan Circulation Element Map, Avenue 48 and Avenue 47 are shown as "New Major Corridor" and "New Minor Corridor," respectively, on Figure 2-3, Road Network Vision of the General Plan. Therefore, it is the intent of the City for these roadways to be improved and open for public use. Chapter 4 references to "rights-of-way" refer to the general locations of these roadways. At the time of the NOP, these were still potential rights-of-way on the active Shadow View maps. At the time of the circulation of the EIR, these maps had expired. Right of way will need to be acquired in order to construct these roadways. The roadway alignments for Avenue 48, Shadow View Boulevard and Avenue 47 are conceptual at this time. However, their locations are consistent with the General Plan Circulation Element and the Shadow View Specific Plan. There is no discussion about property rights or eminent domain. There is no discussion about property rights/eminent domain. As stated in Response to comment 7k, the EIR does not identify the approvals necessary for the acquisition of property within the Shadow View Specific Plan area (i.e., eminent domain). The analysis contained in the EIR focus upon the physical effects of these improvements upon the environment. Should the Project be approved, and the necessary rights-of-way be acquired, the EIR may be used for CEQA purposes. No additional analysis is required.

- 7m This comment entirely or partially consists of the expression of an opinion not supported

by factual evidence or legal argument. The City is unable to determine the true issue that the comment raises with respect to the project description because the comment is too vague and does not lend itself to further explanation. The City notes this comment, but no further discussion is required by CEQA.

- 7n According to Figure 3.4.2-3, Circulation Plan of the EIR, Avenue 48 and Avenue 47 are shown as extending westerly from the Vista Del Agua Site, past Tyler Street, through the Shadow View Project site, connecting to Shadow View Boulevard. Both Avenue 48 and Avenue are identified in the *City of Coachella General Plan, Traffic Impact Study City of Coachella, California*, prepared by RK Engineering Group, Inc., dated October 14, 2014, revised June 14, 2016 (*TIS, Appendix O*), as “Future or Unpaved Roads.” According to the General Plan Circulation Element Map, Avenue 48 and Avenue 47 are shown as “New Major Corridor” and “New Minor Corridor,” respectively, on Figure 2-3, Road Network Vision of the General Plan. Therefore, it is the intent of the City for these roadways to be improved and open for public use. Right of way will need to be acquired in order to construct these roadways. The comment pertaining to the homeless encampments is noted and will be provided as information to the decision makers. No additional analysis is required.
- 7o Please reference the Figure below, which supplements Figure 4.11.2-1, *Circulation Plan*, of the EIR, which depicts the approximate 29 acres for the off-site improvements. The roadway alignments for Avenue 48, Shadow View Boulevard and Avenue 47 are conceptual at this time and are shown on Figure 4.11.2-1, which uses a recent aerial photo base, to allow for ease of identification. However, their locations are consistent with the General Plan Circulation Element and the Shadow View Specific Plan. As shown in the Figure below, the entire right-of-way width was multiplied by the length (linear feet) to get the total approximate 29 acres for the off-site improvements. This represented a “worst-case” scenario for the scope of the off-site improvement areas. As discussed below, 30’ wide pavement is proposed within these right-of-way areas, with the remainder of the right-of-way remaining undeveloped.



- 7p Please reference the discussion about Circulation Element Roadways and proposed right-of-way acquisition in response to comment 7l. No right-of-way currently exists; however, the General Plan Circulation Element and the Shadow View Specific Plan indicate that future roadways are anticipated.
- 7q The circulation improvements on p. 3-5 of the EIR primarily pertain to the on-site Project circulation. As it pertains to the off-site roadway improvements, these are characterized correctly, stating the ultimate right-of-way for Avenue 48, Shadow View Boulevard and Avenue 47 (p. 3-5 of the EIR). No schematic of the 30' of pavement is provided at this time, as the location is approximate and will be located within the ultimate right-of-way. There is no specific design, only a general area where these roadways will be installed. Final, specific design will be outlined per Project Conditions of Approval, and is subject to City review and approval, subsequent to both Project approval and the review and approval of street improvement plans. The interim 30' of pavement will be utilized solely for vehicular traffic; RK Engineering Group, Inc., was consulted for their input regarding this comment, their calculations confirm that 30 feet of pavement would allow for a 2-lane undivided roadway and no bike lanes are provided. The improvements shown on pp. 5-1 and 5-2 of the Vista Del Agua Specific Plan are also the on-site Project roadways. These provide more detail for the subsequent implementing projects (i.e. tract map, development plan, conditional use permit).
- 7r RK Engineering Group, Inc., was consulted for their input regarding this comment, their calculations confirm that 30 feet of pavement would allow for a 2-lane undivided roadway with a minimum ADT capacity up to 10,400 vehicles per day. Based on the *City of Coachella General Plan* and the *Traffic Impact Study City of Coachella, California*, prepared by RK Engineering Group, Inc., dated October 14, 2014, revised June 14, 2016 (*TIS, Appendix O*), the Project would assign approximately 7,800 average daily trips (ADT) to this segment. Therefore, the interim improvements shall be adequate to accommodate the entire buildout of the Project. The 30 feet width of pavement will serve to mitigate Project impacts and is not considered a "fair share" contribution. Shadow View Boulevard will serve to mitigate Project impacts. This roadway was not slated for fair-share contribution in the EIR; rather, intersections were identified in the EIR for fair share contributions (reference MM-TR-3 p. 4.14-61 and 4.16-62) As a condition of approval, subsequent traffic analyses will be required as each phase of the development is proposed and any additional improvements, such as to widen intersections, would be identified.
- 7s Please see response to comment 7r above as it pertains to the correlation between ADT capacity and the need for 30 feet of pavement.
- 7t Page 1-5 of the *TIS* indicates local 2-lane undivided roadways have a capacity of up to 10,400 ADT. Please refer to response to comment 7r indicating that 30 feet of pavement would allow for a 2-lane undivided roadway with a minimum ADT capacity up to 10,400 vehicles per day.
- 7u **MM-TR-1** will be revised to read, "For Existing Plus Project Conditions, the Project applicant is required to make the following improvements at the following intersections and roadway segments..." Also, the first bullet point under **MM-TR-1** will be revised to remove the requirement that the Project, "Construct new extension of Avenue 47/Shadow View Boulevard to Dillon Road." Instead add the following:
- Roadway Segment Improvements
 - Construct new extension of Shadow View Boulevard from to Dillon Road to

- Avenue 48;
- Construct new extension of Avenue 47 from Tyler Street to Shadow View Boulevard; and
- Construct new extension of Avenue 48 from Tyler Street to Shadow View Boulevard.

The revisions to **MM-TR-1** represent clarifications and refinements that will not require recirculation of the EIR. Shadow View Drive is identified as Avenue 48/Shadow View Boulevard in the EIR (see Section 3.4.2.4).

7v The responsibility to ensure all mitigation measures are implemented and fair-share contributions are paid is the responsibility of the City of Coachella.

7w Comment noted about General Plan Policy 2.10 (Contiguous development pattern). Key words to be noted are “encourage,” “incentivize,” and “minimize.” As it pertains to General Plan p. 2-09, key words include “will generally be” and “will be avoided.” While these are suggestive, they are not mandated. When taken into a greater context, the Project is located easterly of the Shadow View Specific Plan and within an area that is slated/planned for an urban level of development. The Project is a long-term plan and is anticipated to be developed in a manner and time frame consistent with the surrounding properties.

7x Please reference the discussion in 7w above.

7y As stated on p. 5-18 of the EIR:

“The Vista del Sur Alternative (VDSA) is being analyzed in the event that the westerly extension of Avenue 48/Shadow View Boulevard cannot be completed due to the need for the Project applicant to acquire the necessary right-of-way to install this roadway. Vista del Sur is a dedicated City roadway which connects to the northerly extension of Street “A.” This alternative would allow for the development of the Project as proposed but with another connection to Dillon Road to the west of the Project site. Under the VDSA scenario, approximately 5,834 linear feet of roadway (at 30’ in width) will be constructed. This is in contrast to the Project’s westerly extension of Avenue 48/Shadow View Boulevard that would involve 11,600 linear feet of roadway improvements.”

While not stated in the EIR, this assumption utilized for this alternative was similar to the trip distribution patterns that would be utilized for the Project. Similar to Avenue 48/Shadow View Boulevard, Vista Del Sur would provide the primary access (via Street “A”). Secondary access would be provided via existing Tyler Street. Tyler Street intersection improvements are included in **Mitigation Measures MM-TR-1** through **MM-TR-3**.

7z As stated on p. 5-18 of the EIR, *under the Vista del Sur Alternative scenario, approximately 5,834 linear feet of roadway (at 30’ in width) will be constructed.* It is anticipated that this improvement would be within the existing Vista del Sur right-of-way. Please reference Response to comment 7y.

7aa The City, as lead agency, has analyzed three alternatives (Chapter 5 of the EIR), consistent with the applicable text in the State CEQA Guidelines contained in Section 15126 as follows:

Section 15126.6 (a): *Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.*

Section 15126.6 (b) *Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly.*

Pursuant to Section 15126.6(d), Evaluation of Alternatives, the significant effects of each alternative are discussed in less detail than those of the proposed Project but in enough detail to provide perspective and allow for a reasoned choice among alternatives to the proposed Project.

The alternatives considered in this EIR included:

- 1 No Project Alternative (NPA);
- 2 Reduced Residential Density Alternative (RRDA); and
- 3 Vista del Sur Access Alternative (VDSA).

Two alternative locations were dismissed from analysis because they were not under the control of the applicant, and they were considerably larger in size than the proposed Project. An analysis of an alternative site was therefore not feasible.

No other alternatives to the proposed Project were given consideration or evaluated in the EIR since no other practical or feasible alternatives were proposed.

All issue areas analyzed with the proposed Project were analyzed for the three alternatives. These issue areas included: aesthetic resource, agriculture and forestry resources, air quality/greenhouse gas, biological resources, cultural resources, geology and soils resources, hazards and hazardous materials, hydrology and water quality resources, land use and planning, mineral resources, noise, population and housing, public services (fire and sheriff services, libraries, schools, health services), transportation/traffic, and utilities and service systems (water and sewer, natural gas and electricity, solid waste, maintenance of public facilities and other governmental services, adopted energy conservation plans).

The analysis was comprehensive and thorough as it pertained to the alternatives and their respective comparisons with the Project. This will provide the decision makers adequate information should they choose to approve an alternative rather than the Project.

7bb Comment noted. The commenter will be provided with future notifications as it pertains to the Project.



M. Katherine Jensen
Direct Dial: (714) 641-3413
E-mail: kjenson@rutan.com

July 20, 2018

**VIA E-MAIL AND
FEDERAL EXPRESS**

Mr. Luis Lopez
City of Coachella, Planning Division
1515 6th Street
Coachella, CA 92236
LLopez@coachella.org

Re: Comments on Draft Environmental Impact Report
Vista del Agua Specific Plan and Purported Development
Agreement

Dear Mr. Lopez:

This letter is submitted jointly by DiMare/Shadow View T.I.C. ("DiMare") and Shadow View Land and Farming, LLC, an affiliate of Reading International, Inc. ("Reading"). Collectively, DiMare and Reading ("Shadow View Owners") own the property comprising the Shadow View Specific Plan, immediately north of the proposed Vista del Agua Project ("Project").

7a

The Shadow View Owners have serious concerns regarding the proposed Vista del Agua development. While quite unclear from the Draft Environmental Impact Report ("DEIR"), it appears that the vast majority of the 29 acres of off-site improvements are planned to take place on the privately owned property of the Shadow View Owners. Yet, the applicant has never contacted the Shadow View Owners to discuss the use of this private property. Nor have they been contacted by the City or its consultants. It therefore comes as a shock to see DEIR figures depicting the carving up of their property with public infrastructure to serve what can best be described as a hopscotched and sprawling development that has virtually no regard for what is currently on the ground within the Shadow View Project area let alone what is planned there in the future.

7b

The Shadow View Owners submit the following preliminary comments based upon what they have been able to ascertain from the DEIR. Because they have been denied access to Project documents, however, they must reserve the right to provide additional comments once the required information and documentation is provided.

7c



Mr. Luis Lopez
City of Coachella, Planning Division
July 20, 2018
Page 2

1. Defects in Notice of Completion.

Two Notices of Completion have been prepared for this DEIR. The first was dated June 8, 2018. The second was dated June 13, 2018, and it provided a corrected description of the location of the Project. 7d

Even putting aside the defective property description in the first Notice, neither Notice meets the requirements of Public Resources Code section 21092(b). 7e

First, the length and description of the public review period is flawed. The period provided for comment was less than 45 days. On its face, and assuming receipt of the Notice on June 8th, the Notice informed readers that the comments had to be submitted “prior to” July 23, 2018, *i.e.*, before July 23, 2018. The plain reading of that reference is that the comments must be submitted on or before July 22, 2018, a Sunday. That results in a comment period of less than 45 days. 7f

More importantly, the first Notice was mailed via certified mail, with a return receipt, and was received well after June 8, 2018. This will be reflected on the return receipts sent back from the recipients. The second Notice was mailed on or after June 13, 2018, and was not received until June 19, 2018. The Notice must be given in sufficient time so that the public has notice of the full review period. (*Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal.App.4th 911, 922.) 7g

Pursuant to Public Resources Code section 21092(b)(2), the Notice of Completion of the DEIR was required to identify the address at which copies of all documents referenced in the DEIR are available for inspection. No such information is included in the Notice. As will be discussed below, this, together with the City’s refusal to provide documents upon request, including responding to formal Public Records Act requests, has impeded the public’s ability to comment on the DEIR. 7h

2. Denial of Access to Documents.

One of the five entitlements for the Project is a Development Agreement. While the Draft Specific Plan and Map are included in the Appendices for reference, the Development Agreement is not. On June 20, 2018, I requested a copy of the Agreement by e-mail. I was informed the same day by Ron Goldman that it was not available for distribution. On June 25, 2018, I submitted a formal Public Records Act request to the City Clerk requesting this document, and any term sheets or other writings reflecting its content. Neither I nor my clients have received any response to this request. 7i



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The DEIR says that the “physical improvements associated with the [Development Agreement] have been described in Subchapters 3.4.1, 3.4.2, and 3.4.3, above.” (DEIR, p. 3-8.) Because we have no ability to review the Development Agreement, there is no way to verify that this is correct. In addition, we expect that the Development Agreement will have extensive information about the 29 acres of off-site improvements referenced in the Project Description. Without this information, it is not possible to verify that the DEIR has captured all of the potential impacts arising from the installation and operation of those improvements.

7j

3. Erroneous References to “Right-of-Ways” within the Shadow View Specific Plan Area.

As you know, the various tract maps within the Shadow View Specific Plan area have all expired. Since they were never finalized, no roadway or other right-of-way dedications were ever provided by the Shadow View Owners. The DEIR repeatedly refers to the 29 acres of off-site improvements as being placed within “right-of-way.” Section 3.5 does not identify any approvals that would be necessary for the acquisition of property within the Shadow View Specific Plan area. For example, there is no reference to potential eminent domain proceedings or the adoption of resolutions of necessity. Instead, on page 3-2, the City appears to be punting on the issue of right-of-way. Specifically, while acknowledging that “additional right-of-way may be needed to accommodate the off-site roadways (including Shadow View Boulevard),” the DEIR defers any analysis of this until the “tentative tract map stage.” Given that the main and secondary access to the Project utilize Shadow View Boulevard (page 3-5), how can this analysis be deferred? The entire Traffic Impact Analysis rests on the assumption that the right-of-way and access points will be available. Yet, as referenced above, the Shadow View Owners have never been contacted by the applicant.

7k

Later in the document, the DEIR seems to concede that there is no such right-of-way when it discusses the Vista del Sur alternative. Therefore, with regard to all references to “right-of-way” within the Shadow View Specific Plan area, please specify to what “right-of-way” property rights you are referring in the Chapter 3 and Chapter 4 references. In addition, if it is the City’s intention to utilize this document as the environmental clearance for eminent domain proceedings to acquire the property rights necessary for the off-site improvements for the Vista del Agua Project, please revise the text of the DEIR accordingly.

7l

4. Misleading, Inconsistent and Confusing Descriptions of the 29 Acres of Off-Site Improvements.

While the DEIR consistently refers to 29 acres of off-site improvements, and generally describes those improvements as being within the Shadow View Specific Plan area, the description of the improvements themselves and where the 29 acres is located is vague, inconsistent and, at times, nonsensical.

7m



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There are repeated references to and depictions of Avenue 48 and Avenue 47 as being extended through the Shadow View Specific Plan Area. As you know, those roads do not currently exist. While there are certain dirt roads within the Shadow View Specific Plan area, they are not open to the public. Indeed, as a result of issues with homeless encampments, and at the insistence of the City, the Shadow View Owners recently incurred great expense to clean up and fence the Shadow View property.

7n

There is no map which depicts the 29 acres. Nor are the parcels comprising the 29 acres identified. Moreover, the way the descriptions have been worded suggests there are major omissions in the descriptions. For example, on page 3-5, the roadway extensions that the applicant must build during Phase I is described as consisting of 11,600 linear feet of roadway, with a width of 30 feet. This equates to 348,000 square feet of pavement. One would assume that the sewer and water lines would be within the roadway extensions. Yet this square footage equated to just 27.5 % of the 29 acres (1,263,240 square feet). What improvements would the applicant propose for the remaining 72.5% of the 29 acres?

7o

Page 3-1 indicates that water lines, sewer lines and roadway extensions will be within Avenue 47 and Avenue 48 right-of-ways. What right-of-ways? Page 3-2 indicates the same, but now includes "Shadow Hills Blvd." What area is being referenced? Does the City claim to hold right-of-way within Shadow Hills Blvd.?

7p

The description of Circulation on page 3-5 is equally confusing. It indicates that the majority of the traffic will utilize Avenue 48/"Shadow View Drive" as the main access roadway. It references that the Vista del Agua Project will provide the improvements referenced on pages 5-1 and 5-2 of the Specific Plan. Those pages describe the full improvements to those roadways, including pedestrian and bike lanes. Yet in the third paragraph on page 3-5, under the heading of "Circulation," the DEIR states that the Project will only be responsible for a total of 30' feet of paving. Precisely what improvements will the Project be providing in these off-site locations? And please provide a schematic of what the 30 feet of paving would look like when the pedestrian and bike lanes are added.

7q

The document indicates that this 30-feet of paved roadway is commensurate with the needs/impacts generated by the Project. Where has this been calculated or justified? This suggests that these improvements are being treated as "fair share" improvements. However, that is not how the corresponding mitigation measures describe the required improvements.

7r

5. Concerns with Traffic Mitigation Measures Being Incomplete and Ineffective.

Mitigation Measure MM-TR-1 requires the applicant to construct a new extension of Avenue 47/Shadow View Boulevard to Dillion Road. It does not indicate that this roadway will

7s



Mr. Luis Lopez
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be only 30 feet in width. Nor does the Traffic Impact Study in the Appendices indicate that the assumed mitigation will be only a partial construction of the referenced roadway. To the contrary, it states that the referenced mitigation measures are the minimum required to improve operations to LOS D or better. (See footnote 1 to Table 4.14.4-5.)

7s

Please indicate where in the analysis it is demonstrated that the various referenced roadway improvements imposed as mitigation will be adequate if built only to 30 feet in width.

7t

The Specific Plan and the DEIR clearly indicate that the Project will use Avenue 48/Shadow View Boulevard as the main access roadway and Avenue 47/Shadow View Boulevard will be a secondary access. (E.g., p. 3-5.) However, Shadow View Drive is not mentioned in the Project Phasing (Table 3.4.2-1). Moreover, the extension of Avenue 48 and its connection to Shadow View Boulevard appears to be omitted from the Mitigation Measures altogether. Why is this not a mitigation measure? How does the DEIR assume that the extension of Avenue 48 will occur?

7u

With regard to the “fair share payment” mitigation contained in Mitigation Measure MM-TR-3, where is the assurance that the measure will actually be completed? For example, collecting 3.33% for an improvement does not provide any assurance that the measure will actually be constructed. This type of measure only works where it is part of a program specifically designed to ensure the improvement will ultimately be installed. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173.)

7v

6. Land Use Consistency.

We note that in the Land Use section (4.10), many General Plan policies are referenced, but the following, which is one of the most critical relating to this Project, is omitted:

2.10 Contiguous development pattern. Encourage and incentivize development to occur contiguous to, or proximate to, existing built areas to facilitate delivery of City services and minimize “leapfrog” development not connected to existing urbanized areas.

7w

(See also General Plan p. 2-09 “New development will generally be contiguous (or proximate) to existing development and leapfrog development will be avoided.”)

The Land Use analysis should address the Project’s potential inconsistency with this policy. Given the Project’s isolated location, and the distance to urbanized areas, this Project appears to be directly at odds with this core policy.

7x



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7. Alternative Analysis.

The Vista del Sur alternative assumes that the Project will take no access across the Shadow View Specific Plan area. It also concludes that the traffic impacts of that alternative are the same as the Project. Is there any analysis that supports that conclusion? How can this conclusion be supported when there would be an elimination of both the primary and secondary access points?

7y

What changes and improvements would be necessary for Tyler Street to accommodate this alternative?

7z

The DEIR's level of analysis of this alternative does not appear to be sufficient to support a decision to adopt that alternative in lieu of the Project. The Shadow View Owners request that the City undertake an in-depth analysis of that alternative so that if the City is inclined to approve this Project, the City would be in a position to approve that alternative rather than the Project.

7aa

Thank you for the opportunity to comment on this DEIR. In addition to the Shadow View Property Owners, please include me on all future notifications regarding this Project.

7bb

Very truly yours,

RUTAN & TUCKER, LLP

A handwritten signature in black ink, appearing to read "M. Katherine Jenson".

M. Katherine Jenson

Comment Letter No.8

Katie Kroft, Cultural Resources manager
Agua Caliente Band of Cahuilla Indians (7-20-18)

- 8a These are introductory statements that do not require a response.
- 8b Comment noted. Per Comment Letter #3, the Twenty-Nine Palms Band of Mission Indians has requested to monitor the site during ground disturbance activities.
- 8c These are closing statements that do not require a response.

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



03-017-2014-002

July 20, 2018

[VIA EMAIL TO:llopez@coachella.org]

City of Coachella

Mr. Luis Lopez

1515 Sixth Street

Coachella, CA 92236

Re: Draft EIR- Vista Del Agua Specific Plan

Dear Mr. Luis Lopez,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Vista Del Agua project. We have reviewed the documents and have the following comments:

8a

*Please contact our office in the event that no other tribes in the area respond to your request for monitoring. The phone number for monitoring services is 760-699-6828.

8b

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760)699-6829. You may also email me at ACBCI-THPO@aguacaliente.net.

8c

Cordially,

Katie Croft

Cultural Resources Manager

Tribal Historic Preservation Office

AGUA CALIENTE BAND

OF CAHUILLA INDIANS

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T 760/699/6800 F 760/699/6924 WWW.AGUACALIENTE-NSN.GOV

Comment Letter No.9

Monique Wilber, Conservation Program Support Supervisor
Department of Conservation (7-22-18)

- 9a These are introductory statements that do not require a response.
- 9b This is a description of the Project. No response is required.
- 9c This is a description of the Project location and setting. No response is required.
- 9d This paragraph cites CEQA Section 21002 as it pertains to alternatives and mitigation to lessen the effects of the Project. This comment also addresses the conclusions reached by the City's General Plan Environmental Impact Report (2015 EIR). As stated on p. 4.3-11 of the EIR:

"The Coachella General Plan Update (2015) identifies agriculture as an integral part of the City's identity and economic future; however, it also recognizes the need to diversify land uses within the City's planning area to accommodate future growth, housing needs and job creation. To efficiently plan and manage the City's growth, the land use plan (Figure 4-24 of the General Plan) divides the City into 17 distinct subareas, reference Figure 4.3.4-2, General Plan Subareas Map. The Project is located in Subarea 11, Commercial Entertainment District, which is located at the junction of Interstate 10 and State Route 86S, an area with exceptional regional accessibility and visibility to motorists traveling the adjacent highways. The City envisions that this area will contain much of the new development that attracts visitors to Coachella, including destination retail, hotels and resorts, and entertainment uses.

The General Plan Update (2015) land use designations for the Project (on-site and off-site components) are Suburban Retail District, Urban, General, and Suburban Neighborhood, and Neighborhood Center, therefore; it has been anticipated by the City that urbanization is planned and will ultimately occur in the Project vicinity. Although the Project is proposing uses that are somewhat different than the current land use designations, they are still urban/suburban, not agricultural in nature, and consistent with the City's vision of development within the Project area."

The City has considered the recommendation to "reevaluate the establishment and use of such mitigation programs and/or detail why such mitigation programs remain unfeasible as related to the proposed project." The City has determined that the policy direction and analysis for this issue has already discussed in the General Plan and 2015 EIR. No additional mitigation will be added.

- 9e The City has considered the recommendation for the use of permanent agricultural conservation easements. The City has determined that the policy direction and analysis for this issue has already discussed in the General Plan and 2015 EIR. No additional mitigation will be added.
- 9f Comment noted. No additional response is required.
- 9g These are closing statements that do not require a response.



State of California • Natural Resources Agency
Department of Conservation
Division of Land Resource Protection
801 K Street • MS 14-15
Sacramento, CA 95814
(916) 324-0850 • FAX (916) 327-3430

Edmund G. Brown Jr., Governor
Kathryn M. Lyddan, Division Director

July 22, 2018

VIA EMAIL: LLOPEZ@COACHELLA.ORG

Mr. Luis Lopez
City of Coachella, Planning Division
1515 6th Street,
Coachella, CA 92236

Dear Mr. Lopez:

**DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE VISTA DEL AGUA SPECIFIC
PLAN AND DEVELOPMENT AGREEMENT, SCH #2015031003**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation submitted by the City of Coachella (City) for the Vista Del Agua Specific Plan and Development Agreement. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

9a

Project Description

The proposed project consists of the phased development of a new master planned community in the City of Coachella located on approximately 275. The project includes 1,640 multi-family and single-family residential units, general commercial and neighborhood commercial uses, and open space in the form of a community park and trails and paseos. The project also proposes onsite infrastructure, as well as approximately 29 acres of offsite infrastructure improvements in the City of Coachella, Riverside County, California.

9b

The project site is surrounded by existing agricultural uses and vacant land to the west, south and east. I-10 and Vista Del Sur create the northern boundary to the project. North of I-10 is vacant land, as well as residential, agricultural, and golf course uses. The Coachella Canal is to the east of the project site. Approximately 80 acres of the project site is currently being used to grow grapes.

9c

Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to the State's agricultural land resources. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.¹ In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by

9d

¹ California Environmental Quality Act Statute and Guidelines, Association of Environmental Professionals, 2017, Section 21002, page 2.

Mr. Luis Lopez
July 22, 2018
Page 2

the project, and, therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation under CEQA. Rather, the criterion is feasible mitigation that lessens a project's impacts. Therefore, all mitigation measures that are potentially feasible should be included. A measure brought to the attention of the Lead Agency should not be left out unless it is infeasible based on its elements. The City's 2015 general plan update found agricultural mitigation measures to be infeasible; however, the Department suggests that the city reevaluate the establishment and use of such mitigation programs and/or detail why such mitigation programs remain infeasible as related to the proposed project.

9d

The Department recommends the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation. Agricultural conservation easements are an available mitigation tool and should always be considered. Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

9e

One source that has proven helpful for regional and statewide agricultural mitigation is the California Council of Land Trusts, which can be found at:

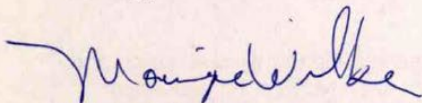
9f

<http://www.calandtrusts.org>

Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report for the Vista Del Agua Specific Plan and Development Agreement. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Earl Grundy, Associate Environmental Planner at (916) 324-7347 or via email at Earl.Grundy@conservation.ca.gov.

9g

Sincerely,



Monique Wilber
Conservation Program Support Supervisor

Comment Letter No.10

Luke Milick, AFM
Riverside County Fire Department (7-11-18)

10a These are introductory statements that do not require a response.

10b & 10c Comment noted. The Project will not be solely responsible for the need for an additional fire station. The Project site is located within an area that is planned for conversion of existing agricultural uses to urban style development. As stated on p. 4.13-5 of the EIR:

"It should be noted that the General Plan Update Final EIR (2015) recommended that the City of Coachella consider the addition of new fire service facilities to meet the increased demand for future fire protection and emergency medical services under the General Plan Update Final EIR (2015). The La Entrada Project Development Agreement (https://laentradacommunity.com/download/ordinance_1067/FINAL%20APPROVE%20La%20Entrada%20Development%20Agreement.pdf) requires that upon issuance of a certificate of occupancy for the 1,500th Unit, the Master Developer shall provide the necessary land and facilities for a three-person engine company.

Chapter 4.45 of the Coachella Municipal Code establishes a Development Impact Fee be placed on all new development within the City which is directly related to the funding and construction of fire protection and emergency response facilities necessary to address direct and cumulative impacts generated by new development. According to Section 4.45.030 of Chapter 4.45 of the Coachella Municipal Code the following public facilities must be constructed, installed and paid for or financed: General Government facilities; library facilities, park and recreation facilities, street facilities, fire facilities and police facilities. Development Impact Fees are reviewed and adjusted administratively on an annual basis each fiscal year."

In addition, as stated on p. 4.13-19 of the EIR:

"The FIA demonstrates the annual recurring revenues to the City's General Fund at Project build-out will equal \$2,434,685 compared to recurring fiscal costs of \$2,376,070; a net benefit to the City of approximately \$58,615. The largest sources of revenue will result from property tax, property tax in lieu of vehicle license fees, and sales tax. This finding demonstrates that the Project's future demands on the provision of fire protection and emergency response services will be more than fulfilled in the future after it is developed."

Fire facilities planning will be coordinated between the Riverside County Fire Department (RVCFD) and the City of Coachella in order to assure that all future projects (including the proposed Project) will be adequately served.

Lastly, all plans will be submitted to the Riverside County Fire Marshall, prior to building permit issuance. This is a standard condition.

10d This comment about adverse impacts is noted. Please refer to responses to comments 5b & 5c, above. Mitigation for adverse impacts will be provided by the Project.

-
- 10e All plans, which demonstrate Fire Department emergency vehicle access road locations and design (in accordance with California Fire Code, Riverside County Ordinance 787, and Riverside County Fire Department Standards) will be submitted to the Riverside County Fire Marshall, prior to building permit issuance. This is a standard condition.
- 10f All Fire Department waster system(s) plans, (in accordance with California Fire Code, Riverside County Ordinance 787, and Riverside County Fire Department Standards) will be submitted to the Riverside County Fire Marshall, prior to building permit issuance. This is a standard condition.
- 10g All plans, (in accordance with California Fire Code, Riverside County Ordinance 787, and Riverside County Fire Department Standards) will be submitted to the Riverside County Fire Marshall, prior to building permit issuance. This is a standard condition.
- 10h Comment noted. No additional response is required.



CAL FIRE - RIVERSIDE UNIT RIVERSIDE COUNTY FIRE DEPARTMENT

DANIEL R. TALBOT - FIRE CHIEF

Office of the Fire Marshal (East)

77-933 Las Montanas Rd., Ste 201, Palm Desert, CA 92211

Bus: (760) 863-8886 ~ Fax: (760) 863-7072 ~ www.rvcfire.org

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LA QUINTA
MENIFEE
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City of Coachella
Attn:
1515 6TH ST
COACHELLA, CA 92236

July 11, 2018

Project Name:	Vista del Agua (EA14-04/ SCH#2015031003)	Permit Number:	FPEIR1800002
Project Address:	S. Vista del Sur, E Tyler Street N. Avenue 48, W. Polk Street Coachella, CA 92236	Case Type:	Fire Environmental Impact Re
APN(s):	603150005; 603122005; 603130009; 603150008; 603150010; 603150012; 603150011; 603130003; 603150009; 603150004; 603150007; 603130004	Reviewer:	Luke Millick
		Review Number:	2

Riverside County Fire Department (RVCFD) Office of the Fire Marshal (OFM) has reviewed the submitted plans for the referenced project and they are approved with the following conditions. 10a

015 - Fire

Fire

Please include the following comments on your response to the City regarding the project referenced above:

With respect to the Draft Environmental Impact Report for the Vista Del Agua Specific Plan, the Riverside County Fire Department offers the following:

Fire protection for the above referenced project will be provided by the Coachella Fire Station 79, located at 1377 6th Street in Coachella and will respond with one Type 1 Engine providing paramedic service. This station is staffed 24 hours a day, 7 days a week, with a 3-person engine crew providing paramedic service. The distance from the station to the proposed development is approximately three and a half (3.5) miles. This is outside our standard for a travel time of 4 minutes for the first arriving engine company and a total response time of 7 minutes. Therefore, an additional fire station with engine and crew is required to serve the area and will be needed prior to occupancy. 10b

The proposed project will have an incremental, cumulative adverse impact on the Fire Department's ability to provide an acceptable level of service. These impacts include an increased number of emergency and public service calls due to the increased presence of structures, traffic and population. It is recommended that the City collect proportional development impact fees to help fund mitigation measures to address impacts to fire services. While Development Impact Fees (DIF) might assist in the one-time mitigation for capital projects, considering ongoing governmental funding challenges, we encourage your administrative staff and legislative bodies to review and determine if mitigations are necessary for ongoing fiscal impacts to our operational services. An example of a mitigation to assist with operational funding is a Community Facilities District. Other ongoing funding methods could be explored. 10c

Please be advised that prior to building permit issuance, plans will be required to be submitted to the Riverside County Fire Marshal for review and approval. Please contact the County Fire Marshals Office at 951-955-4777 for more information regarding submittal requirements. If we can be of further assistance, please feel free to contact the Riverside County Fire Department Strategic Planning Division at RRUStrategicPlanningBureau@fire.ca.gov

Sincerely,
Dexter Galang
Gen - Custom



CAL FIRE - RIVERSIDE UNIT RIVERSIDE COUNTY FIRE DEPARTMENT

DANIEL R. TALBOT - FIRE CHIEF

Office of the Fire Marshal (East)

77-933 Las Montanas Rd., Ste 201, Palm Desert, CA 92211

Bus: (760) 863-8886 ~ Fax: (760) 863-7072 ~ www.rvcfire.org

PROUDLY SERVING THE UNINCORPORATED AREAS OF RIVERSIDE COUNTY AND THE CITIES OF:

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DISTRICT 5

ADVERSE IMPACTS

The proposed project will have a cumulative adverse impact on the Fire Department's ability to provide an acceptable level of service. These impacts include an increased number of emergency and public service calls due to the increased presence of structures, traffic and population. The project proponents/developers will be expected to provide for a proportional mitigation to these impacts via capital improvements and/or impact fees.

10d

ACCESS

Fire Department emergency vehicle apparatus access road locations and design shall be in accordance with the California Fire Code, Riverside County Ordinance 460, Riverside County Ordinance 787, and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.

10e

WATER

Fire Department water system(s) for fire protection shall be in accordance with the California Fire Code, Riverside County Ordinance 787 and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.

10f

FIRE CONSTRUCTION PERMITS REQUIRED

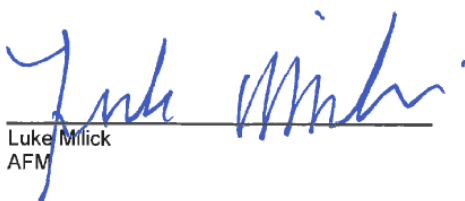
Submittal to the Office of the Fire Marshal for development, construction, installation and operational use permitting will be required.

10g

Construction shall remain accessible and exposed for inspection purposes until approved by the Fire Department. The approval of plans and specifications does not permit the violation, deletion, omission or faulty installation of any requirements of California Code of Regulations, Title 19, Title 24, and locally adopted ordinances.

10h

Should you have additional questions, please contact me via phone at 760-393-3386 or email at Luke.Milick@fire.ca.gov.


Luke Milick
AFM

Comment Letter No.11

Michael Mirelez, Cultural Resource Coordinator
Torres Martinez Desert Cahuilla Indians (7-26-18)

- 11a Comment noted that the Project site is located within the Tribal Traditional Use area for the Torres Martinez Desert Cahuilla Indians. No response is required.
- 11b According to p. 4.6-2 of the EIR, the following Project-specific studies were used in the analyses presented in Subchapter 4.6, Cultural Resources:
- *Phase I Cultural Resources Survey and Assessment of the Vista del Agua Project, a 277-Acre Parcel Just South of Interstate 10 between Tyler and Polk Streets in the City of Coachella, Riverside County, California*, prepared by Professional Archaeological Services, dated October 10, 2014 (2014 CSRA I, **Appendix F**)
 - *Phase II Evaluation of the Cultural Resources of the Vista del Agua Project, a 277-Acre Parcel with 4300 Feet of Linear Offsite Improvements Just South of I-10 between Tyler and Polk Streets in the City of Coachella, Riverside County, California, APNs: 603-122-05; 603-130-03, -04 & -09; 603-150-04, -05 & -07 thru -12*, prepared by Professional Archaeological Services, dated May 20, 2015 (2015 CSRA II, **Appendix G**).
- These were included in the Technical Appendices to the EIR (enclosed CD).
- 11c The City of Coachella Development Services Department prepared and circulated an NOP for the Project. The NOP review period began on March 2, 2015 and ended 30 days later on April 1, 2015. This established the baseline for the Project. Assembly Bill 52 was not in affect at the time of the issuance of the NOP. No consultation is required.
- 11d Mitigation Measures MM-CUL-1 through MM-CUL-4 pertain to Tribal Monitoring. No additional response is required.

TORRES MARTINEZ DESERT CAHUILLA INDIANS

P.O. Box 1160
Thermal, CA 92274
(760) 397-0300 – FAX (760) 397-8146

July 26th 2018

Attn: Luis Lopez
City of Coachella - Planning Division 1515 6th Street
Coachella Ca 92236

Re: Vista Del Agua Project

Torres Martinez Desert Cahuilla Indians appreciates your concern for cultural resource preservation in your project. We have reviewed the information and found, that although the project is located outside the existing reservation, the location does fall within our Tribal Traditional Use Area. Therefore the concern for inadvertent discoveries is high for the Torres Martinez Desert Cahuilla Indians. As a result, we are requesting the following:

11a

Torres Martinez Desert Cahuilla Indians is requesting the following:

- Copies of all Cultural reports
- Formal Government to Government Consultation.
- Tribal Monitoring for all initial ground disturbing activities by a designated tribal monitor from the Torres Martinez Desert Cahuilla Indians. The monitor shall be present during any ground disturbing proceedings including surveys and archaeological testing.

11b

11c

11d

Please feel free contact me at your earliest convenience either by email or phone in order to make arrangements.

Respectfully,

Michael Mirelez
Cultural Resource Coordinator
Torres-Martinez Desert Cahuilla Indians
Office: 760-397-0300 Ext: 1213
Cell: 760-399-0022
Email: mmirelez@tmdci.org

Comment Letter No. 12

Donald Vargas, Compliance Administrator II
Imperial Irrigation District (7-19-18)

- 12a These are introductory statements that do not require a response.
- 12b Comment noted. These applications are typically made at the final map stage of the Project.
- 12c Please reference response to comment 12b.
- 12d Comment noted. It is anticipated that due to the size and scale of the Project, there will be an impact to IID facilities. As stated in Chapter 2 of the EIR (pp. 2-3) this is a Program EIR. More specifically, the EIR states:

"This Environmental Impact Report (EIR) will serve as a Program EIR (EIR) pursuant to CEQA Guidelines Section 15168, which states that:

"A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- (1) Geographically,*
- (2) As logical parts in the chain of contemplated actions,*
- (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or*
- (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways."*

This EIR analyzes the proposed Project under CEQA at a program level for the entire Project, which consists of approximately 275 acres of on-site development, as well as approximately 29 acres of off-site infrastructure improvements, totaling approximately 304 acres, both on and off-site. The proposed Project includes a master-planned community on approximately 275-acres that would include a mix of residential, commercial, open space, and recreational uses. As a worse-case assumption, the proposed Project would be implemented by 2022 time. This EIR has been prepared as a Program EIR for the following reasons:

- The proposed Project would be implemented over a large geographic area, approximately 275-acres on-site and 29-acres off-site, totaling 304-acres.*
- Final grading and construction plans and details have not been developed for each planning area, as of yet.*

A worst-case construction scenario was developed to analyze construction impacts throughout this EIR.

Subsequent activities associated with implementation of the Specific Plan would be evaluated for compliance with CEQA in light of this EIR to determine whether additional environmental documentation must be prepared. Specifically, if Tentative Tract Maps, improvement plans, or other discretionary approvals

associated with implementation of the Specific Plan are submitted and proposed, the environmental impacts of implementing those maps, plans, and approvals will be compared against the analysis set forth in this EIR and CEQA's mandates for subsequent and/or supplemental environmental review."

The overall development of the Specific Plan will require the subsequent submittal, review, and approval of implementing projects (i.e., tract maps, development plans, conditional use permits, etc.). It is at that time that the specific impacts can be analyzed – on an implementing project-by-project basis, as to whether there will be substantial impacts to the IID electrical system. At that time, the current baseline of IID electrical system facilities will be identified and subsequent implementing project-specific impacts/mitigation (if required) will be assessed.

- 12e This comment is noted and provided as information to the decision makers. These applications will be made at the final map stage of the Project. As stated on pp. 4.15-36 and 4.15-37 of the EIR:

"All new distribution lines will be constructed as underground facilities concurrently with Project development."

The analysis in the EIR anticipated that these facilities would be in the locations of the on-site and off-site Project component and rights-of-way. The City will take steps to ensure that upon submittal to IID for a Will Serve letter, all plans and materials will be consistent with the EIR. Please reference response to comment 12d as it pertains to the scope of the Program EIR.

- 12f This comment on costs to be borne by the developer for electrical upgrades is noted. No further response is required.
- 12g This comment does not specify the location for the substation site. Should it be located within the Project boundaries, please reference response to comment 12d.
- 12h This comment is noted and provided as information to the decision makers. Please refer to response to comments 12d and 12e.
- 12i This comment is noted and provided as information to the decision makers. No further response is required.
- 12j This comment is noted and provided as information to the decision makers. No further response is required.
- 12k This comment is noted and provided as information to the decision makers. No further response is required.
- 12l This comment is noted and provided as information to the decision makers. No further response is required.
- 12m This comment is noted and provided as information to the decision makers. No further response is required.
- 12n This comment is noted and provided as information to the decision makers. No further response is required.

-
- 12o This comment is noted and provided as information to the decision makers. No further response is required.
- 12p As stated in response to 12d, this is a programmatic level analysis. The overall development of the Specific Plan will require the subsequent submittal, review and approval of implementing projects (i.e., tract maps, development plans, conditional use permits, etc.). It is at that time that the specific impacts can be analyzed – on an implementing project-by-project basis as to whether there will be substantial impacts to the IID electrical system. At that time, the current baseline of IID electrical system facilities will be identified and subsequent implementing project-specific impacts/mitigation (if required) will be assessed. A programmatic approach to the analysis is not akin to “piecemealing.” It provides a systematic approach to addressing impacts/mitigation based on the current scope of the Project and allows for tiering for subsequent implementing projects without deferring analysis. .
- 12q This comment is noted and provided as information to the decision makers. No further response is required.



www.iid.com

Since 1911

July 19, 2018

Mr. Luis Lopez
 Director
 Development Services Department
 City of Coachella
 1515 6th Street
 Coachella, CA 92236

SUBJECT: Draft Program EIR for Vista del Agua Specific Plan in Coachella, CA

Dear Mr. Lopez:

Pursuant to the City of Coachella's notice of completion and publication of the Draft Program Environmental Impact Report for the Vista del Agua Specific Plan, where the developer, CVP Palm Springs, LLC, in affiliation with Strategic Land Partners, L.P., is proposing to implement a residential, commercial and open space development, with associated on-site infrastructure improvements on an approximately 275 acre site (as well as approximately 29 acres of off-site infrastructure improvements) south of I-10 and Vista Del Sur, east of Tyler Street, and north of Avenue 48 in Coachella, California, with off-site improvements within the Ave. 47, Ave. 48 and Shadow Hills Blvd, roadways/rights-of-way; the Imperial Irrigation District has reviewed the information and has the following comments:

12a

1. IID will not begin any engineering or estimate costs to provide electrical service for the project until the owner submits an application, detailed loading information, project schedule and estimated in-service date. The IID customer project application is available at <http://www.iid.com/home/showdocument?id=12923>.
2. Once the applicant provides the district with the required information, IID can carry out a thorough assessment to determine the specific requirements to supply electrical service to the project. Likewise, IID will determine the availability of temporary construction power from existing power lines based on construction schedules and or phasing.
3. However, based on the information provided, IID has performed a preliminary assessment of the project and has determined that there is a substantial impact to the IID electrical system within the area.
4. Therefore, the developer will be required to formally request a *Will Serve Letter* from IID, with project details. The anticipated load to supply power to the project

12b

12c

12d

12e

IMPERIAL IRRIGATION DISTRICT • P.O. BOX 937 • IMPERIAL, CA 92251

Luis Lopez
July 19, 2018
Page 2

- will require the design and construction of a new 92kV transmission lines with easement corridors dedicated to IID and a new distribution substation in the vicinity of the project with the corresponding distribution circuit/backbone line extensions. 12e
5. The electrical upgrades needed to accommodate the project's power load are the expense of the developer(s) in the area. 12f
6. A minimum 315' by 315' substation site will be required by IID. Additional upgrade requirements include grading, fencing, applicable permits, zoning changes, environmental documentation, landscaping (if required by the City) and access rights for ingress and egress to site, as well as to power line facilities and all rights-of-way and easements for the substation and transmission line extension routes. 12g
7. The developer(s) are required to provide IID with additional rights-of-way, easements and obtain necessary approvals from the agencies involved to allow for the construction, operation and maintenance of the proposed transmission lines and corridors for the purpose of serving Vista del Agua Specific Plan project substation, which are at the expense of the developer(s) in the area. The proposed substation site and transmission route/right-of-way, easements should be addressed in the project environmental documents. 12h
8. For additional information regarding electrical service for the project, the applicant should be advised to contact the IID Energy - La Quinta Division Customer Operations, 81-600 Avenue 58 La Quinta, CA 92253, at (760) 398-5841 and speak with the area's project manager, Carlos Puente, for guidance and to initiate the customer service application process. Mr. Puente can also be reached (760) 398-5837 or by email at CPuente@IID.com. 12i
9. It is important to note that IID's policy is to extend its electrical facilities only to those developments that have obtained the approval of a city or county planning commission and such other governmental authority or decision-making body having jurisdiction over said developments. 12j
10. The applicant will be required to provide rights-of-way and easements for any power line extensions needed to serve the project. 12k
11. Line extensions to serve the project will be made in accordance with IID Regulations:
- No. 2 (<http://www.iid.com/home/showdocument?id=2540>),
No. 13 (<http://www.iid.com/home/showdocument?id=2553>),
No. 15 (<http://www.iid.com/home/showdocument?id=2555>) and
No. 20 (<http://www.iid.com/home/showdocument?id=2560>). 12l

Luis Lopez
July 19, 2018
Page 3

12. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at <http://www.iid.com/departments/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements. 12m
13. Relocation of existing IID facilities to accommodate the project and/or to accommodate street widening improvements imposed by the City will be deemed developer-driven and all costs, as well as securing of rights of way and easements for relocated facilities, shall be borne by the applicant. 12n
14. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully mitigated. **Any mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.** 12o
15. Dividing a project into two or more pieces and evaluating each piece in a separate environmental document (Piecemealing or Segmenting), rather than evaluating the whole of the project in one environmental document, is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies. In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. The project description should include all project components, including those that will have to be approved by responsible agencies. The State CEQA Guidelines define a project under CEQA as "the whole of the action" that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment. CEQA case law has established general principles on project segmentation for different project types. 12p

Luis Lopez
July 19, 2018
Page 4

For a project requiring construction of offsite infrastructure, the offsite infrastructure must be included in the project description. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App. 4th 713.

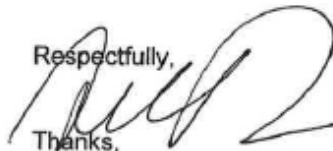
12p

16. Applicant should be advised that landscaping can be dangerous if items are planted too close to IID's electrical equipment. In the event of an outage, or equipment failure, it is vital that IID personnel have immediate and safe access to its equipment to make the needed repairs. For public safety, and that of the electrical workers, it is important to adhere to standards that limit landscaping around electrical facilities. IID landscaping guidelines are available at <http://www.iid.com/energy/safety/landscape-guidelines>.

12q

Should you have any questions, please do not hesitate to contact me at (760) 482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Thanks,

Donald Vargas
Compliance Administrator II

Kevin Kelley – General Manager
Mike Pacheco – Manager, Water Dept.
Enrique B. Martinez – Manager, Energy Dept.
Charles Alegria – Manager, Energy Dept., Operations
Jamie Asbury – Deputy Manager, Energy Dept., Operations
Vance Taylor – Asst. General Counsel
Robert Laurie – Asst. General Counsel
Enrique De Leon – Asst. Mgr., Energy Dept., Distr., Planning, Eng. & Customer Service
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Harold Wink Jr. – Supervisor, Real Estate
Randy Gray – ROW Agent, Real Estate

2.0 b. COMMENTS RECEIVED FROM EIR RECIRCULATION – AUGUST 2018**Comment Letter No. R1**

Anthony Madrigal Jr., Tribal Historic Preservation Officer
Twenty-Nine Palms Band of Mission Indians (8-10-18)

R1a These are introductory statements that do not require a response.

R1b - R1f Comments noted. Please see Comment Letter #3 in Section 2.0 a. for responses to prior concerns.

R1g The Tribe will be notified of them modifications to Mitigation Measures MM-CUL-1 through Mitigation Measure MM-CUL-4 through the Final EIR process. The last paragraph is a closing statement that does not require a response.



TWENTY-NINE PALMS BAND OF MISSION INDIANS

46-200 Harrison Place . Coachella, California . 92236 . Ph. 760.863.2444 . Fax: 760.863.2449

August 10, 2018

CERTIFIED MAIL # 7013 2250 0001 8740 5230
RETURN RECEIPT REQUESTED

Luis Lopez
City of Coachella – Planning Division
1515 6th Street
Coachella, CA 92236

RE: Notice of Availability of Recirculated Draft Environmental Impact Report for the Vista Del Agua Specific Plan Project (State Clearinghouse No. 2015031003)

Dear Mr. Lopez,

This letter is in regards to continued consultation under the California Environmental Quality Act (CEQA) for the Vista Del Agua Specific Plan and Development Agreement (Project). This project proposes a phased development of a new master-planned community in the City of Coachella. A total of approximately 304 acres of development both on and off-site is anticipated. The Project includes 1,640 multi-family and single-family residential units, general commercial and neighborhood commercial uses, and open space in the form of a community park and trails and paseos. This project is approximately 1-mile from the Twenty-Nine Palms Band of Mission Indians (Tribe) Reservation located near the City of Coachella.

R1a

As stated in our letter sent June 6, 2018, the Tribal Historic Preservation Office dedicated to protect and preserve cultural resources that concern the Twenty-Nine Palms Band of Mission Indians (Tribe), was not aware of any additional cultural resources within the project area. However, the Environmental Impact Report (EIR) summarizes that the project contains three previously recorded prehistoric sites and two newly recorded historic sites; RIV-7834, RIV-7835, RIV-7836, RIV-11775, and RIV-11776. One of these sites, RIV-7835, contained surface ceramic scatter that may represent a seasonally occupied campsite alongside the former shoreline of prehistoric Lake Cahuilla. While this site initially was determined not a significant resource; after Phase II testing the site was determined to be significant as a rare resource affected by the project, and significant under Criterion D (National Register Bulletin VIII) because of its potential to provide information important to prehistory. This resource was recommended to be avoided, which would cause levels of impact to be reduced to a less than significant level.

R1b

In the Draft Environmental Impact Report, there were measures established to reduce the level of impacts to Cultural Resources to less than significant with mitigation. These included:

R1c

MM-CUL-1 RIV-7835 Avoidance (Planning Area 5): Prior to the issuance of a grading plan, or any activity that would involve initial ground disturbance in the vicinity of RIV-7835, the Project

archaeologist will review said plans/activities to determine that none of the resources located in RIV-7835 shall be impacted by the Project development. The Project archaeologist shall make recommendations, where applicable, to protect resources contained in RIV-7835 from potential encroachment from the Project.

In our previous letter, the THPO requested to meet with the City and Developer to ensure that measures are in place to avoid CA-RIV-7835. While an Open Space area has been established, particular attention to access (deterrents for construction crew and future residents) and hydrology are needed to ensure that the site is appropriately avoided and undisturbed. During the construction phase, an Environmentally Sensitive Area (ESA) fencing/flagging is recommended around CA-RIV-7835, in a buffer area to ensure that there will be no impacts from construction activities. ESA fences should be placed prior to project activities along the edge of the APE and monitored periodically by a qualified archaeological and Native American monitor during any ground disturbing activities related to the construction of this Project. An archaeological monitor should be on site during fence installation, and spot check should occur during construction to ensure that the ESA fencing is maintained. Removal of the fence should only occur after all ground disturbing activities have taken place in PA 5 and removal should be monitored and signed off by the project archaeologist and Native American Monitor(s).

R1c

MM-CUL-2 Archaeological and Native American Monitors: Prior to commencement of any grading activity on the Project site and consistent with the findings and recommendations of the cultural resources surveys and reports regarding the sensitivity of each area on the Project site for cultural resources, the City of Coachella (City) Director of Development Services, or designee, shall retain an archaeological monitor and a Native American monitor to be selected by the City after consultation with interested Tribal and Native American representatives. Both monitors shall be present at the pre-grade conference in order to explain the cultural mitigation measures associated with the Project. Both monitors shall be present on site during all ground-disturbing activities (to implement the Project Monitoring Plan) until marine terrace deposits are encountered. Once marine terrace deposits are encountered, archaeological and Native American monitoring is no longer necessary, as the marine deposits are several hundred thousand years old, significantly predating human settlement in this area.

R1d

The THPO agrees that both an archaeological monitor and Native American Monitor(s) should be obtained for the project. The Tribe requests that monitors from the Twenty-Nine Palms Band of Mission Indians be present during ground-disturbing activities. Depending on the amount of ground disturbance, work area, and the number of construction vehicles in service, additional monitors should be on-site if warranted by workload demands.

MM-CUL-3 Archaeological Monitoring Plan and Accidental Discovery: Prior to commencement of any grading activity on the Project site and consistent with the findings of the cultural resources surveys and reports regarding the sensitivity of each area on the Project site for cultural resources, the City shall prepare a Monitoring Plan. The Monitoring Plan shall be prepared by a qualified archaeologist and shall be reviewed by the City of Coachella Director of Development Services. The Monitoring Plan will include at a minimum:

R1e

- (1) A list of personnel involved in the monitoring activities;
- (2) A description of how the monitoring shall occur;
- (3) A description of frequency of monitoring (e.g., full-time, part-time, spot checking);
- (4) A description of what resources may be encountered;
- (5) A description of circumstances that would result in the halting of work at the Project site (e.g., what is considered a "significant" archaeological site);
- (6) A description of procedures for halting work on site and notification procedures; and
- (7) A description of monitoring reporting procedures.

If any significant historical resources, archaeological resources, or human remains are found during monitoring, work should stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. Project personnel shall not collect or move any archaeological materials or human remains and associated materials. To the extent feasible, Project activities shall avoid such resources.

R1e

Where avoidance is not feasible, the resources shall be evaluated for their eligibility for listing in the California Register of Historical Resources. If a resource is not eligible, avoidance is not necessary. If a resource is eligible, adverse effects to the resource must be avoided, or such effects must be mitigated. Mitigation can include, but is not necessarily limited to: excavation of the deposit in accordance with a cultural resource mitigation or data recovery plan that makes provisions for adequately recovering the scientifically consequential information from and about the resource (see California Code of Regulations Title 4(3) Section 15126.4(b)(3)(C)). The data recovery plan shall be prepared and adopted prior to any excavation and should make provisions for sharing of information with Tribes that have requested Senate Bill 18 (SB 18) consultation. The data recovery plan shall employ standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the archaeological site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; an interpretive display of recovered archaeological materials at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered archaeological materials. Results of the study shall be deposited with the regional California Historical Resources Information Center (CHRIS) repository.

It shall be the responsibility of the City Department of Public Works to verify that the Monitoring Plan is implemented during Project grading and construction. Upon completion of all monitoring/ mitigation activities, the consulting archaeologist shall submit a monitoring report to the City of Coachella Director of Development Services and to the San Bernardino Archaeological Information Center summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. The monitoring report

shall be prepared consistent with the guidelines of the Office of Historic Preservation's Archaeological Resources Management Reports (ARMR): Recommended Contents and Format. The City of Coachella Director of Development Services or designee shall be responsible for reviewing any reports produced by the archaeologist to determine the appropriateness and adequacy of findings and recommendations.

While the Tribe agrees that a Monitoring Plan should be established and overseen by the project archaeologist, consulting Tribe(s) should also review the document before it is approved by the City of Coachella Director of Development Services. The consulting Tribe(s) should be notified and consulted on the disposition of resources that are not able to be avoided or reburied should be

R1e

It should also be noted that the San Bernardino Archaeological Information Center is no longer in service and all subsequent documentation should be received and submitted to the applicable Information Center. The closest Information Center would be the Eastern Information Center located in Riverside, California (serving Inyo, Mono, and Riverside Counties). Additionally, if additional resources are uncovered the disposition of these artifacts should be collaborated between the project proponent, consulting Tribes, and project archaeologist.

MM-CUL-4 Human Remains: Consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e), if human remains are encountered during site disturbance, grading, or other construction activities on the Project site, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which will determine and notify a most likely descendant (MLD). With the permission of the City of Coachella, the MLD may inspect the site of the discovery.

The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Consistent with CCR Section 15064.5(d), if the remains are determined to be Native American and an MLD is notified, the City of Coachella shall consult with the MLD as identified by the NAHC to develop an agreement for the treatment and disposition of the remains. Upon completion of the assessment, the consulting archaeologist shall prepare a report documenting the methods and results and provide recommendations regarding the treatment of the human remains and any associated cultural materials, as appropriate, and in coordination with the recommendations of the MLD. The report should be submitted to the City of Coachella Director of Development Services and the San Bernardino Archaeological Information Center. The City of Coachella Director of Development Services, or designee, shall be responsible for reviewing any reports produced by the archaeologist to determine the appropriateness and adequacy of findings and recommendations.

R1f

As previously stated the San Bernardino Archaeological Information Center is no longer in service. All subsequent documentation should be submitted to the applicable Information Center.

R1f

In order to cause less than a significant impact to cultural resources for the Vista Del Agua Project, specific mitigation measures would have to be followed (MM CUL 1 – 4). These measures described specific performance criteria for migration at the time of project approval. If there have been any changes to the Draft Environmental Impact Report or publication of a Final Environmental Impact Report, please notify the Tribe.

R1g

The Tribe and THPO look forward to continuing working with the City of Coachella on this project. If you have any questions, please do not hesitate to contact the Tribal Historic Preservation Office at (760) 775-3259 or by email: TNPConsultation@29palmsbomi-nsn.gov.

Sincerely,



Anthony Madrigal, Jr.
Tribal Historic Preservation Officer

cc: Darrell Mike, Twenty-Nine Palms Tribal Chairman
Sarah Bliss, Twenty-Nine Palms Cultural Resources Manager

Comment Letter No. R2

Donald Vargas, Compliance Administrator II
Imperial Irrigation District (8-13-18)

- R2a These are introductory statements that do not require a response.
- R2b Comment noted. Please see Comment Letter #12, provided in Section 2.0 a., for responses to prior concerns.
- R2c Comments noted. Please see Comment Letter #12, provided in Section 2.0 a., for responses to prior concerns.



www.iid.com

Since 1911

August 13, 2018

Mr. Luis Lopez
Director
Development Services Department
City of Coachella
1515 6th Street
Coachella, CA 92236

SUBJECT: NOA of a Recirculated Draft EIR for Vista del Agua Specific Plan Project in Coachella, CA

Dear Mr. Lopez:

Pursuant to the City of Coachella's Notice of Availability of a recirculated Draft Environmental Impact Report for the Vista del Agua Specific Plan project, where the developer, CVP Palm Springs, LLC, in affiliation with Strategic Land Partners, LP; is proposing to implement a residential, commercial and open space development on an approximately 275-acre site south of I-10 and Vista Del Sur, east of Tyler Street, and north of Avenue 48 in Coachella, CA, with approximately 29 acres of off-site infrastructure improvements within the Ave. 47, Ave. 48 and Shadow Hills Blvd. roadways/rights-of-way; the Imperial Irrigation District has reviewed the information and finds that the comments provided in the July 19, 2018 district letter (see attached letter) continue to apply.

R2a

It is important to note, as stated in the previously mentioned letter, that the project will have a substantial impact on the IID electrical system within the area.

R2b

Should you have any questions, please do not hesitate to contact me at (760) 482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,

Donald Vargas
Compliance Administrator II

Kevin Kelley – General Manager
Mike Pacheco – Manager, Water Dept.
Enrique B. Martinez – Manager, Energy Dept.,
Jamie Asbury – Deputy Manager, Energy Dept., Operations
Vance Taylor – Asst. General Counsel
Robert Laurie – Asst. General Counsel
Enrique De Leon – Asst. Mgr., Energy Dept., Distr., Planning, Eng. & Customer Service
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Harold Walk Jr. – Supervisor, Real Estate
Randy Gray – ROW Agent, Real Estate

IMPERIAL IRRIGATION DISTRICT • P.O. BOX 937 • IMPERIAL, CA 92251



www.iid.com

Since 1911

July 19, 2018

Mr. Luis Lopez
Director
Development Services Department
City of Coachella
1515 6th Street
Coachella, CA 92236

SUBJECT: Draft Program EIR for Vista del Agua Specific Plan in Coachella, CA

Dear Mr. Lopez:

Pursuant to the City of Coachella's notice of completion and publication of the Draft Program Environmental Impact Report for the Vista del Agua Specific Plan, where the developer, CVP Palm Springs, LLC, in affiliation with Strategic Land Partners, L.P.; is proposing to implement a residential, commercial and open space development, with associated on-site infrastructure improvements on an approximately 275 acre site (as well as approximately 29 acres of off-site infrastructure improvements) south of I-10 and Vista Del Sur, east of Tyler Street, and north of Avenue 48 in Coachella, California, with off-site improvements within the Ave. 47, Ave. 48 and Shadow Hills Blvd, roadways/rights-of-way; the Imperial Irrigation District has reviewed the information and has the following comments:

1. IID will not begin any engineering or estimate costs to provide electrical service for the project until the owner submits an application, detailed loading information, project schedule and estimated in-service date. The IID customer project application is available at <http://www.iid.com/home/showdocument?id=12923>.
2. Once the applicant provides the district with the required information, IID can carry out a thorough assessment to determine the specific requirements to supply electrical service to the project. Likewise, IID will determine the availability of temporary construction power from existing power lines based on construction schedules and or phasing.
3. However, based on the information provided, IID has performed a preliminary assessment of the project and has determined that there is a substantial impact to the IID electrical system within the area.
4. Therefore, the developer will be required to formally request a *Will Serve Letter* from IID, with project details. The anticipated load to supply power to the project

R2c

IMPERIAL IRRIGATION DISTRICT • P.O. BOX 937 • IMPERIAL, CA 92251

Luis Lopez
July 19, 2018
Page 2

will require the design and construction of a new 92kV transmission lines with easement corridors dedicated to IID and a new distribution substation in the vicinity of the project with the corresponding distribution circuit/backbone line extensions.

5. The electrical upgrades needed to accommodate the project's power load are the expense of the developer(s) in the area.
6. A minimum 315' by 315' substation site will be required by IID. Additional upgrade requirements include grading, fencing, applicable permits, zoning changes, environmental documentation, landscaping (if required by the City) and access rights for ingress and egress to site, as well as to power line facilities and all rights-of-way and easements for the substation and transmission line extension routes.
7. The developer(s) are required to provide IID with additional rights-of-way, easements and obtain necessary approvals from the agencies involved to allow for the construction, operation and maintenance of the proposed transmission lines and corridors for the purpose of serving Vista del Agua Specific Plan project substation, which are at the expense of the developer(s) in the area. The proposed substation site and transmission route/right-of-way, easements should be addressed in the project environmental documents.
8. For additional information regarding electrical service for the project, the applicant should be advised to contact the IID Energy - La Quinta Division Customer Operations, 81-600 Avenue 58 La Quinta, CA 92253, at (760) 398-5841 and speak with the area's project manager, Carlos Puente, for guidance and to initiate the customer service application process. Mr. Puente can also be reached (760) 398-5837 or by email at CPuente@IID.com.
9. It is important to note that IID's policy is to extend its electrical facilities only to those developments that have obtained the approval of a city or county planning commission and such other governmental authority or decision-making body having jurisdiction over said developments.
10. The applicant will be required to provide rights-of-way and easements for any power line extensions needed to serve the project.
11. Line extensions to serve the project will be made in accordance with IID Regulations:

No. 2 (<http://www.iid.com/home/showdocument?id=2540>),
No. 13 (<http://www.iid.com/home/showdocument?id=2553>),
No. 15 (<http://www.iid.com/home/showdocument?id=2555>) and
No. 20 (<http://www.iid.com/home/showdocument?id=2560>).

R2c

Luis Lopez
July 19, 2018
Page 3

12. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at <http://www.iid.com/departments/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.
13. Relocation of existing IID facilities to accommodate the project and/or to accommodate street widening improvements imposed by the City will be deemed developer-driven and all costs, as well as securing of rights of way and easements for relocated facilities, shall be borne by the applicant.
14. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully mitigated. **Any mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**
15. Dividing a project into two or more pieces and evaluating each piece in a separate environmental document (Piecemealing or Segmenting), rather than evaluating the whole of the project in one environmental document, is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies. In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. The project description should include all project components, including those that will have to be approved by responsible agencies. The State CEQA Guidelines define a project under CEQA as "the whole of the action" that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment. CEQA case law has established general principles on project segmentation for different project types.

R2c

Luis Lopez
July 19, 2018
Page 4

For a project requiring construction of offsite infrastructure, the offsite infrastructure must be included in the project description. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App. 4th 713.

16. Applicant should be advised that landscaping can be dangerous if items are planted too close to IID's electrical equipment. In the event of an outage, or equipment failure, it is vital that IID personnel have immediate and safe access to its equipment to make the needed repairs. For public safety, and that of the electrical workers, it is important to adhere to standards that limit landscaping around electrical facilities. IID landscaping guidelines are available at <http://www.iid.com/energy/safety/landscape-guidelines>.

R2c

Should you have any questions, please do not hesitate to contact me at (760) 482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,

Thanks,

Donald Vargas
Compliance Administrator II

Kevin Kelley – General Manager
Mike Pacheco – Manager, Water Dept.
Enrique B. Martinez – Manager, Energy Dept.
Charles Allegrezza – Manager, Energy Dept., Operations
Jamie Asbury – Deputy Manager, Energy Dept., Operations
Vance Taylor – Asst. General Counsel
Robert Laurie – Asst. General Counsel
Enrique De Leon – Asst. Mgr., Energy Dept., Distr., Planning, Eng. & Customer Service
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Harold Wisk Jr. – Supervisor, Real Estate
Randy Gray – ROW Agent, Real Estate

Comment Letter No. R3

Paul Rull, ALUC Urban Regional Planner IV
Airport Land Use Commission (ALUC) (8-9-18)

R3a Comment noted; ALUC review is not required. No further response is required.

From: Rull, Paul [<mailto:PRull@RIVCO.ORG>]
Sent: Thursday, August 09, 2018 3:10 PM
To: Luis Lopez
Subject: DEIR Vista Del Agua SP Project transmittal ALUC comments

Hi Luis,

Thank you for transmitting the above reference project to ALUC for review. Please note that the project is located outside of an airport influence area and therefore ALUC review is not required.

R3a

If you have any questions, please feel free to contact me.

Paul Rull
ALUC Urban Regional Planner IV



Riverside County Airport Land Use Commission
4080 Lemon Street, 14th Floor
Riverside, Ca 92501
(951) 955-6893
(951) 955-5177 (fax)
PRULL@RIVCO.ORG
www.rcaluc.org

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[County of Riverside California](#)

Comment Letter No. R4

M. Katherine Jensen, Rutan & Tucker, LLP
DiMare - Shadow View T.I.C. - Rutan (9-20-18)

- R4a Comment noted. No additional response is necessary.
- R4b Comment noted. Please see Comment Letter #7 in Section 2.0 a. for responses to prior concerns.
- R4c Comment noted. Ms. Jensen and the Shadow View Property Owners will be included on all future notifications regarding this Project.
- R4d Comments noted. Please see Comment Letter #7 in Section 2.0 a. for responses to prior concerns.



M. Katherine Jenson
Direct Dial: (714) 641-3413
E-mail: kjenson@rutan.com

September 20, 2018

**VIA E-MAIL AND
FEDERAL EXPRESS**

Mr. Luis Lopez
City of Coachella, Planning Division
1515 6th Street
Coachella, CA 92236
LLopez@coachella.org

Re: Comments on the Recirculated Draft Environmental Impact Report
Vista del Agua Specific Plan and Purported Development Agreement

Dear Mr. Lopez:

As you will recall, on July 20, 2018, my clients, DiMare/Shadow View T.I.C. ("DiMare") and Shadow View Land and Farming, LLC, an affiliate of Reading International, Inc. ("Reading") jointly submitted a comment letter on the above-referenced specific plan. Collectively, DiMare and Reading ("Shadow View Owners") own the property comprising the Shadow View Specific Plan, immediately north of the proposed Vista del Agua Project ("Project").

R4a

Given that the Draft Environmental Impact Report ("DEIR") has been recirculated for public comment without change, the Shadow View Owners hereby re-submit the comments in their July 20, 2018 letter (Attachment 1).

R4b

Thank you for the opportunity to comment on this DEIR. In addition to the Shadow View Property Owners, please include me on all future notifications regarding this Project.

R4c

Very truly yours,

RUTAN & TUCKER, LLP

M. Katherine Jenson

MKJ:lr
Attachment

Attachment 1



M. Katherine Jenson
Direct Dial: (714) 641-3413
E-mail: kjenson@rutan.com

July 20, 2018

**VIA E-MAIL AND
FEDERAL EXPRESS**

Mr. Luis Lopez
City of Coachella, Planning Division
1515 6th Street
Coachella, CA 92236
LLopez@coachella.org

Re: Comments on Draft Environmental Impact Report
Vista del Agua Specific Plan and Purported Development
Agreement

Dear Mr. Lopez:

This letter is submitted jointly by DiMare/Shadow View T.I.C. ("DiMare") and Shadow View Land and Farming, LLC, an affiliate of Reading International, Inc. ("Reading"). Collectively, DiMare and Reading ("Shadow View Owners") own the property comprising the Shadow View Specific Plan, immediately north of the proposed Vista del Agua Project ("Project").

The Shadow View Owners have serious concerns regarding the proposed Vista del Agua development. While quite unclear from the Draft Environmental Impact Report ("DEIR"), it appears that the vast majority of the 29 acres of off-site improvements are planned to take place on the privately owned property of the Shadow View Owners. Yet, the applicant has never contacted the Shadow View Owners to discuss the use of this private property. Nor have they been contacted by the City or its consultants. It therefore comes as a shock to see DEIR figures depicting the carving up of their property with public infrastructure to serve what can best be described as a hopscotched and sprawling development that has virtually no regard for what is currently on the ground within the Shadow View Project area let alone what is planned there in the future.

The Shadow View Owners submit the following preliminary comments based upon what they have been able to ascertain from the DEIR. Because they have been denied access to Project documents, however, they must reserve the right to provide additional comments once the required information and documentation is provided.

R4d



Mr. Luis Lopez
City of Coachella, Planning Division
July 20, 2018
Page 2

1. Defects in Notice of Completion.

Two Notices of Completion have been prepared for this DEIR. The first was dated June 8, 2018. The second was dated June 13, 2018, and it provided a corrected description of the location of the Project.

Even putting aside the defective property description in the first Notice, neither Notice meets the requirements of Public Resources Code section 21092(b).

First, the length and description of the public review period is flawed. The period provided for comment was less than 45 days. On its face, and assuming receipt of the Notice on June 8th, the Notice informed readers that the comments had to be submitted "prior to" July 23, 2018, *i.e.*, before July 23, 2018. The plain reading of that reference is that the comments must be submitted on or before July 22, 2018, a Sunday. That results in a comment period of less than 45 days.

More importantly, the first Notice was mailed via certified mail, with a return receipt, and was received well after June 8, 2018. This will be reflected on the return receipts sent back from the recipients. The second Notice was mailed on or after June 13, 2018, and was not received until June 19, 2018. The Notice must be given in sufficient time so that the public has notice of the full review period. (*Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal.App.4th 911, 922.)

Pursuant to Public Resources Code section 21092(b)(2), the Notice of Completion of the DEIR was required to identify the address at which copies of all documents referenced in the DEIR are available for inspection. No such information is included in the Notice. As will be discussed below, this, together with the City's refusal to provide documents upon request, including responding to formal Public Records Act requests, has impeded the public's ability to comment on the DEIR.

2. Denial of Access to Documents.

One of the five entitlements for the Project is a Development Agreement. While the Draft Specific Plan and Map are included in the Appendices for reference, the Development Agreement is not. On June 20, 2018, I requested a copy of the Agreement by e-mail. I was informed the same day by Ron Goldman that it was not available for distribution. On June 25, 2018, I submitted a formal Public Records Act request to the City Clerk requesting this document, and any term sheets or other writings reflecting its content. Neither I nor my clients have received any response to this request.

R4d



Mr. Luis Lopez
City of Coachella, Planning Division
July 20, 2018
Page 3

The DEIR says that the “physical improvements associated with the [Development Agreement] have been described in Subchapters 3.4.1, 3.4.2, and 3.4.3, above.” (DEIR, p. 3-8.) Because we have no ability to review the Development Agreement, there is no way to verify that this is correct. In addition, we expect that the Development Agreement will have extensive information about the 29 acres of off-site improvements referenced in the Project Description. Without this information, it is not possible to verify that the DEIR has captured all of the potential impacts arising from the installation and operation of those improvements.

3. Erroneous References to “Right-of-Ways” within the Shadow View Specific Plan Area.

As you know, the various tract maps within the Shadow View Specific Plan area have all expired. Since they were never finalized, no roadway or other right-of-way dedications were ever provided by the Shadow View Owners. The DEIR repeatedly refers to the 29 acres of off-site improvements as being placed within “right-of-way.” Section 3.5 does not identify any approvals that would be necessary for the acquisition of property within the Shadow View Specific Plan area. For example, there is no reference to potential eminent domain proceedings or the adoption of resolutions of necessity. Instead, on page 3-2, the City appears to be punting on the issue of right-of-way. Specifically, while acknowledging that “additional right-of-way may be needed to accommodate the off-site roadways (including Shadow View Boulevard),” the DEIR defers any analysis of this until the “tentative tract map stage.” Given that the main and secondary access to the Project utilize Shadow View Boulevard (page 3-5), how can this analysis be deferred? The entire Traffic Impact Analysis rests on the assumption that the right-of-way and access points will be available. Yet, as referenced above, the Shadow View Owners have never been contacted by the applicant.

R4d

Later in the document, the DEIR seems to concede that there is no such right-of-way when it discusses the Vista del Sur alternative. Therefore, with regard to all references to “right-of-way” within the Shadow View Specific Plan area, please specify to what “right-of-way” property rights you are referring in the Chapter 3 and Chapter 4 references. In addition, if it is the City’s intention to utilize this document as the environmental clearance for eminent domain proceedings to acquire the property rights necessary for the off-site improvements for the Vista del Agua Project, please revise the text of the DEIR accordingly.

4. Misleading, Inconsistent and Confusing Descriptions of the 29 Acres of Off-Site Improvements.

While the DEIR consistently refers to 29 acres of off-site improvements, and generally describes those improvements as being within the Shadow View Specific Plan area, the description of the improvements themselves and where the 29 acres is located is vague, inconsistent and, at times, nonsensical.

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There are repeated references to and depictions of Avenue 48 and Avenue 47 as being extended through the Shadow View Specific Plan Area. As you know, those roads do not currently exist. While there are certain dirt roads within the Shadow View Specific Plan area, they are not open to the public. Indeed, as a result of issues with homeless encampments, and at the insistence of the City, the Shadow View Owners recently incurred great expense to clean up and fence the Shadow View property.

There is no map which depicts the 29 acres. Nor are the parcels comprising the 29 acres identified. Moreover, the way the descriptions have been worded suggests there are major omissions in the descriptions. For example, on page 3-5, the roadway extensions that the applicant must build during Phase I is described as consisting of 11,600 linear feet of roadway, with a width of 30 feet. This equates to 348,000 square feet of pavement. One would assume that the sewer and water lines would be within the roadway extensions. Yet this square footage equated to just 27.5 % of the 29 acres (1,263,240 square feet). What improvements would the applicant propose for the remaining 72.5% of the 29 acres?

Page 3-1 indicates that water lines, sewer lines and roadway extensions will be within Avenue 47 and Avenue 48 right-of-ways. What right-of-ways? Page 3-2 indicates the same, but now includes "Shadow Hills Blvd." What area is being referenced? Does the City claim to hold right-of-way within Shadow Hills Blvd.?

The description of Circulation on page 3-5 is equally confusing. It indicates that the majority of the traffic will utilize Avenue 48/"Shadow View Drive" as the main access roadway. It references that the Vista del Agua Project will provide the improvements referenced on pages 5-1 and 5-2 of the Specific Plan. Those pages describe the full improvements to those roadways, including pedestrian and bike lanes. Yet in the third paragraph on page 3-5, under the heading of "Circulation," the DEIR states that the Project will only be responsible for a total of 30' feet of paving. Precisely what improvements will the Project be providing in these off-site locations? And please provide a schematic of what the 30 feet of paving would look like when the pedestrian and bike lanes are added.

The document indicates that this 30-feet of paved roadway is commensurate with the needs/impacts generated by the Project. Where has this been calculated or justified? This suggests that these improvements are being treated as "fair share" improvements. However, that is not how the corresponding mitigation measures describe the required improvements.

5. Concerns with Traffic Mitigation Measures Being Incomplete and Ineffective.

Mitigation Measure MM-TR-1 requires the applicant to construct a new extension of Avenue 47/Shadow View Boulevard to Dillion Road. It does not indicate that this roadway will

R4d



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be only 30 feet in width. Nor does the Traffic Impact Study in the Appendices indicate that the assumed mitigation will be only a partial construction of the referenced roadway. To the contrary, it states that the referenced mitigation measures are the minimum required to improve operations to LOS D or better. (See footnote 1 to Table 4.14.4-5.)

Please indicate where in the analysis it is demonstrated that the various referenced roadway improvements imposed as mitigation will be adequate if built only to 30 feet in width.

The Specific Plan and the DEIR clearly indicate that the Project will use Avenue 48/Shadow View Boulevard as the main access roadway and Avenue 47/Shadow View Boulevard will be a secondary access. (E.g., p. 3-5.) However, Shadow View Drive is not mentioned in the Project Phasing (Table 3.4.2-1). Moreover, the extension of Avenue 48 and its connection to Shadow View Boulevard appears to be omitted from the Mitigation Measures altogether. Why is this not a mitigation measure? How does the DEIR assume that the extension of Avenue 48 will occur?

With regard to the "fair share payment" mitigation contained in Mitigation Measure MM-TR-3, where is the assurance that the measure will actually be completed? For example, collecting 3.33% for an improvement does not provide any assurance that the measure will actually be constructed. This type of measure only works where it is part of a program specifically designed to ensure the improvement will ultimately be installed. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173.)

R4d

6. Land Use Consistency.

We note that in the Land Use section (4.10), many General Plan policies are referenced, but the following, which is one of the most critical relating to this Project, is omitted:

2.10 Contiguous development pattern. Encourage and incentivize development to occur contiguous to, or proximate to, existing built areas to facilitate delivery of City services and minimize "leapfrog" development not connected to existing urbanized areas.

(See also General Plan p. 2-09 "New development will generally be contiguous (or proximate) to existing development and leapfrog development will be avoided.")

The Land Use analysis should address the Project's potential inconsistency with this policy. Given the Project's isolated location, and the distance to urbanized areas, this Project appears to be directly at odds with this core policy.



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7. Alternative Analysis.

The Vista del Sur alternative assumes that the Project will take no access across the Shadow View Specific Plan area. It also concludes that the traffic impacts of that alternative are the same as the Project. Is there any analysis that supports that conclusion? How can this conclusion be supported when there would be an elimination of both the primary and secondary access points?

What changes and improvements would be necessary for Tyler Street to accommodate this alternative?

R4d

The DEIR's level of analysis of this alternative does not appear to be sufficient to support a decision to adopt that alternative in lieu of the Project. The Shadow View Owners request that the City undertake an in-depth analysis of that alternative so that if the City is inclined to approve this Project, the City would be in a position to approve that alternative rather than the Project.

Thank you for the opportunity to comment on this DEIR. In addition to the Shadow View Property Owners, please include me on all future notifications regarding this Project.

Very truly yours,

RUTAN & TUCKER, LLP

A handwritten signature in black ink, appearing to read "M. Katherine Jenson".

M. Katherine Jenson

2.0 c. COMMENTS RECEIVED FROM PLANNING COMMISSION WORKSHOP – MARCH 2019

Although this comment letter was not received directly in relation to the circulation of the EIR, the City of Coachella determined that it was important to include here in the Final EIR and to provide responses.

Comment Letter - PC

M. Katherine Jensen, Rutan & Tucker, LLP
DiMare - Shadow View T.I.C. - Rutan (3-18-19)

- PCa These are introductory statements that do not require a response.
- PCb Prior concerns raised by the Shadow View Owners have been addressed in responses to comments in their letters dated July 20, 2018 and September 20, 2018. These comment letters and responses to comments are provided in the Final EIR. The responses to comments (specifically in to the July 20, 2018 comment letter) address the Project access and utility provision. The City, as lead agency, feels that these concerns have been adequately and fully addressed. Please reference response to comment 7b of the July 20, 2018 letter as it pertains to Project access via a future Shadow View Boulevard construction.
- PCc Off-site improvements are shown to take place on the Shadow View Property. Please reference the response to comment 7i of the July 20, 2018 letter, provided in Section 2.0 of the FEIR. Conversations were held between the applicant and the Shadow View Owner. Please reference response to comment 7b of the July 20, 2018 letter. The opinion provided pertaining to the “carving up” of the Shadow View Specific Plan is also fully discussed in response to comment 7b. The EIR describes/characterizes the current condition of the Shadow View Property (see Chapter 3 – Project Setting and Project Description, p. 3-2) and is consistent with what is depicted in the Shadow View Specific Plan for Shadow View Boulevard (see Shadow View Specific Plan Circulation Master Plan, Exhibit 3-5, p. 3-13).
- PCd Prior concerns raised by the Shadow View Owners have been addressed in responses to comments in their letters dated July 20, 2018 and September 20, 2018, provided in Section 2.0 a. of the FEIR. All available Project documents have been provided to the Shadow View Owners. Without further specificity as to which Project documents they are claiming to have been denied, no further response is required. Comment noted pertaining to the right to provide additional comments.
- PCe The Development Agreement (DA) is one of the 5 entitlements included in the EIR (see Chapter 3 – Project Setting and Project Description, p. 3-8). The DA was not included in the appendices of the EIR, as it was not available at the time of the public circulation of the EIR. Comment noted on the chronology provided pertaining to request for copies of the DA.
- PCf As stated in response to comment 7i of the July 20, 2018 letter, provided in Section 2.0 a. of the FEIR, the EIR anticipated the submittal/approval of a DA, and the analysis of the EIR factored in a development agreement. Upon submittal of a DA, it will be reviewed for consistency with the EIR. If the DA is consistent with the analysis contained in the EIR, then no further analysis will be required. This response represents the City’s independent judgment as it pertains to the scope of any anticipated DA. The remainder of this

comment entirely or partially consists of the expression of an opinion not supported by factual evidence or legal argument. The comment is too vague and does not lend itself to further explanation. The City notes this comment, but no further discussion is required by CEQA.

- PCg The City acknowledges that no roadway or other right-of-way dedications have been granted by the Shadow View Owners or their predecessors. The remainder of this comment was addressed in response to comment 7b on the July 20, 2018 comment letter, provided in Section 2.0 a. of the FEIR. No further discussion is required by CEQA.
- PCh This comment was addressed in response to comment 7l of the July 20, 2018 comment letter, provided in Section 2.0 a. of the FEIR. No further discussion is required by CEQA.
- PCi This comment was addressed in response to comment 7l of the July 20, 2018 comment letter, provided in Section 2.0 a. of the FEIR. No further discussion is required by CEQA.
- PCj This comment was addressed in response to comment 7m of the July 20, 2018 comment letter, provided in Section 2.0 a. of the FEIR. No further discussion is required by CEQA.
- PCK This comment was addressed in response to comment 7n of the July 20, 2018 comment letter, provided in Section 2.0 a. of the FEIR. No further discussion is required by CEQA.
- PCI This comment was addressed in response to comment 7o of the July 20, 2018 comment letter, provided in Section 2.0 a. of the FEIR. No further discussion is required by CEQA.
- PCm This comment was addressed in response to comment 7p of the July 20, 2018 comment letter, provided in Section 2.0 a. of the FEIR. No further discussion is required by CEQA.
- PCn This comment was addressed in response to comment 7q of the July 20, 2018 comment letter, provided in Section 2.0 a. of the FEIR. No further discussion is required by CEQA.
- PCo This comment was addressed in response to comment 7r of the July 20, 2018 comment letter, provided in Section 2.0 a. of the FEIR. No further discussion is required by CEQA.
- PCp The Planning Commission is being provided the following for consideration:
- General Plan Amendment No. 14-01;
 - Specific Plan No. 14-01;
 - Change of Zone No. 14-01;
 - Tentative Parcel Map No. 36872; and
 - Environmental Impact Report (EA No. 14-04).

These plans and documents accurately depict the proposed improvements that will be provided in the off-site locations. This information has been made available to the Shadow View Owners during the Notice of Preparation (NOP) as well as during the public circulation of the EIR. No comments were received during the NOP from the Shadow View Owners (reference Subchapter 2.2.3 of the EIR – Summary of Responses to the NOP). Two letters were received by the City from the Shadow View Owners during the public circulation of the EIR (July 20, 2018 and September 20, 2018). All off-site improvements, and the locations of these improvements were disclosed during the NOP and EIR.

-
- PCq This comment was addressed in response to comments 7s and 7t of the July 20, 2018 comment letter, provided in Section 2.0 a. of the FEIR. No further discussion is required by CEQA.
- PCr This comment was addressed in response to comment 7u of the July 20, 2018 comment letter, provided in Section 2.0 a. of the FEIR. No further discussion is required by CEQA.
- PCs This comment was addressed in response to comment 7v of the July 20, 2018 comment letter, provided in Section 2.0 a. of the FEIR. No further discussion is required by CEQA.
- PCt This comment was addressed in response to comments 7w and 7x of the July 20, 2018 comment letter, provided in Section 2.0 a. of the FEIR. No further discussion is required by CEQA.
- PCu This comment was addressed in response to comment 7y of the July 20, 2018 comment letter, provided in Section 2.0 a. of the FEIR. No further discussion is required by CEQA.
- PCv This comment was addressed in response to comment 7z of the July 20, 2018 comment letter, provided in Section 2.0 a. of the FEIR. No further discussion is required by CEQA.
- PCw This comment was addressed in response to comment 7aa of the July 20, 2018 comment letter, provided in Section 2.0 a. of the FEIR. No further discussion is required by CEQA.
- PCx Comment noted. The commenter has been added to the CEQA Consultant's EIR Distribution List and will be provided with future notifications as it pertains to the Project.



M. Katherine Jensen
Direct Dial: (714) 641-3413
E-mail: kjensen@rutan.com

March 18, 2019

**VIA E-MAIL AND
FEDERAL EXPRESS**

Honorable Chairperson Denise Delgado
Vice Chair Mike Etheridge
Commissioners Ramirez, Zamora, Miranda and
Alternate Commissioner Davila
Mr. Luis Lopez, Development Services Director
City of Coachella Planning Commission
1515 6th Street
Coachella, CA 92236

LLopez@coachella.org

Re: Vista del Agua Planning Commission Workshop - Wednesday, March 20, 2019

Dear Honorable Planning Commissioners and Mr. Lopez:

This letter is submitted jointly by DiMare/Shadow View T.I.C. ("DiMare") and Shadow View Land and Farming, LLC, an affiliate of Reading International, Inc. ("Reading"). Collectively, DiMare and Reading ("Shadow View Owners") own the property comprising the Shadow View Specific Plan, immediately north of the proposed Vista del Agua Project ("Project").

PCa

The Shadow View Owners have consistently voiced serious concerns regarding the proposed Vista del Agua development and how its off-site infrastructure will impact the Shadow View Owners' property. These concerns go to the core of the Project – how it will be accessed and how it will be served by utilities. Neither the City nor the developer have responded to these concerns. Instead, the Project's Specific Plan continues to assume that the Project applicant and/or the City will have free reign over the private property of the Shadow View Owners. This assumption is false, and it is therefore premature to proceed with the Project until these fundamental issues are addressed.

PCb

Based upon the Draft Environmental Impact Report ("DEIR"), the vast majority of the 29 acres of off-site improvements are planned to take place on the privately owned property of the Shadow View Owners; yet the applicant has never contacted the Shadow View Owners to discuss use of this private property. Nor have the Shadow View Owners been contacted by the City or its consultants. However the figures in the Project's Specific Plan and the DEIR continue to depict the carving up of the Shadow View Specific Plan property with public infrastructure to serve what can best be described as a hoppedscotch and sprawling development. Moreover, the Project has no

PCc



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regard for what is currently on the ground within the Shadow View Project area, let alone what is planned for that property in the future.

PCc

The Shadow View Owners submitted preliminary comments on the DEIR based upon what they have been able to ascertain from the DEIR and the draft Specific Plan. Because they (and the public) have been denied access to other key Project documents, however, the Shadow View Owners must reserve their right to provide additional comments once the required information and documentation is provided.

PCd

1. No Access to Key Documents.

One of the five entitlements for the Project is a Development Agreement. While the Draft Specific Plan and Map are included in the DEIR Appendices, the Development Agreement is not. On June 20, 2018, I requested a copy of the Agreement by e-mail. I was informed the same day by Ron Goldman that it was not available for distribution. On June 25, 2018, I submitted a formal Public Records Act request to the City Clerk requesting this document, and any term sheets or other writings reflecting its content. On August 9, 2018, I received a letter from the Coachella City Clerk saying that no such documents exist. To date, no draft of the Development Agreement is available on the City's webpage.

PCe

The Development Agreement is a key component of the Project. The DEIR says that the "physical improvements associated with the [Development Agreement] have been described in Subchapters 3.4.1, 3.4.2, and 3.4.3, above." (DEIR, p. 3-8.) Because we have no ability to review the Development Agreement, there is no way to verify that this is correct. In addition, we expect that the Development Agreement will have extensive information about the 29 acres of off-site improvements referenced in the Project Description. Without this information, it is not possible to verify that the DEIR has captured all of the potential impacts arising from the installation and operation of those improvements. Further, without this information, how can the Planning Commission or the public provide meaningful input on this Project?

PCf

2. Erroneous References to "Right-of-Ways" within the Shadow View Specific Plan Area.

No roadway or other right-of-way dedications have ever been granted by the Shadow View Owners or their predecessors. However the DEIR repeatedly refers to the 29 acres of off-site improvements as being placed within "right-of-way." Section 3.5 of the DEIR does not identify any approvals that would be necessary for the acquisition of property within the Shadow View Specific Plan area. For example, there is no reference to potential eminent domain proceedings or the adoption of resolutions of necessity. Instead, on page 3-2, the City appears to be punting on the issue of right-of-way. Specifically, while acknowledging that "additional right-of-way may be

PCg



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needed to accommodate the off-site roadways (including Shadow View Boulevard)," the DEIR defers any analysis until the "tentative tract map stage." Given that the main and secondary access to the Project utilize Shadow View Boulevard (page 3-5), how can this analysis be deferred? The entire Traffic Impact Analysis rests on the assumption that the right-of-way and access points will be available. Yet, as referenced above, the Shadow View Owners have never been contacted by the applicant regarding acquisition of any right-of-way.

PCg

Later in the document, the DEIR seems to concede that there is no such right-of-way when it discusses the Vista del Sur alternative. If the Vista del Sur alternative is now the proposed project, the City and the applicant need to make that clear to the public and fully study the impacts of that alternative.

PCh

In addition, if it is the City's intention to utilize this document as the environmental clearance for eminent domain proceedings to acquire the property rights necessary for the off-site improvements for the Vista del Agua Project, the City would need to revise and recirculate the text of the DEIR accordingly.

PCi

3. Misleading, Inconsistent and Confusing Descriptions of the 29 Acres of Off-Site Improvements.

While the DEIR consistently refers to 29 acres of off-site improvements, and generally describes those improvements as being within the Shadow View Specific Plan area, the descriptions of the improvements themselves and where the 29 acres is located are vague, inconsistent and, at times, nonsensical.

PCK

There are repeated references to and depictions of Avenue 48 and Avenue 47 as being extended through the Shadow View Specific Plan Area. Those roads do not currently exist. While there are certain dirt roads within the Shadow View Specific Plan area, they are not open to the public. Indeed, as a result of issues with homeless encampments, and at the insistence of the City, the Shadow View Owners incurred great expense to clean up and fence the Shadow View property.

PCl

There is no map which depicts the location of the 29 acres, nor are the parcels comprising the 29 acres identified. Moreover, there appear to be major omissions in the limited description of infrastructure. For example, on page 3-5, the roadway extension that the applicant must build during Phase I is described as consisting of 11,600 linear feet of roadway, with a width of 30 feet. This equates to 348,000 square feet of pavement. One would assume that the sewer and water lines would be within the roadway extensions, yet this square footage equated to just 27.5 % of the 29 acres (1,263,240 square feet). What improvements would the applicant propose for the remaining 72.5% of the 29 acres?

PCm

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Page 3-1 indicates that water lines, sewer lines and roadway extensions will be within Avenue 47 and Avenue 48 right-of-ways. What right-of-ways? Page 3-2 indicates the same, but now includes "Shadow Hills Blvd." What area is being referenced? Does the City claim to hold right-of-way within Shadow Hills Blvd.?

PCn

The description of Circulation on page 3-5 is equally confusing. It indicates that the majority of traffic will utilize Avenue 48/"Shadow View Drive" as the main access roadway. It references that the Vista del Agua Project will provide the improvements referenced on pages 5-1 and 5-2 of the Specific Plan. Those pages describe the full improvements to those roadways, including pedestrian and bike lanes. However in the third paragraph on page 3-5, under the heading of "Circulation," the DEIR states that the Project will only be responsible for a total of 30' feet of paving.

PCo

The DEIR indicates that this 30-feet of paved roadway is commensurate with the needs/impacts generated by the Project. Where has this been calculated or justified? This suggests that these improvements are being treated as "fair share" improvements. However, that is not how the corresponding mitigation measures describe the required improvements.

PCp

This Commission and the public have a right to know precisely what improvements the Project will be providing in these off-site locations. And if public improvements are being proposed on the Shadow View Owner's private property, certainly those Owners have a right to know what is proposed.

PCq

4. Concerns with Traffic Mitigation Measures Being Incomplete and Ineffective.

Mitigation Measure MM-TR-1 requires the applicant to construct a new extension of Avenue 47/Shadow View Boulevard to Dillion Road. It does not indicate that this roadway will be only 30 feet in width. Nor does the Traffic Impact Study in the Appendices indicate that the assumed mitigation will be only a partial construction of the referenced roadway. To the contrary, it states that the referenced mitigation measures are the minimum required to improve operations to LOS D or better. (See footnote 1 to Table 4.14.4-5.)

PCr

Please indicate where in the analysis it is demonstrated that the various referenced roadway improvements imposed as mitigation will be adequate if built only to 30 feet in width.

The Specific Plan and the DEIR clearly indicate that the Project will use Avenue 48/Shadow View Boulevard as the main access roadway and Avenue 47/Shadow View Boulevard will be a secondary access. (E.g., p. 3-5.) However, Shadow View Drive is not mentioned in the Project Phasing. (Table 3.4.2-1.) Moreover, the extension of Avenue 48 and its connection to

PCs



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Shadow View Boulevard appears to be omitted from the Mitigation Measures altogether. Why is this not a mitigation measure? How does the DEIR assume that the extension of Avenue 48 will occur?

PCs

With regard to the "fair share payment" mitigation contained in Mitigation Measure MM-TR-3, where is the assurance that the measure will actually be completed? For example, collecting 3.33% for an improvement does not provide any assurance that the measure will actually be constructed. This type of measure only works where it is part of a program specifically designed to ensure the improvement will ultimately be installed. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173.)

PCt

5. Land Use Consistency.

We note that in the Land Use section (4.10), many General Plan policies are referenced, but the following, which is one of the most critical relating to this Project, is omitted:

2.10 Contiguous development pattern. Encourage and incentivize development to occur contiguous to, or proximate to, existing built areas to facilitate delivery of City services and minimize "leapfrog" development not connected to existing urbanized areas.

PCu

(See also General Plan p. 2-09 "New development will generally be contiguous (or proximate) to existing development and leapfrog development will be avoided.")

The Land Use analysis should address the Project's potential inconsistency with this policy. Given the Project's isolated location, and the distance to urbanized areas, this Project appears to be directly at odds with this core policy.

6. Alternative Analysis.

The Vista del Sur alternative assumes that the Project will take no access across the Shadow View Specific Plan area. It also concludes that the traffic impacts of that alternative are the same as the Project. Is there any analysis that supports that conclusion? How can this conclusion be supported when there would be an elimination of both the primary and secondary access points?

PCv

What changes and improvements would be necessary for Tyler Street to accommodate this alternative?

PCw



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The DEIR's level of analysis of this alternative does not appear to be sufficient to support a decision to adopt that alternative in lieu of the Project. The Shadow View Owners had previously requested that the City undertake an in-depth analysis of that alternative so that, if the City is inclined to approve that alternative, the City would be in possession of the necessary information to approve that alternative rather than the Project. To our knowledge, the City has not completed or undertaken the requested analysis.

PCx

7. Failure to Provide Notice.

As a final note, in my prior letters of July 20, 2018 and September 20, 2018, I requested that I be provided with notice of all notifications relating to the Project. I was not provided with any notice of this workshop. For the third time, I request that City staff include me on all future notifications regarding this Project.

PCy

Very truly yours,

RUTAN & TUCKER, LLP

A handwritten signature in black ink, appearing to read "M. Katherine Jenson".

M. Katherine Jenson

MKJ:lr

cc: Carlos L. Campos, City Attorney (via e-mail)
Clients (via e-mail)

3.0 ERRATA

Changes to the EIR are noted below. Underlining indicates additions to the text; striking indicates deletions to the text. The changes to the EIR do not affect the overall conclusions of the environmental document. These errata represent changes to the EIR to provide clarification, corrections, or revisions as needed as a result of public comments on the EIR, or due to additional information received during the public review period. These clarifications and corrections are not considered to result in any new or more severe impacts than identified in the EIR and are not otherwise deemed to warrant EIR recirculation pursuant to CEQA Guidelines §15088.5. Changes are listed by page and where appropriate by paragraph. Added or modified text is shown by underlining (example) while deleted text is shown by striking (example).

It is important to note that a Development Agreement (DA) was drafted after the EIR was circulated. The year 2022 was assumed in the EIR as the Project buildout year; this is more conservative (i.e. would uncover more impacts) than a longer build horizon would be. With the incorporation of the terms included in the DA, a 2030 buildout year is assumed. By assuming a 2022 buildout year, more impacts would have been uncovered in the EIR, than if the EIR had assumed a 2030 buildout year, which would uncover similar or lesser impacts due to the longer time horizon. The EIR is not revising the text from 2022 to 2030, however, this is presented here for informational purposes and applies to the following pages of the EIR where the 2022 buildout year is referenced:

Page 1-6; Page 1-43; Page 2-3; Page 4-1; Page 4.4-3; Page 4.4-4; Page 4.4-35; Page 4.11-17; Page 4.11-27; Page 4.11-28; Page 4.11-29; Page 4.11-32; Page 4.11-33; Page 4.11-34; Page 4.11-42; Page 4.14-3; Page 4.14-18; Page 4.14-22; Page 4.14-30; Page 4.14-31; Page 4.14-32; Page 4.14-33; Page 4.14-34; Page 4.14-35; Page 4.14-36; Page 4.14-37; Page 4.14-38; Page 4.14-39; Page 4.14-40; Page 4.14-42; Page 4.14-44; Page 4.14-45; Page 4.14-46; Page 4.14-54; Page 4.14-55; Page 4.14-56; Page 4.14-60; Page 4.14-61; Page 4.14-93; Page 4.14-94; and Page 6-11.

EIR Page 1-12 Thresholds b. and c. under Aesthetics, as outlined in **Table 1-5-1, Summary of Impacts and Mitigation Measures Discussed in this EIR**, are transposed. The modification is as follows:

b. Would the Project <u>result in the degradation of the existing visual character or quality of the site and its surroundings?</u> b. Would the Project substantially damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Mitigation not required	Not applicable	Not applicable	Mitigation not required
<u>b. Would the Project substantially damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</u> c. Would the Project result in the degradation	Mitigation not required	Not applicable	Not applicable	Mitigation not required

of the existing visual character or quality of the site and its surroundings?				
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EIR Page 1-13 **MM-AQ-2** as outlined in **Table 1-5-1, Summary of Impacts and Mitigation Measures Discussed in this EIR**, and Page 4.4-54, Section 4.4.5 (Standard Conditions and Mitigation Measures), **MM-AQ-2**. This change was made to the mitigation measure per the South Coast Air Quality Management District Letter and the City of Coachella.

MM-AQ-2 The Project shall require that construction contractor use construction equipment that have Tier 4, or better, final engines, level 3 diesel particulate filters (DPF), with oxidation catalyst that impart 20% reduction and apply coatings with a VOC content no greater than 10 grams per liter (g/L).

EIR Page 1-15 **MM-AQ-10** as outlined in **Table 1-5-1, Summary of Impacts and Mitigation Measures Discussed in this EIR**, and Page 4.4-56, Section 4.4.5 (Standard Conditions and Mitigation Measures), **MM-AQ-10**. This change was made to the mitigation measure per the City of Coachella.

MM-AQ-10 Construction Waste Management Plan. Prior to issuance of a building permit, the applicant shall submit a Construction Waste Management Plan. The plan shall include procedures to recycle and/or salvage at least 75 percent of nonhazardous construction and demolition debris and shall identify materials to be diverted from disposal and whether the materials would be stored on-site or commingled. Excavated soil and land-clearing debris do not contribute to this credit. Calculation can be done by weight or volume but must be documented.

EIR Page 1-15 **MM-AQ-11** as outlined in **Table 1-5-1, Summary of Impacts and Mitigation Measures Discussed in this EIR**, and Page 4.4-56, Section 4.4.5 (Standard Conditions and Mitigation Measures), **MM-AQ-11**. This change was made to the mitigation measure per the City of Coachella.

MM-AQ-11 Project shall improve the pedestrian network by incorporating sidewalks and paseos within the property.

EIR Pages 1-15 and 1-18 **MM-AQ-12** as outlined in **Table 1-5-1, Summary of Impacts and Mitigation Measures Discussed in this EIR**, and Pages 4.4-56 and 4.4-58, Section 4.4.5 (Standard Conditions and Mitigation Measures), **MM-AQ-12**. This change was made to the mitigation measure per the City of Coachella.

MM-AQ-12 Project Operations. Prior to issuance of any construction permits, the Project applicant shall submit for review and approval by the City of Coachella Public Works Director, building plans that incorporate measures such as, but not limited to, the following:

Operational Mitigation Measures (Materials Efficiency)

Project plans for each Tentative Tract Map will include the following materials efficiency components. Materials used for buildings, landscape, and infrastructure will be chosen with a preference for the following characteristics:

- Rapidly renewable;
 - Increased recycle content (50 percent or greater); locally

- sourced materials (within the South Coast Air Basin);
- Utilization of sustainable harvesting practices; and
- Materials with low or no volatile organic compounds (VOCs) off-gassing.

Operational Mitigation Measures (Transportation)

- Provide one electric car charging station for every 10 high-density residences and provisions for electric car charging stations in the garages of all ~~medium-, low-, and ultra-low-density housing~~ residential dwellings as required by the California Energy Commission. Provide at least two designated parking spots for parking of zero emission vehicles (ZEVs) for car-sharing programs in all employee/worker parking areas.

Operational Mitigation Measures (Energy Efficiency). Project plans for each Tentative Tract Map will include the following energy efficiency components:

- Design to United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED);
- GreenPoint Rated standard, or better for all new buildings constructed within the Project;
- Energy-efficient light-emitting diode (LED) lighting and solar photovoltaic lighting fixtures in all common areas of the site;
- Energy-efficient appliances (ENERGY STAR or equivalent), and high efficiency heating, ventilation, and air conditioning (HVAC) systems in all on-site buildings;
- Green building techniques that increase building energy efficiency above the minimum requirements of Title 24;
- Installation of photovoltaic panels on a minimum of 25 percent of the buildings on site, or as required by the California Energy Commission in year 2020; and
- Utilization of high reflectance materials for paving and roofing materials on residential, commercial, and school buildings

EIR Page 1-23 **MM-CUL-1** as outlined in **Table 1-5-1, Summary of Impacts and Mitigation Measures Discussed in this EIR**, and Page 4.6-18, Section 4.6.5 (Standard Conditions and Mitigation Measures), **MM-CUL-1**. Changes were made to the mitigation measure per discussions with local Tribes.

MM-CUL-1 RIV-7835 Avoidance (Planning Area 5). Prior to the issuance of a grading ~~plan~~ permit, or any activity that would involve initial ground disturbance in the vicinity of RIV-7835, the Project archaeologist will review said plans/activities to determine that none of the resources located in RIV-7835 shall be impacted by the Project development. The Project archaeologist shall make recommendations, where applicable, to protect resources contained in RIV-7835 from potential encroachment from the Project that includes fencing or flagging during all phases of development. The fencing and flagging of RIV-7835 shall be removed after construction is completed and the area shall be planted with low maintenance vegetation.

EIR Page 1-23 **MM-CUL-2** is added to **Table 1-5-1, Summary of Impacts and Mitigation Measures Discussed in this EIR**, under Threshold b.

b. Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	See MM-CUL-2 , above. MM-CUL-3 Archaeological Monitoring Plan and Accidental Discovery. Prior to commencement of any grading activity...	MM-CUL-3 Prior to commencement of any grading activity	MM-CUL-3 City of Coachella Director of Development Services	Less than significant
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EIR Pages 1-23 to 1-26 **MM-CUL-3** as outlined in **Table 1-5-1, Summary of Impacts and Mitigation Measures Discussed in this EIR**, and Pages 4.6-19 and 4.6-20, Section 4.6.5 (Standard Conditions and Mitigation Measures), **MM-CUL-3**. Changes were made to the mitigation measure per discussions with local Tribes.

MM-CUL-3 Archaeological Monitoring Plan and Accidental Discovery. Prior to commencement of any grading activity on the Project site and consistent with the findings of the cultural resources surveys and reports regarding the sensitivity of each area on the Project site for cultural resources, the City shall prepare a Monitoring Plan. The Monitoring Plan shall be prepared by a qualified archaeologist and shall be reviewed by the City of Coachella Director of Development Services, in consultation with the 29 Band of Mission Indians. The Monitoring Plan will include at a minimum:

- (1) A list of personnel involved in the monitoring activities;
- (2) A description of how the monitoring shall occur;
- (3) A description of frequency of monitoring (e.g., full-time, part-time, spot checking);
- (4) A description of what resources may be encountered;
- (5) A description of circumstances that would result in the halting of work at the Project site (e.g., what is considered a "significant" archaeological site);
- (6) A description of procedures for halting work on site and notification procedures; and
- (7) A description of monitoring reporting procedures.

If any significant historical resources, archaeological resources, or human remains are found during monitoring, work should stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. Project personnel shall not collect or move any archaeological materials or human remains and associated materials. To the extent feasible, Project activities shall avoid such resources.

Where avoidance is not feasible, the resources shall be evaluated for their eligibility for listing in the California Register of Historical Resources. If a resource is not eligible, avoidance is not necessary. If a resource is eligible, adverse effects to the resource must be avoided, or such effects must be mitigated. Mitigation can include, but is not necessarily limited to: excavation of the deposit in accordance with a cultural resource mitigation or data recovery plan that makes provisions for adequately recovering the scientifically consequential information from and about the resource (see California Code of Regulations Title 4(3) Section 15126.4(b)(3)(C)). The data recovery plan shall be prepared and adopted prior to any excavation and should make provisions for sharing of information with Tribes that have requested Senate Bill 18 (SB 18) consultation. The data recovery plan shall employ standard archaeological field methods and procedures; laboratory

and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the archaeological site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; an interpretive display of recovered archaeological materials at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered archaeological materials. Results of the study shall be deposited with the regional California Historical Resources Information Center (CHRIS) repository.

It shall be the responsibility of the City Department of Public Works to verify that the Monitoring Plan is implemented during Project grading and construction. Upon completion of all monitoring/ mitigation activities, the consulting archaeologist shall submit a monitoring report to the City of Coachella Director of Development Services and to the ~~San Bernardino Archaeological Information Center~~ Eastern Information Center c/o Dept. of Anthropology, University of California Riverside summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. The monitoring report shall be prepared consistent with the guidelines of the Office of Historic Preservation's Archaeological Resources Management Reports (ARMR): Recommended Contents and Format. The City of Coachella Director of Development Services or designee shall be responsible for reviewing any reports produced by the archaeologist to determine the appropriateness and adequacy of findings and recommendations.

EIR Pages 1-36 through 1-37 **MM-NOI-1** as outlined in **Table 1-5-1, Summary of Impacts and Mitigation Measures Discussed in this EIR**, and Page 4.11-40, Section 4.11.5 (Standard Conditions and Mitigation Measures), **MM-NOI-1**. This change was made to the mitigation measure per the City of Coachella.

- MM-NOI-1 During any earth movement construction activities during any phase of development the developer shall:
- Locate stationary construction noise sources such as generators or pumps at least 300 feet from sensitive land uses, as feasible;
 - Locate construction staging areas ~~should be located~~ as far from noise sensitive land uses as feasible;
 - Ensure all construction equipment is equipped with appropriate noise attenuating devices to reduce the construction equipment noise by 8 to 10 dBA;
 - Turn off idling equipment when not in use;
 - Maintain equipment so that vehicles and their loads are secured from rattling and banging;
 - Limit the amount of heavy machinery equipment operating simultaneously to two (2) pieces of equipment within a 50-foot radius of each other (when located with 100 feet of existing residential units); and
 - Install temporary noise control barriers that provide a minimum noise level attenuation of 10.0 dBA when Project construction occurs near existing noise-sensitive structures. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the noise source. Unnecessary openings shall not be

made.

- The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired.
- The noise control barriers and associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity.

EIR Pages 1-42 and 1-43 **MM-TR-1** as outlined in **Table 1-5-1, Summary of Impacts and Mitigation Measures Discussed in this EIR**, and Pages 4.14-59 and 4-14-60, Section 4.14.5 (Standard Conditions and Mitigation Measures), **MM-TR-1**. This change was made to the mitigation measure based on comments received on the EIR from Rutan and Tucker, LLP per the Project Traffic Engineer and City of Coachella.

MM-TR-1

For Existing Plus Project Conditions, the Project applicant is required to make the following improvements at the following intersections and roadway segments (prior to the 1st occupancy):

- Roadway Segment Improvements
 - Construct new extension of Shadow View Boulevard from to Dillon Road to Avenue 48;
 - Construct new extension of Avenue 47 from Tyler Street to Shadow View Boulevard; and
 - Construct new extension of Avenue 48 from Tyler Street to Shadow View Boulevard.
- Intersection of Dillon Road and Shadow View Boulevard:
 - ~~Construct new extension of Avenue 47/Shadow View Boulevard to Dillon Road.~~
 - Install traffic signal
 - Install southbound (SB) left-turn lane.
 - Install westbound (WB) left-turn lane.
 - Install WB right-turn signal.
- Intersection of Tyler Street and Avenue 47:
 - Install all-way stop signs.
- Intersection of Tyler Street and Avenue 48:
 - Install all-way stop signs.
- Intersection of Street "A" and Vista Del Sur:
 - Install all-way stop signs.
 - Install NB left-turn lane.
 - Install EB right-turn signal.
- Intersection of Street "A" and Avenue 47:
 - Install all-way stop signs.
 - Install northbound (NB) left-turn lane.
 - Install NB thru-turn lane.
 - Install NB thru/right-turn lane.
 - Install SB left-turn lane.
 - Install SB thru-turn lane.
 - Install SB thru/right-turn lane.
 - Install eastbound (EB) left-turn lane.
 - Install EB thru-turn lane.
 - Install EB thru/right-turn lane.
 - Install WB left-turn lane.

- o Install WB thru-turn lane.
 - o Install WB thru/right-turn lane.
- Intersection of Street "A" and Avenue 48:
 - o Install all-way stop signs.
 - o Install NB left-turn lane.
 - o Install NB thru-turn lane.
 - o Install NB thru/right-turn lane.
 - o Install SB left-turn lane.
 - o Install SB thru-turn lane.
 - o Install SB thru/right-turn lane.
 - o Install EB left-turn lane.
 - o Install EB thru-turn lane.
 - o Install EB thru/right-turn lane.
 - o Install WB left-turn lane.
 - o Install WB thru-turn lane.
 - o Install WB thru/right-turn lane.
- Intersection of Polk Street and Avenue 48:
 - o Install all-way stop signs.

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

A. Mitigation Monitoring Requirements and Procedures

The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to a proposed development. As stated in Section 21081.6 of the Public Resources Code,

“...the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment.”

Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the EIR.

The mitigation monitoring table below lists those mitigation measures that may be included as conditions of approval for the Project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The developer will have the primary responsibility for implementing the measures, and the various City of Coachella departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
Aesthetics	d. Would the Project result in the creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<p>MM-AES-1 <u>Photometric Study</u>. Prior to the approval of any Site Plans for any phase of development, the applicant shall submit to the City of Coachella (City) a photometric (lighting) study (to include parking areas and access way lights, external security lights, lighted signage, and ball field lighting) providing evidence that the project light sources do not spill over to adjacent off-site properties in accordance with the City's Municipal Code. All Project-related outdoor lighting, including but not limited to, street lighting, building security lighting, parking lot lighting, and landscaping lighting shall be shielded to prevent spillover of light to adjacent properties.</p> <p>Shielding requirements and time limits shall be identified on construction plans for each phase of development.</p>	<i>Prior to the approval of any permits for lighting.</i>	<i>Planning Division and Building Division.</i>	<i>Plan check and on-site inspection.</i>	
Air Quality & Greenhouse Gas	a. Would the Project conflict with or obstruct implementation of the applicable air quality plan?	<p>MM-AQ-1 Prior to the issuance of a grading permit, the Project applicant shall indicate on the grading plan areas that will be graded and shall not allow any areas more than 5 acres to be disturbed on a daily basis. Said plan shall clearly demarcate areas to be disturbed and limits 5 acres and under.</p> <p>MM-AQ-2 The Project shall require that the construction contractor use construction equipment that have Tier 4, or better, final engines, level 3 diesel particulate filters (DPF), with oxidation catalyst that impart 20% reduction and apply coatings with a VOC content no greater than 10 grams per liter (g/L).</p>	<p>MM-AQ-1 <i>Prior to the issuance of a grading plan.</i></p> <p>MM-AQ-2 <i>During grading.</i></p>	<p>MM-AQ-1 <i>Public Works Department.</i></p> <p>MM-AQ-2 <i>Public Works Department.</i></p>	<p>MM-AQ-1 <i>Plan check.</i></p> <p>MM-AQ-2 <i>On-site inspection & Separate submittal - reports, studies, plans.</i></p>	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>MM-AQ-3 <u>EPA Tier 4-Final Emissions Standards.</u> Prior to construction, the construction contractor shall provide the City of Coachella Public Works Director or designee a comprehensive inventory of all off-road construction equipment equal to or greater than 50 horsepower that will be used an aggregate of 40 or more hours during any portion of construction activities for the project. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit's certified Tier specification, best available control technology (BACT) documentation, and California Air Resources Board (ARB) or SCAQMD operating permit shall be provided on site at the time of mobilization of each applicable unit of equipment. Off-road diesel-powered equipment that will be used an aggregate of 40 or more hours during any portion of the construction activities for the project shall meet the United States Environmental Protection Agency (EPA) Tier 4-Final emissions standards, and off-road equipment greater than 300 horsepower shall be equipped with diesel particulate filters.</p> <p>MM-AQ-4 <u>Application of Architectural Coatings.</u> Prior to issuance of any grading permits, the Director of the City of Coachella Public Works Department, or designee, shall verify that construction contracts include a statement specifying that the Construction Contractor shall comply with South Coast Air Quality Management District (SCAQMD) Rule 1113 and any other SCAQMD rules and</p>	<p>MM-AQ-3 Prior to construction.</p> <p>MM-AQ-4 Prior to the issuance of grading permits.</p>	<p>MM-AQ-3 Public Works Department.</p> <p>MM-AQ-4 Public Works Department.</p>	<p>MM-AQ-3 On-site inspection & Separate submittal - reports, studies, plans.</p> <p>MM-AQ-4 Plan check.</p>	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>regulations on the use of architectural coatings or high volume, low-pressure (HVLP) spray methods. Emissions associated with architectural coatings would be reduced by complying with these rules and regulations, which include using precoated/natural colored building materials, using water-based or low-volatile organic compounds (VOC) coating, and using coating transfer or spray equipment with high transfer efficiency.</p> <p>MM-AQ-5 <u>Construction Equipment Maintenance.</u> Throughout the construction process, general contractors shall maintain a log of all construction equipment maintenance that shows that all construction equipment has been properly tuned and maintained in accordance with manufacturers' specifications. This condition shall be included in development plan specifications.</p> <p>MM-AQ-6 <u>Construction Equipment Operating Optimization.</u> General contractors shall ensure that during construction operations, trucks and vehicles in loading and unloading queues turn their engines off when not in use. General contractors shall phase and schedule construction operations to avoid emissions peaks and discontinue operations during second-stage smog alerts. This condition shall be included in development plan specifications.</p> <p>MM-AQ-7 <u>Construction Generator Use Minimization.</u> General contractors shall ensure that electricity from power poles is</p>	<p>MM-AQ-5 <i>Throughout the construction process.</i></p> <p>MM-AQ-6 <i>During construction.</i></p> <p>MM-AQ-7 <i>During construction.</i></p>	<p>MM-AQ-5 <i>Public Works Department.</i></p> <p>MM-AQ-6 <i>Public Works Department.</i></p> <p>MM-AQ-7 <i>Public Works Department.</i></p>	<p>MM-AQ-5 <i>On-site inspection.</i></p> <p>MM-AQ-6 <i>On-site inspection.</i></p> <p>MM-AQ-7 <i>On-site inspection.</i></p>	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>used rather than temporary diesel- or gasoline-powered generators to the extent feasible. This condition shall be included in development plan specifications.</p> <p>MM-AQ-8 <u>Construction Equipment Idling Minimization.</u> General contractors shall ensure that all construction vehicles are prohibited from idling in excess of 5 minutes, both on site and off site. This condition shall be included in development plan specifications.</p> <p>MM-AQ-9 <u>Construction Phase Overlap.</u> Prior to issuance of any construction permits, the City of Coachella Public Works Director shall restrict the timing of construction phasing in order to assure that thresholds are not exceeded.</p> <p>MM-AQ-10 <u>Construction Waste Management Plan.</u> Prior to issuance of a building permit, the applicant shall submit a Construction Waste Management Plan. The plan shall include procedures to recycle and/or salvage at least 75 percent of nonhazardous construction and demolition debris and shall identify materials to be diverted from disposal and whether the materials would be stored on-site or commingled. Excavated soil and land-clearing debris do not contribute to this credit. Calculation can be done by weight or volume but must be documented.</p> <p>MM-AQ-11 Project shall improve the pedestrian network by incorporating sidewalks and paseos within the property.</p>	<p>MM-AQ-8 <i>During construction.</i></p> <p>MM-AQ-9 <i>Prior to issuance of any construction permits.</i></p> <p>MM-AQ-10 <i>Prior to issuance of a building permit.</i></p> <p>MM-AQ-11 <i>During any improvement project.</i></p>	<p>MM-AQ-8 <i>Public Works Department.</i></p> <p>MM-AQ-9 <i>Public Works Department.</i></p> <p>MM-AQ-10 <i>Building Division.</i></p> <p>MM-AQ-11 <i>Planning Division.</i></p>	<p>MM-AQ-8 <i>On-site inspection.</i></p> <p>MM-AQ-9 <i>Plan check.</i></p> <p>MM-AQ-10 <i>Plan check.</i></p> <p>MM-AQ-11 <i>Plan check.</i></p>	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>MM-AQ-12 Project Operations. Prior to issuance of any construction permits, the Project applicant shall submit for review and approval by the City of Coachella Public Works Director, building plans that incorporate measures such as, but not limited to, the following:</p> <p>Operational Mitigation Measures (Materials Efficiency):</p> <ul style="list-style-type: none"> • Project plans for each Tentative Tract Map will include the following materials efficiency components. Materials used for buildings, landscape, and infrastructure will be chosen with a preference for the following characteristics: <ul style="list-style-type: none"> ○ Rapidly renewable; ○ Increased recycle content (50 percent or greater); locally sourced materials (within the South Coast Air Basin); ○ Utilization of sustainable harvesting practices; and ○ Materials with low or no volatile organic compounds (VOCs) off-gassing. <p>Operational Mitigation Measures (Transportation):</p> <ul style="list-style-type: none"> • Provide one electric car charging station for every 10 high-density residences and provisions for electric car charging stations in the garages of all residential dwellings as required by the California Energy Commission. Provide at least two designated parking spots for parking of zero emission vehicles (ZEVs) for car- 	MM-AQ-12 Prior to issuance of any construction permits.	MM-AQ-12 Public Works Department.	MM-AQ-12 Plan check.	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>sharing programs in all employee/worker parking areas.</p> <ul style="list-style-type: none"> • Provide incentives for employees and the public to use public transportation such as discounted transit passes, reduced ticket prices at local events, and/or other incentives. • Implement a rideshare program for employees at retail/commercial sites. • Create local "light vehicle" networks, such as neighborhood electric vehicle (NEV) systems. • Require the use of the most recent model year emissions-compliant diesel trucks, or alternatively fueled, delivery trucks (e.g., food, retail, and vendor supply delivery trucks) at commercial/retail sites upon project build out (at the time of operations). If this is not feasible, consider other measures such as incentives, and phase-in schedules for clean trucks, etc. • Prior to issuance of any Site Development permits, the Director of the City of Coachella (City) Public Works Department, or designee, shall include prioritized parking for electric vehicles, hybrid vehicles, and alternative fuel vehicles. <p>Operational Mitigation Measures (Landscaping). Project plans shall include following landscaping components:</p> <ul style="list-style-type: none"> • The Project shall require landscaping and irrigation that reduces outside water demand by at least 20%. • The Project shall require that at least 2,406 new trees are planted on-site 				

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>(approximately 2 trees per residential unit and 25 trees per acre of parks).</p> <ul style="list-style-type: none"> The Project shall include Landscape Design Features that will be reflected on the Project plans for each Tentative Tract Map, and will include the following landscape design components: <ul style="list-style-type: none"> Community-based food production within the Project by planning for community gardens; Native plant species in landscaped areas; A landscape plant palette that focuses on shading within developed portions of the site and in areas of pedestrian activity. Tree-lined streets to reduce heat island effects; Non-turf throughout the development areas where alternative ground cover can be used, such as artificial turf and/or xeriscaping; and Landscaping that provides shading of structures within 5 years of building completion. <p>Operational Mitigation Measures (Water Conservation and Efficiency Features). Project plans for each Tentative Tract Map will shall include following water efficiency components:</p> <ul style="list-style-type: none"> Drought-tolerant landscaping, non-potable reclaimed, well, or canal water for irrigation purposes; High-efficiency plumbing fixtures and appliances that meet or exceed the most current CALGreen Code in all 				

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>buildings on site;</p> <ul style="list-style-type: none"> • Efficient (i.e., "Smart") irrigation controls to reduce water demand on landscaped areas throughout the Project; • Restriction of irrigated turf in parks to those uses dependent upon turf areas, such as playing fields and picnic areas; • An integrated storm water collection and conveyance system; and • Dual plumbing within recreation areas, landscaped medians, common landscaped areas, mixed use/commercial areas, and parks to allow the use of reclaimed water when available. <p>Operational Mitigation Measures (Energy Efficiency). Project plans for each Tentative Tract Map will include the following energy efficiency components:</p> <ul style="list-style-type: none"> • Design to United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED); • GreenPoint Rated standard, or better for all new buildings constructed within the Project; • Energy-efficient light-emitting diode (LED) lighting and solar photovoltaic lighting fixtures in all common areas of the site; • Energy-efficient appliances (ENERGY STAR or equivalent), and high efficiency heating, ventilation, and air conditioning (HVAC) systems in all on-site buildings; • Green building techniques that 				

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>increase building energy efficiency above the minimum requirements of Title 24;</p> <ul style="list-style-type: none"> • Installation of photovoltaic panels on a minimum of 25 percent of the buildings on site, or as required by the California Energy Commission in year 2020; and • Utilization of high reflectance materials for paving and roofing materials on residential, commercial, and school buildings <p>Operational Mitigation Measures (Other)</p> <ul style="list-style-type: none"> • Require the use of electric or alternative fueled maintenance vehicles by all grounds maintenance contractors. • All commercial and retail development shall be required to post signs and limit idling time for commercial vehicles, including delivery trucks, to no more than 5 minutes. This condition shall be included on future site development plans for review and approval by the City of Coachella Director of Development Services. • The City shall identify energy efficient street lights which are currently available and which, when installed, would provide a 10 percent reduction beyond the 2010 baseline energy use for this infrastructure, and shall require the use of this technology in all new development. All new traffic lights installed within the project site shall use light emitting diode (LED) technology. 				

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		MM-AQ-13 The Project (and subsequent projects within the Specific Plan) shall score a minimum of 100 points on the "Development Review Checklist" contained in the City's CAP.	MM-AQ-13 Prior to issuance of a building permit.	MM-AQ-13 Planning Division.	MM-AQ-13 Plan check - Separate submittal - reports, studies, plans.	
	b. Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?	See MM-AQ-1 through MM-AQ-13 , above.				
	d. Would the Project expose sensitive receptors to substantial pollutant concentrations?	See MM-AQ-1 through MM-AQ-10 , above.				
	e. Would the Project create objectionable odors affecting a substantial number of people?	See MM-HYDRO-1 , below.				
	f. Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	See MM-AQ-1 through MM-AQ-13 , above.				
Biological Resources	Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	MM-BIO-1 To avoid any potential impact to nesting birds and other protected species, including those protected by the Migratory Bird Treaty Act, construction of the Project shall occur outside of the breeding season (February 1 through September 15). As long as trees, shrubs, and herbaceous vegetation with the potential to support nesting birds is removed from September 16 to January 31 (outside of the nesting season), then no further actions are required. Where the nesting season (February 1 to	MM-BIO-1 Prior to grading/ground disturbance.	MM-BIO-1 Planning Division.	MM-BIO-1 On-site inspection & Separate submittal - reports, studies, plans.	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>September 15) cannot be avoided during construction, a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, vegetation removal, demolition activities, and grading. The survey area shall include the Project site and an appropriate buffer (consistent with the Migratory Bird Treaty Act) around the site. Any active nests identified shall have an appropriate buffer area established (consistent with Migratory Bird Treaty Act protocol at the time of disturbance) of the active nest. Construction activities shall not occur within the buffer area until the biologist determines that the young have fledged.</p> <p>MM-BIO-2 In the event a burrowing owl is found to be present on site during the preconstruction survey, the Project applicant shall ensure the following applicable avoidance measures, are implemented:</p> <ul style="list-style-type: none"> • Avoid disturbing occupied burrows during the breeding nesting period, from February 1 through August 31. If burrows are occupied by breeding pairs, an avoidance buffer should be established by a qualified biologist. The size of such buffers is generally a minimum of 300 feet, but may increase or decrease depending on surrounding topography, nature of disturbance and location and type of construction. The size of the buffer area will be determined by a qualified biologist. Continued monitoring will be required to confirm that the specified 	MM-BIO-2 Prior to grading/ground disturbance.	MM-BIO-1 Planning Division.	MM-BIO-1 On-site inspection & Separate submittal - reports, studies, plans.	

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		<p>buffer is adequate to permit continued breeding activity.</p> <ul style="list-style-type: none"> • Avoid impacting burrows occupied during the nonbreeding season by migratory or nonmigratory resident burrowing owls. • Avoid direct destruction of occupied burrows through chaining (dragging a heavy chain over an area to remove shrubs) or disking. • Develop and implement a worker awareness program to increase the on-site worker's recognition of and commitment to burrowing owl protection. • Place visible markers near burrows to ensure that equipment and other machinery does not collapse occupied burrows. • Do not fumigate, use treated bait, or other means of poisoning nuisance animals in areas where burrowing owls are known or suspected to occur. <p>If an occupied burrow is present within the approved development area, the Project applicant shall ensure that a clearance mitigation plan is prepared and approved by the CDFW prior to implementation. This plan will specify the procedures for confirmation and exclusion of nonbreeding owls from occupied burrows, followed by subsequent burrow destruction. There shall also be provisions for maintenance and monitoring to ensure that owls do not return prior to construction. Breeding owls shall be avoided until the breeding cycle is complete.</p>				

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	Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	See MM-BIO-1 , above.				
Cultural Resources	a. Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<p>MM-CUL-1 RIV-7835 Avoidance (<u>Planning Area 5</u>). Prior to the issuance of a grading permit, or any activity that would involve initial ground disturbance in the vicinity of RIV-7835, the Project archaeologist will review said plans/activities to determine that none of the resources located in RIV-7835 shall be impacted by the Project development. The Project archaeologist shall make recommendations, where applicable, to protect resources contained in RIV-7835 from potential encroachment from the Project that includes fencing or flagging during all phases of development. The fencing and flagging of RIV-7835 shall be removed after construction is completed and the area shall be planted with low maintenance vegetation.</p> <p>MM-CUL-2 <u>Archaeological and Native American Monitors</u>. Prior to commencement of any grading activity on the Project site and consistent with the findings and recommendations of the cultural resources surveys and reports regarding the sensitivity of each area on the Project site for cultural resources, the City of Coachella (City) Director of Development Services, or designee, shall retain an archaeological monitor and a</p>	<p>MM-CUL-1 Prior to the issuance of a grading permit.</p> <p>MM-CUL-2 Prior to commencement of any grading activity.</p>	<p>MM-CUL-1 Project archaeologist.</p> <p>MM-CUL-2 City of Coachella (City) Director of Development Services, or designee.</p>	<p>MM-CUL-1 Plan check.</p> <p>MM-CUL-2 Plan check.</p>	

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		Native American monitor to be selected by the City after consultation with interested Tribal and Native American representatives. Both monitors shall be present at the pre-grade conference in order to explain the cultural mitigation measures associated with the Project. Both monitors shall be present on site during all ground-disturbing activities (to implement the Project Monitoring Plan) until marine terrace deposits are encountered. Once marine terrace deposits are encountered, archaeological and Native American monitoring is no longer necessary, as the marine deposits are several hundred thousand years old, significantly predating human settlement in this area.				
	b. Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<p>See MM-CUL-2, above.</p> <p>MM-CUL-3 Archaeological Monitoring Plan and Accidental Discovery. Prior to commencement of any grading activity on the Project site and consistent with the findings of the cultural resources surveys and reports regarding the sensitivity of each area on the Project site for cultural resources, the City shall prepare a Monitoring Plan. The Monitoring Plan shall be prepared by a qualified archaeologist and shall be reviewed by the City of Coachella Director of Development Services, in consultation with the 29 Band of Mission Indians. The Monitoring Plan will include at a minimum:</p> <p>(1) A list of personnel involved in the monitoring activities;</p> <p>(2) A description of how the monitoring</p>	MM-CUL-3 Prior to commencement of any grading activity.	MM-CUL-3 City of Coachella Director of Development Services.	MM-CUL-3 Plan check.	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>shall occur;</p> <p>(3) A description of frequency of monitoring (e.g., full-time, part-time, spot checking);</p> <p>(4) A description of what resources may be encountered;</p> <p>(5) A description of circumstances that would result in the halting of work at the Project site (e.g., what is considered a "significant" archaeological site);</p> <p>(6) A description of procedures for halting work on site and notification procedures; and</p> <p>(7) A description of monitoring reporting procedures.</p> <p>If any significant historical resources, archaeological resources, or human remains are found during monitoring, work should stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. Project personnel shall not collect or move any archaeological materials or human remains and associated materials. To the extent feasible, Project activities shall avoid such resources.</p> <p>Where avoidance is not feasible, the resources shall be evaluated for their eligibility for listing in the California Register of Historical Resources. If a resource is not eligible, avoidance is not necessary. If a resource is eligible, adverse effects to the resource must be avoided, or such effects must be mitigated.</p>				

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		<p>Mitigation can include but is not necessarily limited to: excavation of the deposit in accordance with a cultural resource mitigation or data recovery plan that makes provisions for adequately recovering the scientifically consequential information from and about the resource (see California Code of Regulations Title 4(3) Section 15126.4(b)(3)(C)). The data recovery plan shall be prepared and adopted prior to any excavation and should make provisions for sharing of information with Tribes that have requested Senate Bill 18 (SB 18) consultation. The data recovery plan shall employ standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the archaeological site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; an interpretive display of recovered archaeological materials at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered archaeological materials. Results of the study shall be deposited with the regional California Historical Resources Information Center (CHRIS) repository.</p> <p>It shall be the responsibility of the City Department of Public Works to verify that the Monitoring Plan is implemented during Project grading and construction. Upon</p>				

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		completion of all monitoring/ mitigation activities, the consulting archaeologist shall submit a monitoring report to the City of Coachella Director of Development Services and to the Eastern Information Center c/o Dept. of Anthropology, University of California Riverside summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. The monitoring report shall be prepared consistent with the guidelines of the Office of Historic Preservation's Archaeological Resources Management Reports (ARMR): Recommended Contents and Format. The City of Coachella Director of Development Services or designee shall be responsible for reviewing any reports produced by the archaeologist to determine the appropriateness and adequacy of findings and recommendations.				
	c. Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<p>MM-CUL-5 <u>Paleontological Resources Impact Mitigation Program.</u> Prior to commencement of any grading activity on the Project site and consistent with the findings of the paleontological resources surveys and reports regarding the sensitivity of each area on the Project site for paleontological resources, the City's Director of Development Services, or designee, shall verify that a qualified paleontologist has been retained and will be on site during all rough grading and other significant ground-disturbing activities in paleontologically sensitive sediments.</p> <p>Prior to any ground-disturbing activities,</p>	MM-CUL-5 <i>Prior to commencement of any grading activity.</i>	MM-CUL-5 <i>City's Director of Development Services, or designee.</i>	MM-CUL-5 <i>Plan check & Separate submittal - reports, studies, plans.</i>	

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		<p>the paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the proposed Project. The PRIMP should be consistent with the guidelines of the Society of Vertebrate Paleontologists (SVP) (1995 and 2010) and should include but not be limited to the following:</p> <ul style="list-style-type: none"> • Attendance at the pre-grade conference in order to explain the mitigation measures associated with the Project. • During construction excavation, a qualified vertebrate paleontological monitor shall initially be present on a full-time basis whenever excavation will occur within the sediments that have a High Paleontological Sensitivity rating and on a spot-check basis in sediments that have a Low Sensitivity rating. Based on the significance of any recovered specimens, the qualified paleontologist may set up conditions that will allow for monitoring to be scaled back to part-time as the Project after monitoring has been scaled back, conditions shall also be specified that would allow increased monitoring as necessary. The monitor shall be equipped to salvage fossils and/or matrix samples as they are unearthed in order to avoid construction delays. The monitor shall be empowered to temporarily halt or divert equipment in the area of the find in order to allow removal of abundant or large specimens. • The underlying sediments may contain abundant fossil remains that can only be recovered by a screening and 				

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		<p>picking matrix; therefore, these sediments shall occasionally be spot-screened through one-eighth to one-twentieth-inch mesh screens to determine whether microfossils exist. If microfossils are encountered, additional sediment samples (up to 6,000 pounds) shall be collected and processed through one-twentieth-inch mesh screens to recover additional fossils. Processing of large bulk samples is best accomplished at a designated location within the Project disturbance limits that will be accessible throughout the Project duration but will also be away from any proposed cut or fill areas. Processing is usually completed concurrently with construction, with the intent to have all processing completed before, or just after, Project completion. A small corner of a staging or equipment parking area is an ideal location. If water is not available, the location should be accessible for a water truck to occasionally fill containers with water.</p> <ul style="list-style-type: none"> • Preparation of recovered specimens to a point of identification and permanent preservation. This includes the washing and picking of mass samples to recover small invertebrate and vertebrate fossils and the removal of surplus sediment from around larger specimens to reduce the volume of storage for the repository and the storage cost for the developer. <p>Identification and curation of specimens into a museum repository with permanent, retrievable storage, such as the Eastern Information Center c/o Dept. of Anthropology, University of California</p>				

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		<p>Riverside.</p> <ul style="list-style-type: none"> Preparation of a report of findings with an appended, itemized inventory of specimens. When submitted to the City of Coachella Director of Development Services or designee, the report and inventory would signify completion of the program to mitigate impacts to paleontological resources progresses. 				
	d. Would the Project disturb any human remains, including those interred outside of formal cemeteries?	<p>MM-CUL-4 Human Remains. Consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e), if human remains are encountered during site disturbance, grading, or other construction activities on the Project site, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which will determine and notify a most likely descendant (MLD). With the permission of the City of Coachella, the MLD may inspect the site of the discovery.</p> <p>The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Consistent with CCR Section 15064.5(d), if the remains are determined to be Native</p>	MM-CUL-4 <i>During site disturbance, grading, or other construction activities.</i>	MM-CUL-4 <i>City's Director of Development Services, or designee.</i>	MM-CUL-4 <i>On-site inspection & Separate submittal - reports, studies, plans.</i>	

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		<p>American and an MLD is notified, the City of Coachella shall consult with the MLD as identified by the NAHC to develop an agreement for the treatment and disposition of the remains.</p> <p>Upon completion of the assessment, the consulting archaeologist shall prepare a report documenting the methods and results and provide recommendations regarding the treatment of the human remains and any associated cultural materials, as appropriate, and in coordination with the recommendations of the MLD. The report should be submitted to the City of Coachella Director of Development Services and the Eastern Information Center c/o Dept. of Anthropology, University of California Riverside. The City of Coachella Director of Development Services, or designee, shall be responsible for reviewing any reports produced by the archaeologist to determine the appropriateness and adequacy of findings and recommendations.</p>				
Geology and Soils	Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a	MM-GEO-1 <u>Compliance with Geotechnical Investigations.</u> Prior to approval of any future development applications, a project-level, site-specific final geotechnical study for each specific planning area shall be completed by the Project applicant. These studies shall be submitted for review and approval by the City of Coachella (City) Engineer to ensure that each planning area with future development has been evaluated at an appropriate level of detail by a professional geologist. The location and scope of each final geotechnical report	<i>Prior to approval of any future development applications.</i>	<i>Building Division.</i>	<i>Plan check & Separate submittal - reports, studies, plans.</i>	

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	known fault?	<p>shall be tiered off of the two geotechnical reports previously prepared for the overall site, <i>Fault Investigation Report for Land Planning Purposes Alpine 280 Property Located East of Tyler Street, West of Polk Street, West of Polk Street, South of I-10 and North of Avenue 48, City of Coachella, Riverside, California</i>, Petra Geosciences, Inc., April 9, 2007, and <i>Geotechnical Investigation Report</i>, Petra Geosciences, Inc., May 7, 2015.</p> <p>The final geotechnical report for each planning area shall document any artificial fill and delineate the precise locations of any and all active faults and shall determine the appropriate building setbacks and restricted use zones within the planning area. Prior to the issuance of grading permits, the City Engineer shall confirm that all grading and construction plans incorporate and comply with the recommendations included in the final specific geotechnical report for each planning area. Design, grading, and construction would adhere to all of the seismic requirements incorporated into the 2010 California Residential Code and 2016 California Building Code (CBC) (or most current building code) and the requirements and standards contained in the applicable chapters of the City of Coachella Municipal Code, as well as appropriate local grading regulations, and the specifications of the Project geotechnical consultant, including but not limited to those related to seismic safety, as determined in the final area-specific geotechnical studies prepared in</p>				

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		association with all future development application conditions, subject to review by the City of Coachella Development Services Director, or designee, prior to the issuance of any grading permits.				
	Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	See MM-GEO-1 , above. MM-GEO-2 <u>California Building Code Compliance and Seismic Standards</u> . Structures and retaining walls, if proposed, shall be designed in accordance with the seismic regulations as recommended in the CBC. Prior to issuance of any building permits, the Project engineer and the Director of the City of Coachella Development Services, or designee, shall review site plans and building plans to verify that structural design conforms to the CBC.	<i>Prior to issuance of any building permits.</i>	<i>Project engineer and the Director of the City of Coachella Development Services, or designee.</i>	<i>Plan check.</i>	
	Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?	See MM-GEO-1 , above.				
	Would the Project result in substantial soil erosion or the loss of topsoil?	See MM-GEO-1 , above.				
	Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	See MM-GEO-1 , above. MM-GEO-3 <u>Subsidence</u> . Prior to the issuance of grading permits for development applications or entire planning areas, area-specific geotechnical studies shall be prepared by the applicant's qualified geotechnical engineer and submitted to the City of Coachella for review and approval by the City Engineer.	<i>Prior to issuance of any grading permits.</i>	<i>City Engineer.</i>	<i>Plan check.</i>	

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		These studies shall include testing for collapsible soils. Laboratory analysis shall be conducted on selected samples to provide a more complete evaluation regarding remediation of potentially compressible and collapsible materials. Where appropriate, these studies shall contain specifications for overexcavation and removal of soil materials susceptible to subsidence, or other measures as appropriate to eliminate potential hazards associated with subsidence.				
	Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<p>MM-GEO-4 Expansive Soils. As planning areas are designed and prior to issuance of grading permits, site-specific geotechnical studies, including laboratory testing for expansive soils, shall be completed by a qualified geotechnical engineer and submitted to the City of Coachella for review and approval by the City Engineer. If expansive soils are found within the area of proposed foundations, geotechnical testing shall be employed such as excavation of expansive soils and replacement with nonexpansive compacted fill, additional remedial grading, utilization of steel reinforcing in foundations, nonexpansive building pads, presoaking, and drainage control devices to maintain a constant state of moisture. In addition to these practices, homeowners shall be advised about maintaining drainage conditions to direct the flow of water away from structures so that foundation soils do not become saturated.</p> <p>During construction, the Project engineer shall verify that expansive soil mitigation measures recommended in the final</p>	Prior to issuance of grading permits.	City Engineer.	Plan check & Separate submittal - reports, studies, plans.	

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		foundation design recommendations are implemented, and the City Building Official shall conduct site inspections prior to occupancy of any structure to ensure compliance with the approved measures.				
Hazards and Hazardous Materials	Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	MM-HAZ-1 During grading, and/or during construction, should an accidental release of a hazardous material occur, the following actions will be implemented: construction activities in the immediate area will be immediately stopped; appropriate regulatory agencies will be notified; immediate actions will be implemented to limit the volume and area impacted by the contaminant; the contaminated material, primarily soil, shall be collected and removed to a location where it can be treated or disposed of in accordance with the regulations in place at the time of the event; any transport of hazardous waste from the property shall be carried out by a registered hazardous waste transporter; and testing shall be conducted to verify that any residual concentrations of the accidentally released material are below the regulatory remediation goal at the time of the event. All of the above sampling or remediation activities related to the contamination will be conducted under the oversight of Riverside County Site Cleanup Program. All of the above actions shall be documented and made available to the appropriate oversight agency such as the Department of Environmental Health or the Department of Toxic Substances Control (DTSC) prior to closure of the contaminated area.	MM-HAZ-1 <i>During grading, and/or during construction.</i>	MM-HAZ-1 <i>Building Division and Department of Environmental Health or the Department of Toxic Substances Control.</i>	MM-HAZ-1 <i>On-site inspection.</i>	

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		<p>MM-HAZ-2 During grading, if an unknown contaminated area is exposed, the following actions will be implemented: any contamination found during construction will be reported to the Riverside County Site Cleanup Program and all of the sampling or remediation related to the contamination will be conducted under the oversight of the Riverside County Site Program; construction activities in the immediate area will be immediately stopped; appropriate regulatory agencies will be identified; a qualified professional (industrial hygienist or chemist) shall test the contamination and determine the type of material and define appropriate remediation strategies; immediate actions will be implemented to limit the volume and area impacted by the contaminant; the contaminated material, primarily soil, shall be collected and removed to a location where it can be treated or disposed of in accordance with the regulations in place at the time of the event; any transport of hazardous waste from the property shall be carried out by a registered hazardous waste transporter; and testing shall be conducted to verify that any residual concentrations of the accidentally released material are below the regulatory remediation goal at the time of the event. All of the above actions shall be documented and made available to the appropriate oversight agency such as the Department of Environmental Health or the Department of Toxic Substances Control prior to closure of the contaminated area.</p> <p>MM-HAZ-3 Prior to the issuance of a grading permit, the applicant shall contact</p>	<p>MM-HAZ-2 <i>During grading.</i></p> <p>MM-HAZ-3 <i>Prior to the issuance</i></p>	<p>MM-HAZ-2 <i>Building Division and Department of Environmental Health or the Department of Toxic Substances Control.</i></p> <p>MM-HAZ-3 <i>Riverside</i></p>	<p>MM-HAZ-2 <i>On-site inspection.</i></p> <p>MM-HAZ-3 <i>Plan check.</i></p>	

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		<p>the Riverside County Community Health Agency, Department of Environmental Health, Water Engineering Department in Indio, California to ascertain the locations of wells. If determined by this oversight agency that the closure of the wells is required, then they shall be closed in accordance with the specific requirements for the closure of wells of the Riverside County Community Health Agency, Department of Environmental Health, Water Engineering Department.</p> <p>MM-HAZ-4 Prior to the issuance of a grading permit, the applicant shall conduct sampling of the near surface soil to assess whether residual concentrations exceed State of California action levels is recommended in areas that were in agricultural use prior to 1972. The presence of pesticides in the soil may represent a health risk to tenants or occupants on the Property and the soil may require specialized handling and disposal. A grid shall be used to take representative samples where crops were grown on the Property. Any samples shall be analyzed for pesticides using EPA Method 8081. A qualified contractor shall be contacted to remove such materials. Any work conducted shall be in compliance with guideline set by an oversight agency such as the Department of Environmental Health or the Department of Toxic Substances Control.</p> <p>MM-HAZ-5 If any materials are discovered at the site during any future activities that may contain asbestos, a qualified</p>	<p><i>of a grading permit.</i></p> <p>HAZ-4 Prior to the issuance of a grading permit.</p> <p>HAZ-5 Prior to grading permit final.</p>	<p>County Community Health Agency, Department of Environmental Health, Water Engineering Department.</p> <p>MM-HAZ-4 Department of Environmental Health or the Department of Toxic Substances Control.</p> <p>MM-HAZ-5 Department of Environmental Health or the</p>	<p>MM-HAZ-4 Plan check.</p> <p>MM-HAZ-5 Plan check.</p>	

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		contractor be contacted to remove such materials. As it pertains to the shed roof, it shall be tested prior to any demolition. All work conducted shall be in compliance with guidelines set by an oversight agency such as the Department of Environmental Health or the Department of Toxic Substances Control, prior to grading permit final.		<i>Department of Toxic Substances Control.</i>		
	Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<i>See MM-HAZ-1 through MM-HAZ-5, above.</i>				
Hydrology and Water Quality	f. Would the Project otherwise substantially degrade water quality?	MM-HYD-1 Vector Control Program. Prior to issuance of grading permits, the applicant shall develop a Vector Control Program in coordination with the Coachella Valley Mosquito and Vector Control District. The Vector Control Program shall address control of flies, eye gnats, imported red fire ants, and mosquitos. The vector control program shall include measures such as landscape maintenance, removal of vegetation and landscape clippings, irrigation management, use of desert landscaping, irrigation management, and turf management.	<i>Prior to issuance of grading permits.</i>	<i>Coachella Valley Mosquito and Vector Control District.</i>	<i>Plan check & Separate submittal - reports, studies, plans.</i>	
Noise	a. Would the Project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise	MM-NOI-1 During any earth movement construction activities during any phase of development the developer shall: <ul style="list-style-type: none"> Locate stationary construction noise sources such as generators or pumps at least 300 feet from sensitive land uses, 	MM-NOI-1 <i>During any earth movement construction activities.</i>	MM-NOI-1 <i>Building Division.</i>	MM-NOI-1 <i>On-site inspection.</i>	

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	ordinance, or applicable standards of other agencies?	<p>as feasible;</p> <ul style="list-style-type: none"> • Locate construction staging areas as far from noise sensitive land uses as feasible; • Ensure all construction equipment is equipped with appropriate noise attenuating devices to reduce the construction equipment noise by 8 to 10 dBA; • Turn off idling equipment when not in use; • Maintain equipment so that vehicles and their loads are secured from rattling and banging; • Limit the amount of heavy machinery equipment operating simultaneously to two (2) pieces of equipment within a 50-foot radius of each other (when located with 100 feet of existing residential units); and • Install temporary noise control barriers that provide a minimum noise level attenuation of 10.0 dBA when Project construction occurs near existing noise-sensitive structures. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the noise source. Unnecessary openings shall not be made. <ul style="list-style-type: none"> ○ The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired. ○ The noise control barriers and 				

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		<p>associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity.</p> <p>MM-NOI-2 Prior to the approval of an implementing project, the Project applicant shall submit plans to the Building and Safety Department that will demonstrate the necessary performance standards for adequate noise reduction for residences located in PA2, PA3 and PA8, that are adjacent to Avenue 47:</p> <ul style="list-style-type: none"> • Areas Exceeding 70 dBA CNEL (within 23 feet from centerline of Avenue 47): 8 foot (combination of earthen berm and maximum 6' high wall) for ground level outdoor living areas such as backyards or patios. • Areas Exceeding 65 dBA CNEL (within 73 feet from centerline of Avenue 47): 6 foot for ground level outdoor living areas such as backyards or patios. • Areas Exceeding 60 dBA CNEL (within 231 feet from centerline of Avenue 47): 5 foot for ground level outdoor living areas such as backyards or patios. <p>MM-NOI-3 Prior to the approval of an implementing project, the Project applicant shall submit plans to the Building and Safety Department that will demonstrate the necessary performance standards for adequate noise reduction for residences located in PA5, PA7 and PA10, that are adjacent to Avenue 48:</p> <ul style="list-style-type: none"> • Areas Exceeding 70 dBA CNEL (within 	<p>MM-NOI-2 Prior to the approval of an implementing project</p> <p>MM-NOI-3 Prior to the approval of an implementing project.</p>	<p>MM-NOI-2 Building Division.</p> <p>MM-NOI-3 Building Division.</p>	<p>MM-NOI-2 Plan check.</p> <p>MM-NOI-3 Plan check.</p>	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>23 feet from centerline of Avenue 47): 8 foot (combination of earthen berm and maximum 6' high wall) for ground level outdoor living areas such as backyards or patios.</p> <ul style="list-style-type: none"> • Areas Exceeding 65 dBA CNEL (within 73 feet from centerline of Avenue 47): 6 foot for ground level outdoor living areas such as backyards or patios. • Areas Exceeding 60 dBA CNEL (within 231 feet from centerline of Avenue 47): 5 foot for ground level outdoor living areas such as backyards or patios. <p>MM-NOI-4 Prior to the approval of an implementing project, the Project applicant shall submit plans to the Building and Safety Department that will demonstrate the necessary performance standards for adequate noise reduction for residences located in PA5, PA6 and PA7, that are adjacent to Street "A":</p> <ul style="list-style-type: none"> • Areas Exceeding 70 dBA CNEL (within 18 feet from centerline of Street "A"): 8 foot (combination of earthen berm and maximum 6' high wall) for ground level outdoor living areas such as backyards or patios. • Areas Exceeding 65 dBA CNEL (within 57 feet from centerline of Street "A"): 6 foot for ground level outdoor living areas such as backyards or patios. • Areas Exceeding 60 dBA CNEL (within 181 feet from centerline of Street "A"): 5 foot for ground level outdoor living areas such as backyards or patios. 	MM-NOI-4 Prior to the approval of an implementing project.	MM-NOI-4 Building Division.	MM-NOI-4 Plan check	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		MM-NOI-5 The Project will require a final acoustical analysis (for each implementing project) once a site plan or tract map has been developed. The acoustical analyses must demonstrate the interior noise level will not exceed the City's 45 dBA CNEL noise limit. Potential mitigation may include a "windows closed" condition and possibly upgraded windows (increased STC window/door ratings).	MM-NOI-5 Prior to the approval of an implementing project.	MM-NOI-5 Building Division.	MM-NOI-5 Plan check & Separate submittal - reports, studies, plans.	
	b. Would the Project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	See MM-NOI-2 through MM-NOI-5 , above.				
	c. Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	See MM-NOI-2 , above.				
Transportation/Traffic	Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	MM-TR-1 For Existing Plus Project Conditions, the Project applicant is required to make the following improvements at the following intersections and roadway segments (prior to the 1 st occupancy): <ul style="list-style-type: none"> Roadway Segment Improvements <ul style="list-style-type: none"> Construct new extension of Shadow View Boulevard from to Dillon Road to Avenue 48; Construct new extension of Avenue 47 from Tyler Street to Shadow View Boulevard; and Construct new extension of Avenue 48 from Tyler Street to Shadow View Boulevard. Roadway Segment Improvements <ul style="list-style-type: none"> Construct new extension of Shadow 	MM-TR-1 prior to the 1 st occupancy.	MM-TR-1 Public Works Department.	MM-TR-1 Plan check.	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>View Boulevard from to Dillon Road to Avenue 48;</p> <ul style="list-style-type: none"> ○ Construct new extension of Avenue 47 from Tyler Street to Shadow View Boulevard; and ○ Construct new extension of Avenue 48 from Tyler Street to Shadow View Boulevard. <ul style="list-style-type: none"> ○ Construct new extension of Avenue 47/Shadow View Boulevard to Dillon Road. ○ Install traffic signal ○ Install southbound (SB) left-turn lane. ○ Install westbound (WB) left-turn lane. ○ Install WB right-turn signal. • Intersection of Tyler Street and Avenue 47: <ul style="list-style-type: none"> ○ Install all-way stop signs. • Intersection of Tyler Street and Avenue 48: <ul style="list-style-type: none"> ○ Install all-way stop signs. • Intersection of Street "A" and Vista Del Sur: <ul style="list-style-type: none"> ○ Install all-way stop signs. ○ Install NB left-turn lane. ○ Install EB right-turn signal. • Intersection of Street "A" and Avenue 47: <ul style="list-style-type: none"> ○ Install all-way stop signs. ○ Install northbound (NB) left-turn lane. ○ Install NB thru-turn lane. ○ Install NB thru/right-turn lane. ○ Install SB left-turn lane. ○ Install SB thru-turn lane. ○ Install SB thru/right-turn lane. ○ Install eastbound (EB) left-turn 				

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<ul style="list-style-type: none"> lane. ○ Install EB thru-turn lane. ○ Install EB thru/right-turn lane. ○ Install WB left-turn lane. ○ Install WB thru-turn lane. ○ Install WB thru/right-turn lane. • Intersection of Street "A" and Avenue 48: <ul style="list-style-type: none"> ○ Install all-way stop signs. ○ Install NB left-turn lane. ○ Install NB thru-turn lane. ○ Install NB thru/right-turn lane. ○ Install SB left-turn lane. ○ Install SB thru-turn lane. ○ Install SB thru/right-turn lane. ○ Install EB left-turn lane. ○ Install EB thru-turn lane. ○ Install EB thru/right-turn lane. ○ Install WB left-turn lane. ○ Install WB thru-turn lane. ○ Install WB thru/right-turn lane. • Intersection of Polk Street and Avenue 48: <ul style="list-style-type: none"> ○ Install all-way stop signs. <p>MM-TR-2 For Project Completion (Year 2022) With Project Conditions, the Project applicant is required to make the following improvements at the following intersections (prior to the 1st occupancy):</p> <ul style="list-style-type: none"> • Tyler Street and Avenue 47: <ul style="list-style-type: none"> ○ Install NB left-turn lane. ○ Install NB thru-turn lane. ○ Install SB left-turn lane. ○ Install SB thru-turn lane. ○ Install EB left-turn lane. ○ Install EB thru-turn lane. ○ Install WB left-turn lane. 	MM-TR-2 prior to the 1 st occupancy.	MM-TR-2 Public Works Department.	MM-TR-2 Plan check.	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<ul style="list-style-type: none"> ○ Install WB thru-turn lane. • Intersection of SR-86 and Avenue 50: <ul style="list-style-type: none"> ○ Install a traffic signal. <p>MM-TR-3 For Project Completion (Year 2022) With Project and Cumulative Projects Conditions, the Project applicant shall make a fair-share contribution for the following improvements at the following intersections, as shown on Table 4.14.4-12 (prior to the 1st occupancy):</p> <ul style="list-style-type: none"> • Dillon Road and I-10 WB Ramps: 13.5% <ul style="list-style-type: none"> ○ Install Traffic Signal • Dillon Road and I-10 EB Ramps: 17.94% <ul style="list-style-type: none"> ○ Install Traffic Signal • Dillon Road and Shadow View Boulevard: 20.86% <ul style="list-style-type: none"> ○ Install Two (2) NB right-turn lanes ○ Install NB right-turn overlap phase ○ Install One (1) additional SB left-turn lane ○ Install One (1) additional WB left-turn lane ○ Install WB right-turn overlap phase • Dillon Road and SR-86 NB Ramps: 22.83% <ul style="list-style-type: none"> ○ Install One (1) additional NB thru lane • Dillon Road and SR-86 SB Ramps: 24.14% <ul style="list-style-type: none"> ○ Install One (1) additional NB thru lane ○ Install One (1) additional NB right-turn lane • Dillon Road and Avenue 48: 23.96% <ul style="list-style-type: none"> ○ Install One (1) additional EB right- 	MM-TR-3 prior to the 1 st occupancy.	MM-TR-3 Public Works Department.	MM-TR-3 Plan check.	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<ul style="list-style-type: none"> turn lane ○ Install One (1) additional WB right-turn lane • Tyler Street and Avenue 47: 48.34% <ul style="list-style-type: none"> ○ Install Traffic Signal ○ Install One (1) additional NB left-turn lane • Tyler Street and Avenue 48: 32.62% <ul style="list-style-type: none"> ○ Install Traffic Signal ○ Install NB left-turn lane ○ Install NB thru lane ○ Install SB left-turn lane ○ Install SB thru lane ○ Install EB left-turn lane ○ Install EB thru lane ○ Install WB left-turn lane ○ Install WB thru lane • Tyler Street at Avenue 50: 13.82% <ul style="list-style-type: none"> ○ Install Traffic Signal ○ Install Three (3) NB left-turn lanes ○ Install One (1) additional SB thru lane ○ Install Two (2) additional SB right-turn lanes ○ Install SB right-turn overlap phase ○ Install Two (2) EB left-turn lanes ○ Install Two (2) EB right-turn lanes ○ Install EB right-turn overlap phase • SR-86 and Avenue 50: 13.59% <ul style="list-style-type: none"> ○ Install One (1) additional NB thru lane ○ Install Two (2) additional SB right-turn lanes ○ Install Two (2) additional EB left-turn lanes ○ Install One (1) additional EB thru lane ○ Install One (1) EB right-turn lane ○ Install One (1) WB right-turn lane 				

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<ul style="list-style-type: none"> ○ Install One (1) additional WB thru lane ○ Improve signal phasing to protected east/west • Polk Street at Avenue 50: 3.33% <ul style="list-style-type: none"> ○ Install Traffic Signal ○ Install NB left-turn lane ○ Install NB thru turn lane ○ Install SB left-turn lane ○ Install SB thru turn lane ○ Install EB left-turn lane ○ Install EB thru turn lane ○ Install WB left-turn lane ○ Install WB thru turn lane 				
	Would the Project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	See MM-TR-2 and MM-TR-3 , above.				
	Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<p>MM-TR-4 Prior to any construction on the Project site, the Project applicant shall submit a traffic control plan (TCP) to the City Engineering Department for review and approval. Said TCP shall be prepared for any subsequent implementing project and will contain, at a minimum, the following: lane closures, detouring, qualifications of work crews, duration of the plan and signing.</p> <p>MM-TR-5 Concurrent with subsequent development projects within the Specific Plan, Sunline Transit District shall be</p>	<p>MM-TR-4 Prior to any construction on the Project site.</p> <p>MM-TR-5 Concurrent with subsequent</p>	<p>MM-TR-4 City Engineering Department.</p> <p>MM-TR-5 City Engineering Department</p>	<p>MM-TR-4 Plan check & Separate submittal - reports, studies, plans.</p> <p>MM-TR-5 Plan check.</p>	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		consulted to coordinate the potential for expanded transit/bus service and vanpools and to discuss and implement potential transit turnout locations within the Project area.	<i>development projects within the Specific Plan.</i>	<i>and Sunline Transit District.</i>		
	Would the Project result in inadequate emergency access?	<i>See MM-TR-4, above.</i>				
	Would the Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<i>See MM-TR-5, above.</i>				

Appendix A

Vista del Agua EIR Distribution List

Riverside County Fire Dept.
Attn: Luke Milick, Assistant Fire Marshal
77-933 Las Montanas Rd., Suite 201
Palm Desert, CA 92211

City of La Quinta
Planning Manager
78495 Calle Tampico
La Quinta, CA 92253

Riverside County Geologist
Attn: David Jones
P.O. Box 1409
Riverside, CA 92502

Agricultural Commissioner's Office
Indio District Office
81077 Indio Blvd., Ste. K
Indio, CA 92201

CVAG
Attn: Tom Kirk
73710 Fred Waring Dr, Ste 200
Palm Desert, CA 92260

Regional Water Quality Control Board--
#7 Colorado River Basin Region
73720 Fred Waring Dr
Palm Desert, CA 92260

Riverside County LAFCO
Attn: George Spiliotis
3850 Vine Street, Suite 110
Riverside, Ca. 92507

CV Mosquito & Vector Control
43420 Trader Place
Indio, CA 92201

Riverside Co Environmental Health
47923 Oasis Street
Indio, CA 92201

Center for Biological Diversity
1212 Broadway, Ste. 800
Oakland, CA 94612

Verizon (Engineering)
295 N Sunrise Way
Palm Springs, CA 92262

CV Mountains Conservancy
73-710 Fred Waring Dr Ste 112
Palm Desert, CA 92260

Department of Public Health
Health Administration Building
4065 County Circle Drive
Riverside, CA 92503

Mission Springs Water District
66575 Second Street
Desert Hot Springs, CA 92240

SCAG
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Riverside County Transp. Commission
4080 Lemon Street, 3rd Floor
P.O. Box 12008
Riverside, CA 92502-2208

Riverside County Transp. Dept.
Development Review Section
4080 Lemon Street, 8th Floor
P.O. Box 1090
Riverside, CA 92502-1090

SCAQMD
21865 E Copley Dr
Diamond Bar, CA 91765-4182

Sierra Club
San Gorgonio Chapter
Attn: Tahquitz Group
4079 Mission Inn Avenue
Riverside, CA 92501-3204

Desert Recreation District
45-305 Oasis Street
Indio, CA 92201

Desert Sands USD
47-950 Dune Palms
La Quinta, CA 92253

U.S. Bureau of Land Management
Palm Springs - South Coast Field Office
1201 Bird Center Drive
Palm Springs, California 92262

Coachella Valley Water Dist. Engineering
Department
P.O. Box 1058
Coachella, CA 92236

City of Indio
Community Development Dept.
P.O. Box 1788
Indio, CA 92202

Riverside County Sheriff
86625 Airport Blvd
Thermal, CA 92274-9703

Riverside County Airport Land Use
Commission
4080 Lemon St., 14th Floor
Riverside, CA 92502

Riverside County Supervisor
73-710 Fred Waring Drive, Suite 222
Palm Desert, CA 92260

Riverside County Transportation
77588 El Duna Ct. Ste. H
Palm Desert, CA 92211

Riverside County Planning Dept.
P.O Box 1409
Riverside, CA 92502-1409

Imperial Irrigation District
La Quinta Office-Dist. Supt.
81600 Ave. 58
La Quinta, CA 92253

Brian Gumpert, CBO
Willdan Engineering
1515 6th Street
Coachella, CA 92236

California Dept. of Fish & Wildlife
Attn: Kim Nicol
70-078 Country Club Ste 109
Bermuda Dunes, CA 92203

U.S. Fish & Wildlife Service
Eastern Sierra & Inland Region
Attn: Jenness McBride
777 E Tahquitz Canyon Way, Suite 208
Palm Springs, CA 92262

California Energy Commission
1516 Ninth St. Ms-29
Sacramento, CA 95814-5512

Sunline Transit Agency
Attn: Anita M. Petke
32-505 Harry Oliver Trail
Thousand Palms, CA 92276-3501

California Native American Heritage
Commission
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691

Time Warner Construction Dept
83473 Avenue 45
Indio, CA 92201

Verizon Planning Department
16071 Mojave Drive
Victorville, CA 92392

Burrtec Waste Disposal
41575 Eclectic
Palm Desert, CA 92260

Desert Valleys Builders Association
Attn: Gretchen Gutierrez
75100 Mediterranean
Palm Desert, CA 92211

SoCal Gas
Attn: Vern Kenner
211 N Sunrise
Palm Springs, CA 92262

Bigelow Development Associates
6252 Cavalleri Road
Malibu, Ca. 90265

Shadow View Management, LLC
Thomas F. DiMare, Manager
82-025 Avenue 44
Indio, CA 92201

Andrzej Matyczynski
William Boggan
6100 Center Drive
Suite 900
Los Angeles, CA 90045

All American Green, LLC
Attn: George R. Phillips, JR
800 Wilshire Boulevard, Fifteenth Floor
Los Angeles, CA 90017-2619

Charles Ellis
P.O. Box 3850
Haily, ID 83333

Joseph Ontiveros
Cultural Resources Director
Soboba Band of Luiseno Indians
P.O Box 487
San Jacinto, CA 92581

John A. James, Chairperson
Cabazon Band of Mission Indians
84-245 Indio Springs Parkway
Indio, CA 92203-3499

Santa Rosa Band of Cahuilla Indians
P.O. Box 391820
Anza, CA 92539

Patricia Garcia
Tribal Historic Preservation
Agua Caliente Band of Cahuilla Indians –
5401 Dinah Shore Drive
Palm Springs, CA 92264

Los Coyotes Band of Mission
Indians
P.O. Box 189
Warner Springs, CA 92086

Anthony Madrigal, Jr., Chairperson
Cahuilla Band of Indians
P.O. Box 391760
Anza, CA 92539

Augustine Band of Mission Indians
P.O. Box 846
Coachella, CA 92236

Morongo Band of Mission Indians
12700 Pumarra Road
Banning, CA 92220

Ramona Band of Cahuilla Indians
P.O. Box 391371
Anza, CA 92539

Agua Caliente Band of Cahuilla Indians –
Tribal Chairperson
5401 Dinah Shore Drive
Palm Springs, CA 92264

Michael Mirelez
Cultural Resource Coordinator
Torres-Martinez Desert Cahuilla Indians
P.O. Box 1160
Thermal, CA 92274

Morongo Band of Mission Indians
Environmental Protection Dept.
12700 Pumarra Rd
Banning, CA 92220

Darrell Mike
Tribal Chairman
29 Palms Band of Mission Indians
46200 Harrison Street
Coachella, CA 92236

Jacquelyn Barnum
Director of Environment & Compliance
Cabazon Band of Mission Indians
84245 Indio Springs Drive
Indio, CA 92201

Coachella Valley Resource
Conservation District
81077 Indio Blvd., Suite A
Indio, CA 92201

Coachella Library
1538 7th Street
Coachella, CA 92236

Komalpreet Toor
Lozeau/Drury LLP
410 12th Street; Suite 250
Oakland, CA. 94607

PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN certify that on May 31, 2018,

The attached property owners list was prepared by Riverside County GIS,

APN(S):603150007,603150011,603150012,603150010,603150009,603150005,603150004,603150008,603130003,603130004,603130009,603122005✓
for

Company or Individual's Name RCIT - GIS,

Distance buffered 4270'

Pursuant to application requirements furnished by the Riverside County Planning Department. Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

TITLE: GIS Analyst

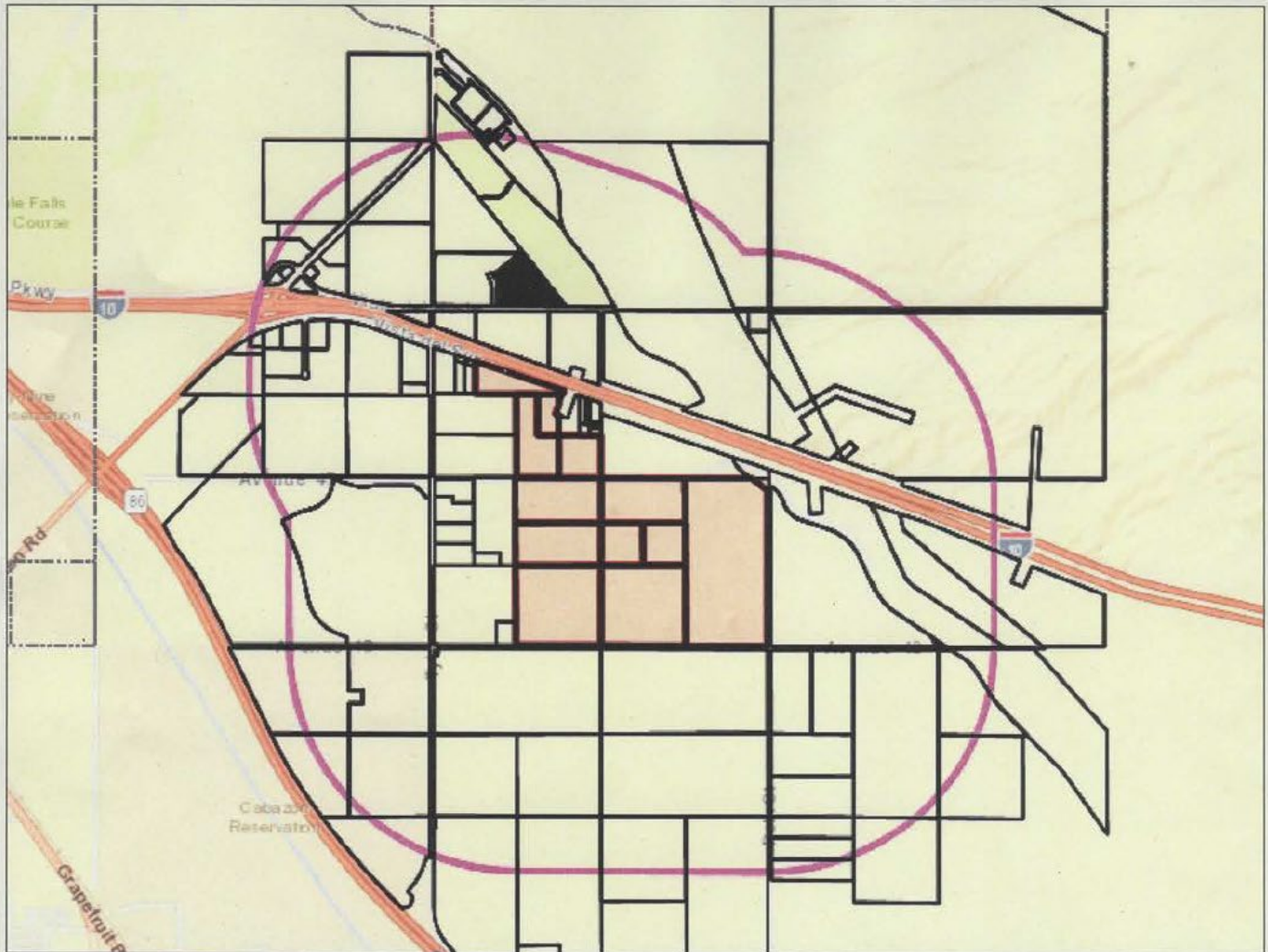
ADDRESS: 4080 Lemon Street 9TH Floor

Riverside, Ca. 92502

TELEPHONE NUMBER (8 a.m. – 5 p.m.): (951) 955-8158

Riverside County GIS

APN: 603150007,603150011,603150012,603150010,603150009,603150005,
603150004,603150008,603130003,603130004,603130009,603122005 (4270 feet buffer)



Legend

- County Boundary
- Cities
- World Street Map

Notes



0 3,009 6,019 Feet



IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON... 5/31/2018 3:57:54 PM

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 JAMES MICHAEL KOMICK
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 RIVERSIDE CA 92502

603140012
 SY CORP
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 SAN CLEMENTE CA 92673

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 C/O C/O JAMES GRAY MGMT
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 85810 GRAPEFRUIT BLV
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 HAILEY ID 83333

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 C/O GARY K KAESTNER
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SYD DAVIS
C/O COZETTE DUNLAP
16897 ALGONQUIN ST STE A
HUNTINGTON BEACH CA 92649

603330009
VINTAGE KOLO 84
FREMONT MORENO THIRD STREET
C/O C/O LUNDIN DEV CO
16400 PCH STE 207
HUNTINGTON BEACH CA 92649

603330014
STATE OF CALIF
C/O DEPT OF TRANSPORTATION
464 W FOURTH ST 6TH FL
SAN BERNARDINO CA 92401

697320076
VINEYARD COACHELLA OWNER ASSN
44790 DILLON RD
COACHELLA CA 92236

697320021
DANIEL D STRICKER
CHERYL A STRICKER
P O BOX 275
COACHELLA CA 92236

697320022
ROBINS NEST PARK
C/O 50461 RANGE ROAD 262
44473 MASSON DR
COACHELLA CA. 92236

697350001
BLAIR RANCH
C/O C/O RICHARD L BLAIR
340 BRIGHT ROCK
PALM DESERT CA 92211

697344007
VINEYARD VILLAS ASSN
C/O C/O WEST ASSN MGMT
550 S OLEANDER RD
PALM SPRINGS CA 92264

696550001
RIVERDALE PARTNERS
8753 KING RANCH RD
ALTA LOMA CA 91701

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CAROL L RIENDEAU
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CAMARILLO CA 93011

697330002
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18325 DOMINO ST
TARZANA CA 91335

696540006
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GREGORY CHRISTENSEN
ANN L CHRISTENSEN

15881 HIGHWAY 101 S
BROOKINGS OR 97415

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COACHELLA CA. 92236

697343003
MARLENE AUCHMAN
3914 CORBIN AVE
TARZANA CA 91356

697343006
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86204 GRENACHE LN
COACHELLA CA. 92236

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697343008
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Vista Del Agua - City Council Comment Letter No. 1

Mitchell M. Tsai, Attorney

Southwest Regional Council of Carpenters (2-26-2020)

(Note: In an effort to conserve resources, Exhibits A and B and the AERSCREEN and CALEEMOD Models contained in Exhibit C attached to Comment Letter No. 1 are not included below; the entire Letter is attached electronically to these Responses)

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February 26, 2020

Hand Delivered to February 26, 2020, City Council Hearing

City Hall Council Chamber

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RE: Vista Del Agua Specific Plan and Final Environmental Impact Report (SCH # 2015031003)

Dear Honorable Mayor and City Council Members,

On behalf of the Southwest Regional Council of Carpenters (“Commenters” or “Carpenters”), my Office is submitting these comments on the City of Coachella’s (“City” or “Lead Agency”) Final Environmental Impact Report (“FEIR”) (SCH No. 2015031003) for the Vista Del Agua Specific Plan, a proposed development of a maximum of 1,640 dwelling units including 1,026 single-family homes and 613 multi-family dwelling units on approximately 275 acres and includes two commercial planning areas that total approximately 25 acres in addition to approximately 30 acres of open space. (“Project”). The Project also proposes 29 acres of off-site infrastructure improvements.

1.1

The required entitlements for the Project include General Plan Amendment No. 14-01, Specific Plan No. 14-01, Change of Zone No. 14-01, Tentative Parcel Map No. 36872, Development Agreement and Environmental Impact Report (EA No. 14-01.) (DEIR, p. 1-1.)

1.2

- The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states, including in southern California, and has a strong interest in well-ordered land use planning and addressing the environmental impacts of development projects. 1.3
- Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121. 1.4
- Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121. 1.5
- Commenters incorporate by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 CA4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties). 1.6
- Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“CEQA”), Cal Public Resources Code (“PRC”) § 21000 *et seq.*, and the California Planning and Zoning Law (“Planning and Zoning Law”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body. 1.7
- I. EXPERTS**
- This comment letter includes comments from air quality and greenhouse gas experts Matt Hagemann, P.G., C.Hg. and Paul Rosenfeld, Ph.D. concerning the FEIR. Their comments, attachments, and Curriculum Vitae (“CV”) are attached hereto and are incorporated herein by reference. 1.8

Matt Hagemann, P.G., C.Hg. (“Mr. Hagemann”) has over 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA’s Senior Science Policy Advisor in the Western Regional Office, where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Mr. Hagemann also served as Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closer. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring.

1.9

For the past 15 years, Mr. Hagemann has worked as a founding partner with SWAPE (Soil/Water/Air Protection Enterprise). At SWAPE, Mr. Hagemann has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality, and greenhouse gas emissions.

1.10

Mr. Hagemann has a Bachelor of Arts degree in geology from Humboldt State University in California and a Masters in Science degree from California State University Los Angeles in California.

1.11

Paul Rosenfeld, Ph.D. (“Dr. Rosenfeld”), is a principal environmental chemist at SWAPE. Dr. Rosenfeld has over 25 years’ experience conducting environmental investigations and risk assessments for evaluating impacts on human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risks, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating the impacts of pollution on workers at industrial facilities and residents in surrounding communities.

1.12

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particular matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs,

1.13

perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants, Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

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cont.

Dr. Rosenfeld has a Ph.D. in soil chemistry from the University of Washington, M.S. in environmental science from U.C. Berkeley, and a B.A. in environmental studies from U.C. Santa Barbara.

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II. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision-makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“CCR” or “CEQA Guidelines”) § 15002(a)(1). “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

1.15

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide

1.16

public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any significant unavoidable effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

1.16
cont.

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. (*Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131.) As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

1.17

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

1.18

The preparation and circulation of an EIR are more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals, it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

1.19

B. CEQA Requires Revision and Recirculation of an Environmental Impact Report When Substantial Changes or New Information Comes to Light

Section 21092.1 of the California Public Resources Code requires that “[w]hen significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 ... but prior to certification, the public agency shall give notice again pursuant to Section 21092 and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report” in order to give the public a chance to review and comment upon the information. CEQA Guidelines § 15088.5.

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Significant new information includes “changes in the project or environmental setting as well as additional data or other information” that “deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative).” CEQA Guidelines § 15088.5(a). Examples of significant new information requiring recirculation include “new significant environmental impacts from the project or from a new mitigation measure,” “substantial increase in the severity of an environmental impact,” “feasible project alternative or mitigation measure considerably different from others previously analyzed” as well as when “the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” *Id.*

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An agency has an obligation to recirculate an environmental impact report for public notice and comment due to “significant new information” regardless of whether the agency opts to include it in a project’s environmental impact report. *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 95 [finding that in light of a new expert report disclosing potentially significant impacts to groundwater supply “the EIR should have been revised and recirculated for purposes of informing the public and governmental agencies of the volume of groundwater at risk and to allow the public and governmental agencies to respond to such information.”]. If significant new information was brought to the attention of an agency prior to certification, an agency is required to revise and recirculate that information as part of the environmental impact report.

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Based on the information set forth below, the City is required to consider the significant new information and revise the FEIR accordingly. Thereafter, the City must recirculate the revised FEIR.

1.23

- C. A Programmatic EIR Cannot Be Used as a Way to Avoid Fully Analyzing the Project’s Impacts for Each and All of the Ten Planning Areas

The EIR provides that a Program EIR because (1) the Project would be implemented over a large geographic area, and (2) final grading and construction plans and details have not been developed for each planning area. DEIR, 2-3. 1.24

A program EIR (like any EIR) must provide decision-makers with "sufficient analysis to intelligently consider the environmental consequences of the project," and designating the EIR as a program EIR in itself does not decrease the level of analysis otherwise required. (*Cleveland Nat'l Forest Found. v San Diego Ass'n of Gov'ts* (2017) 17 CA5th 413, 426.) A lead agency preparing a program EIR must disclose what it reasonably can, and any determinations that it is not feasible to provide specific information must be supported by substantial evidence. (*Id.* at 440 [rejecting air quality baseline discussion and impact analysis because substantial evidence did not support agency decision to omit more detailed analysis].) 1.25

A programmatic EIR is not a way to get around the requirement that the City adequately analyze the Project's impacts and mitigate them to the extent feasible. To the extent that the FEIR failed to provide substantial evidence to support all of the Project's impacts analyses, the City must prepare subsequent EIRs. 1.26

In this instance, the FEIR does not even know what all of the Project's development will entail – the Project proposes a total of ten (10) Planning Areas (PA) within the Vista Del Agua Specific Plan, which identifies a variety of residential and non-residential designations. (FEIR, p. 2-2.) The FEIR also discloses the possibility that PA 10, which is slated to be developed as Neighborhood Commercial land use covering 8.27 acres, could be developed into 41 single-family residential uses instead, although without increasing the Project's maximum of 1,640 residential units. (*Id.*) If PA 10 does not develop for commercial land uses as anticipated, then the Project's impacts would differ substantially, including but not limited to, traffic impacts. 1.27

When approving each of the ten PAs of the Specific Plan, the City must carefully consider whether subsequent EIRs or other CEQA analyses would be required. 1.28

D. The FEIR Fails to Adequately Disclose, Analyze and Mitigate the Project's Significant Impacts on Air Quality, Health Risks and Greenhouse Gas Emissions

As explained in full in the comment letter prepared by air quality and greenhouse gas experts, SWAPE (attached as Exhibit C), the FEIR failed to adequately evaluate the Project's air quality, health risk, and greenhouse gas impacts. According to SWAPE, 1.29

an updated EIR should be prepared to adequately assess the impacts described in its comment letter. 1.29 cont.

E. The FEIR Does Not Adequately Analyze and Mitigate the Project's Significant Impacts on Agricultural Resources

Most of the Project site, and the areas surrounding it, are or were used as farmland. Currently, the eastern 30% of the Project site is planted with vineyards. (FEIR, p. 4.3-2, 3.) Most significantly, the FEIR admits that “there is Farmland of Local Importance, Prime Farmland and Other Land on the Project site.” (FEIR, p. 4.3-5 [Prime Farmland is classified as the best type of farmland].) The FEIR then concludes that the Project’s impacts on agricultural resources will be significant and unavoidable. (*Id.* at pp. 4.3-8~12.) 1.30

The problem is that the FEIR concludes that “[n]o mitigation measures are proposed for agricultural resources since it has been determined the Project will result in a significant and unavoidable impact.” despite finding significant impacts of the loss of agricultural resources. (FEIR, p. 4.3-12.) CEQA clearly requires that an EIR propose and describe mitigation measures to minimize the significant environmental effects identified in the EIR. (Pub. Res. Code § 21002.1(a); CEQA Guidelines § 15126.4.) The very reason for this requirement is due to CEQA’s policy that agencies adopt feasible measures when approving a project to reduce or avoid their significant environmental effects. (Pub. Res. Code § 21002, 21081(a).) 1.31

Therefore, the FEIR violated CEQA by failing to mitigate the Project’s significant impacts on agricultural resources because “the Project will result in a significant and unavoidable impact.” (FEIR, p. 4.3-12.) 1.32

F. The FEIR Improperly Labels Mitigation Measures as “Project Design Features” or “Standard Conditions”

The EIR improperly labels mitigation measures for “Project Design Features” and “Standard Conditions” as follows: Aesthetics (SC-AES-1, SC-AES-2), Agricultural (SC-AG-1), Air Quality (SC-AQ-1), Biological Resources (SC-BIO-1 and SC-BIO-2), Hydrology (SC-HYD-1, SC-HYD-2, SC-HYD-3, SC-HYD-4), Traffic (SC-TR-1, -2, -3), Utilities (SC-UTIL-1, -2, -3, -4, -5, -6). And as the Staff Report for the February 26, 2020, City Council hearing show, the City equates “Standard Conditions” as “Project Design Features.” (Staff Report, p. 231 [bike lanes and sidewalks are “project design features” which are incorporated into Standard Condition SC-UTIL-3], 271, 273, 352.) 1.33

However, it is established that “[a]voidance, minimization and / or mitigation measure’ . . . are not ‘part of the project.’ . . . compressing the analysis of impacts and mitigation measures into a single issue . . . disregards the requirements of CEQA.” (Lotus v. Department of Transportation (2014) 223 Cal. App. 4th 645, 656.)

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cont.

When “an agency decides to incorporate mitigation measures into its significance determination, and relies on those mitigation measures to determine that no significant effects will occur, that agency must treat those measures as though there were adopted following a finding of significance.” (Lotus, *supra*, 223 Cal. App. 4th at 652 [citing CEQA Guidelines § 15091(a)(1) and Cal. Public Resources Code § 21081(a)(1)].) By disguising mitigation measures. By labeling mitigation measures as project design features, the City violates CEQA by failing to disclose “the analytic route that the agency took from the evidence to its findings.” (Cal. Public Resources Code § 21081.5; CEQA Guidelines § 15093; *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal. App. 3d 1022, 1035 [quoting *Topanga Assn for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506, 515].)

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The FEIR’s labeling its numerous mitigation measures as merely “Standard Conditions” or “Project Design Features” violates CEQA (FEIR, Chapter 4, Sections 4.2 to 4.15.) The FEIR concedes that the “potential impacts...can be reduced to a less than significant level with implementation of standard conditions or, the mitigation measures identified in this EIR.” (FEIR, p. 1-3 [emphasis added].)

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None of the standard conditions and project design features are included in the Mitigation Monitoring and Reporting Program Table, which is set to be approved by the City Council. (Staff Report, pp. 417-457.) Moreover, the EIR’S Summary of Impacts and Mitigation Measures don’t list any of the standard conditions and project design features. This is especially important because CEQA requires lead agencies to adopt mitigation measures that are fully enforceable and to adopt a monitoring and/or reporting program to ensure that the measures are implemented to reduce the Project’s significant environmental effects to the extent feasible. (Cal. Public Resources Code § 21081.6; CEQA Guidelines § 15091(d).)

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G. The FEIR Fails to Adequately Analyze and Disclose the Project’s Cumulative Impacts

The CEQA Guidelines define cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase

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other environmental impacts." (CEQA Guidelines §15355.) The individual effects may be changes resulting from a single project or more than one project. (CEQA Guidelines §15355(a).) Cumulative impacts may result from individually minor but collectively significant projects taking place over a period of time. (CEQA Guidelines §15355(b).) Even if the Project's impacts may not be significant, its incremental effects, when added to other past, present, and probable future projects, can be cumulatively significant. (CEQA Guidelines §§15065(a)(3), 15130(b)(1)(A), 15355(b).) Thus, in analyzing a Project's cumulative impacts, it's important to analyze not just impacts of the Project itself, but also consider impacts from all other related projects as well. However, the EIR fails to do so.

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cont.

1. The FEIR Fails to Adequately Analyze and Disclose the Project's Cumulative Air Quality Impacts

The DEIR fails to adequately analyze and disclose the Project's potentially significant cumulative air quality impacts. While acknowledging that "[e]ven with the incorporation of Mitigation Measures MM-AQ-10 through MM-AQ-13 the Project will have a significant and unavoidable [operational air quality] impact," the DEIR curiously concludes that "operation of the proposed Project would not create a significant cumulative impact to global climate change." (DEIR, pp. 4.4-59, 60 [emphasis added].) The FEIR does not alter these conclusions. These conclusions in the EIR are irreconcilable, and as a result, the EIR's conclusion that the Project will have less than significant cumulative air quality impacts is flawed and unsupported.

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2. The FEIR Fails to Adequately Analyze and Disclose the Project's Cumulative Hazards Impacts

The DEIR fails to adequately analyze and disclose the Project's potentially significant cumulative hazards impacts. (DEIR, p. 4.8-18.) The DEIR concludes, without analyzing actual cumulative hazards impacts of the Project along with related projects in the area, that "[s]ince the Project is below the established thresholds, cumulative impacts will remain less than significant." (*Id.*) Moreover, the FEIR did not change or add to any of the deficient cumulative impacts analysis.

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Simply put, the conclusion that the Project has less than significant Project-level impacts is not synonymous with whether even the incremental Project impacts could be cumulatively considerable.

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3. The FEIR Fails to Adequately Analyze and Disclose the Project's Cumulative Impacts Regarding Utilities

Similar to the way the FEIR fails to adequately analyze and disclose the Project's cumulative air quality and hazard impacts as described above, the FEIR fails to adequately analyze and disclose the Project's cumulative impacts pertaining to Utilities and Service Systems Impacts. 1.41

The FEIR concluded that "cumulative impacts to landfill capacity will be less than significant due to the Project's construction debris and operational waste representing a less than substantial cumulative increment with adherence to" standard conditions. (FEIR, p. 4.15-40.) However, even a small, less than significant Project impact could still be considered cumulatively considerable when analyzed along with related Projects. As such, the FEIR's cumulative impacts analysis regarding Utilities and Services is inadequate and violates CEQA. 1.42

H. The FEIR Improperly Defers Mitigation Based on a Future Study

MM-HAZ-4 defers the soil sampling necessary to determine the residual concentrations of pesticides. The EIR acknowledges that "[t]he presence of pesticides in the soil may represent a health risk to tenants or occupants on the Property and the soil may require specialized handling and disposal." (DEIR, p. 4.8-17.) Despite the potential health risks, and without knowing the extent of residual pesticides that are present on the Project site, MM-HAZ-4 allows the City to approve the Project by improperly deferring the necessary soil investigation. 1.43

CEQA prohibits impermissible deferral of mitigation, which occurs when an EIR calls for mitigation measures to be created based on future studies or describe mitigation measures in general terms, but the agency fails to commit itself to specific performance standards. (*California Clean Energy Comm. v. City of Woodland* (2014) 225 Cal.App.4th 173, 195 [agency could not rely on the future report on urban decay with no standards for determining whether mitigation required]; *Cleveland Nat'l Forest Found. v. San Diego Ass'n of Gov'ts* (2017) 17 Cal.App.5th 413, 442 [generalized air quality measures failed to set performance standards].) 1.44

III. **THE PROJECT IS INCONSISTENT WITH THE GENERAL PLAN**

Each California city and county must adopt a comprehensive, long-term general plan governing development. (*Napa Citizens for Honest Gov. v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 352, citing Gov. Code §§ 65030, 65300.) The general plan 1.45

sits at the top of the land use planning hierarchy (*see DeVita v. County of Napa* (1995) 9 Cal.4th 763, 773) and serves as a “constitution” or “charter” for all future development. (*Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540.)

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cont.

General plan consistency is “the linchpin of California’s land use and development laws; it is the principle which infused the concept of planned growth with the force of law.” (*See Debottari v. Norco City Council* (1985) 171 Cal.App.3d 1204, 1213.)

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State law mandates two levels of consistency. First, a general plan must be internally or “horizontally” consistent: its elements must “comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.” (See Gov. Code § 65300.5; *Sierra Club v. Bd. of Supervisors* (1981) 126 Cal.App.3d 698, 704.) A general plan amendment thus may not be internally inconsistent, nor may it cause the general plan as a whole to become internally inconsistent. (*See DeVita*, 9 Cal.4th at 796 fn. 12.)

Second, state law requires “vertical” consistency, meaning that zoning ordinances and other land-use decisions also must be consistent with the general plan. (See Gov. Code § 65860(a)(2) [land uses authorized by zoning ordinance must be “compatible with the objectives, policies, general land uses, and programs specified in the [general] plan.”]; *see also Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1184.) A zoning ordinance that conflicts with the general plan or impedes the achievement of its policies is invalid and cannot be given effect. (*See Lesher*, 52 Cal.3d at 544.)

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The Subdivision Map Act, Government Code §§ 66410, *et seq.* (“Subdivision Map Act” or “Act”) also requires local agencies to review and approve all land subdivisions. The Act regulates both the process for approving subdivisions and sets substantive requirements for approval of land subdivisions.

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The Act requires that a local agency deny approval of a land subdivision, referred to as a tentative map or a parcel map, if “(a) **That the proposed map is not consistent with applicable general and specific plans . . .** (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans. (c) That the site is not physically suitable for the type of development. (d) That the site is not physically suitable for the proposed density of development. (e) That the design of the subdivision or the proposed improvements are likely to cause substantial

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environmental damage or substantial and avoidably injure fish or wildlife or their habitat. (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems. (g) That the design of the subdivision or type of improvements will conflict with easements, acquired by the public at large, for find as part of approving a subdivision map that accesses through or use of, property within the proposed subdivision.” (Gov. Code § 66474 [emphasis added].)

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cont.

The Project is inconsistent with General Plan Goals and Policies pertaining to agricultural resources: Goal 5 (Agricultural Preservation. Viable, productive local agricultural lands and industry), Policy 5.8 (Buffers between agricultural and urban uses. Require new developments, whether they are new urban or new agricultural uses, in which urban and agriculture would be adjacent to maintain a protective buffer that ensures land-use conflicts do not occur, Policy 5.9 (Right to Farm. Support the right of existing farms to continue operations). (FEIR, P. 4.3-8.) The FEIR does not adequately analyze and disclose the Project’s inconsistencies with these Goals and Policies, even outright ignoring the buffer and right to farm policies to protect agricultural operations. (*Id.*, p. 4.3-9.)

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Next, the Project is also inconsistent with General Plan Policy 6.14 pertaining to proximity to pollution sources, including “agricultural land where pesticides and chemical fertilizers are used regularly.” (FEIR, p. 4.10-22.) However, the Project site is comprised of agricultural land with residual pesticides remaining, which the City does not require the Applicant to test until after Project approval (see the argument regarding improper deferral of mitigation above.)

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In sum, the Project is inconsistent with several goals and policies of the City’s General Plan.

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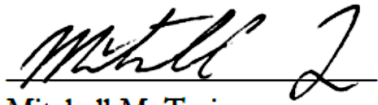
IV. CONCLUSION

Commenters request that the City revise and recirculate the Project’s environmental impact report to address the aforementioned concerns. If the City has any questions or concerns, feel free to contact my Office.

1.53

Sincerely,

City of Coachella – Vista del Agua Specific Plan and Final EIR
 February 26, 2020
 Page 14 of 14



Mitchell M. Tsai

Attorneys for Southwest Regional Council of Carpenters

Attached:

Air Quality and GHG Expert, Matt Hagemann, P.G., C.Hg. – C.V. (Exhibit A);

Air Quality and GHG Expert, Paul Rosenfeld, Ph.D. – C.V. (Exhibit B);

Letter from Hagemann and Rosenfeld to Mitchell M. Tsai re Comments on the
 Final Environmental Impact Report for the Vista del Agua Specific Plan Project
 with

Exhibits (February 25, 2020) (Exhibit C)

1.54

EXHIBIT A

1.55

EXHIBIT B

1.56



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February 25, 2020

Mitchell M. Tsai
155 South El Molino Avenue
Suite 104
Pasadena, CA 91101

Subject: Comments on the Vista Del Agua Project (SCH No. 20155031003)

Dear Mr. Tsai,

We have reviewed the June 2018 Environmental Impact Report ("EIR") for the Vista Del Agua Project ("Project") located in the City of Coachella ("City"). The Project proposes to construct 1,640 residential units and 281,397-SF of commercial land use on the 304-acre Project site.

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Our review concludes that the EIR fails to adequately evaluate the Project's Air Quality, Health Risk, and Greenhouse Gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project are underestimated and inadequately addressed. An updated EIR should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the surrounding environment.

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Air Quality

Failure to Implement All Feasible Mitigation to Reduce Emissions

The EIR determines that the proposed Project's operational VOC, NO_x, and CO emissions will result in a significant and unavoidable air quality impact (p. 1-8). Specifically, the EIR claims,

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"When the Project is fully operational, the Project would exceed SCAQMD regional thresholds for volatile organic compounds (VOC), oxides of nitrogen (NO_x), and CO. Even with the incorporation of Mitigation Measures AQ-10 through AQ-13 the Project would have a significant and unavoidable impact" (p. 1-8)

However, while we agree that the Project would result in a significant VOC, NO_x, and CO impact, the EIR's conclusion that these impacts are "significant and unavoidable" is incorrect. According to CEQA Guidelines § 15096(g)(2),

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cont.

"When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment."

As you can see, an impact can only be labeled as significant and unavoidable after all available, feasible mitigation has been considered.¹ Review of the Project's proposed "Mitigation Measures AQ-10 through AQ-13" demonstrates that the EIR fails to implement all feasible mitigation. More specifically, the EIR requires that lighting for the proposed Project "uses an average of 5 percent less energy than conventional lighting," that paints have a "VOC content lower than SCAQMD Rule 1113 requires," and that "at least 2,406 new trees are planted on-site" (p. 6-5). However, review of these measures demonstrates that the EIR implements SCAQMD Rule 1113, which is already required for all Projects in the area. In addition, the EIR fails to substantiate why more energy-efficient lighting is not available or why more trees cannot be planted. Finally, additional mitigation measures exist that should be identified and incorporated, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Operational Emissions,"² in order to reduce the Project's air quality impacts to the maximum extent possible. Therefore, the EIR's conclusion that impacts are significant and unavoidable is unsubstantiated. Until all feasible mitigation is considered and incorporated into the Project's design, the Project's operational VOC, NO_x, and CO emissions should not be considered significant and unavoidable.

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Unsubstantiated Input Parameters Used to Estimate Project Emissions

The EIR's air quality analysis relies on emissions calculated with CalEEMod.2016.3.2.³ CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (CEQA) requires that such changes be justified by substantial evidence.⁴ Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the

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¹ "Final Draft Guidance for Assessing and Mitigating Air Quality Impacts." SVJUPCD, February 2015, *available at*: <http://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF>, p. 115.

² See section titled "Feasible Mitigation Measures Available to Reduce Operational Emissions" on p. 24 of this comment letter. These measures would effectively reduce operational VOC, NO_x, and CO emissions.

³ CAPCOA (November 2017) CalEEMod User's Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4.

⁴ Ibid, p. 1, 9.

reader what parameters were utilized in calculating the Project's air pollutant emissions and make known which default values were changed as well as provide justification for the values selected.⁵

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cont.

Review of the Project's air modeling demonstrates that the EIR underestimates emissions associated with Project activities. As previously stated, the EIR's air quality analysis relies on air pollutant emissions calculated using CalEEMod. When we reviewed the Project's CalEEMod output files, provided in Appendix D1 to the EIR, we found that several of the values inputted into the model were not consistent with information disclosed in the EIR. As a result, the Project's construction and operational emissions are underestimated. An updated EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

1.62

Unsubstantiated Reductions to Architectural and Area Coating Emission Factors

Review of the Project's CalEEMod output files demonstrates that the Project's architectural and area coatings were manually reduced without sufficient justification (see excerpt below) (Appendix D1, pp. 121, 122, 213, 214, 313, 314).

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	EF_Nonresidential_Exterior	250.00	10.00
tblArchitecturalCoating	EF_Nonresidential_Interior	250.00	10.00
tblArchitecturalCoating	EF_Residential_Exterior	250.00	10.00
tblArchitecturalCoating	EF_Residential_Interior	250.00	10.00
tblAreaCoating	Area_EF_Nonresidential_Exterior	250	50
tblAreaMitigation	UseLowVOCPaintNonresidentialExteriorValue	50	10
tblAreaMitigation	UseLowVOCPaintNonresidentialInteriorValue	250	10
tblAreaMitigation	UseLowVOCPaintResidentialExteriorValue	250	10
tblAreaMitigation	UseLowVOCPaintResidentialInteriorValue	250	10

1.63

As you can see in the excerpt above, four of the architectural and four of the area coating emission factors were each reduced from their default values to 10 g/L. The CalEEMod User's Guide requires any changes to model defaults be justified.⁶ According to the "User Entered Comments & Non-Default Data" table, the justification provided for these changes is: "Paints limited to 50g/L per SCAQMD Rule 1113" (Appendix D1, pp. 313). However, the architectural coating emission factors were changed to 10 g/L, not 50 g/L as indicated. As a result, we cannot verify these changes and the model should not be relied upon to determine Project significance.

⁵ CAPCOA (November 2017) CalEEMod User's Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 11, 12 – 13. A key feature of the CalEEMod program is the "remarks" feature, where the user explains why a default setting was replaced by a "user defined" value. These remarks are included in the report.

⁶ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 2, 9

Failure to Evaluate the Feasibility of Obtaining Tier 4 Final Equipment

Review of the CalEEMod output files demonstrates that the model assumed that construction equipment would be equipped with Tier 4 Final engines (see excerpt below) (Appendix D1, pp. 77-78, 123-124, 169-170, 215-216, 261-262, 315-316, 369-370).

Table Name	Column Name	Default Value	New Value
tblConstEquipMitigation	Tier	No Change	Tier 4 Final
tblConstEquipMitigation	Tier	No Change	Tier 4 Final
tblConstEquipMitigation	Tier	No Change	Tier 4 Final
tblConstEquipMitigation	Tier	No Change	Tier 4 Final
tblConstEquipMitigation	Tier	No Change	Tier 4 Final
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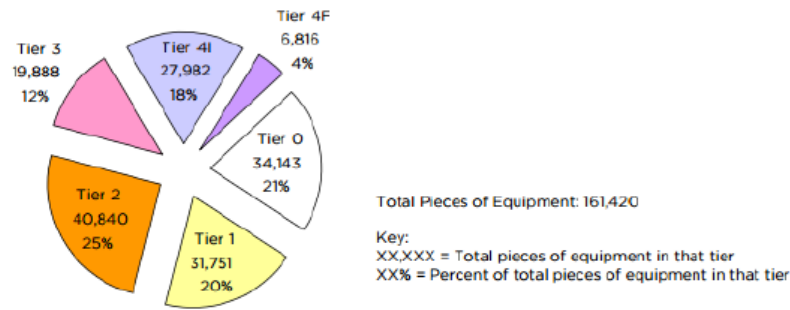
As you can see in the excerpt above, the model assumes that several pieces of construction equipment will be equipped with Tier 4 Final engines. Regarding Tier 4 Final mitigation, the EIR states:

“Off-road diesel-powered equipment that will be used an aggregate of 40 or more hours during any portion of the construction activities for the project shall meet the United States Environmental Protection Agency (EPA) Tier 4–Final emissions standards, and off-road equipment greater than 300 horsepower shall be equipped with diesel particulate filters” (EIR, pp. 199).

However, the EIR failed to evaluate the feasibility in obtaining Tier 4 Final equipment. Due to the limited amount of Tier 4 Final equipment available, the EIR should have assessed the feasibility in obtaining equipment with Tier 4 engines (see excerpt below).⁷

⁷ *Ibid.*

Figure 4: 2014 Statewide All Fleet Sizes (Pieces of Equipment)



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As demonstrated in the figure above, the Tier 4 Final equipment only account for 4% of all off-road equipment currently available in California. Thus, emissions are modeled assuming that the Project will be able to obtain Tier 4 Final equipment even though this equipment only accounts for 4% of available off-road equipment currently available in California. As a result, the model represents the best-case scenario even though obtaining this type of equipment may not be feasible. This is incorrect, as CEQA requires the most conservative analysis.

Due to the limited availability of Tier 4 Final equipment, the EIR should have evaluated the feasibility of obtaining Tier 4 Final equipment. As a result, construction emissions may be underestimated.

1.66

Use of Incorrect Trip Purpose Percentages

Review of the Project's CalEEMod output files demonstrates that the pass-by trip percentages utilized in the model are inconsistent with the pass-by trip percentages indicated by the Traffic Impact Study, provided as Appendix O to the EIR. As a result, the model underestimates the Project's mobile-source operational emissions.

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CalEEMod separates the operational trip purposes into three categories: primary, diverted, and pass-by trips. According to Appendix A of the CalEEMod User's Guide, the primary trips utilize the complete trip lengths associated with each trip type category. Diverted trips are assumed to take a slightly different path than a primary trip and are assumed to be 25% of the primary trip lengths. Pass-by trips are assumed to be 0.1 miles in length and are a result of no diversion from the primary route.⁸ Review of the Project's CalEEMod output files demonstrates that the trip purpose percentage was divided amongst primary, diverted, and pass-by trip types for the Project's proposed Regional Shopping Center land uses (see excerpt below) (Appendix D1, pp. 112, 158, 204, 250, 297, 351, 405).

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⁸ "CalEEMod User's Guide, Appendix A: Calculation Details for CalEEMod." SCAQMD, available at: <http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixa.pdf?sfvrsn=2>, p. 20

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments Low Rise	11.00	3.50	4.50	40.20	19.20	40.80	88	11	3
Apartments Low Rise	11.00	3.50	4.50	40.20	19.20	40.80	88	11	3
City Park	12.50	4.20	5.40	33.00	48.00	19.00	66	28	6
Condo/Townhouse	11.00	3.50	4.50	40.20	19.20	40.80	88	11	3
Other Asphalt Surfaces	12.50	4.20	5.40	0.00	0.00	0.00	0	0	0
Parking Lot	12.50	4.20	5.40	0.00	0.00	0.00	0	0	0
Regional Shopping Center	12.50	4.20	5.40	10.30	64.70	19.00	54	35	11
Regional Shopping Center	12.50	4.20	5.40	16.30	64.70	10.00	54	35	11
Single Family Housing	11.00	3.50	4.50	40.20	19.20	40.80	88	11	3
Single Family Housing	11.00	3.50	4.50	40.20	19.20	40.80	88	11	3
Single Family Housing	11.00	3.50	4.50	40.20	19.20	40.80	88	11	3
Single Family Housing	11.00	3.50	4.50	40.20	19.20	40.80	88	11	3

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As you can see in the excerpt above, 11% of the Regional Shopping Center land uses were estimated as pass-by trips in the CalEEMod model. However, as demonstrated in the Project's Traffic Impact Study, pass-by trips for this land use were already accounted for in the Project's Trip Generation calculations (see excerpt below) (Appendix O, pp. 59, Table 3-2).

Planning Area	Land Use	Quantity	Units ¹	Peak Hour						Daily
				AM			PM			
				In	Out	Total	In	Out	Total	
	Shopping Center	191.337	TSF	114	70	184	341	369	710	8,170
1	Less 30% Pass-By Reduction ²			-34	-21	-55	-102	-111	-213	-2,451
	Sub-Total PA 1			80	49	129	239	258	497	5,719
2	Apartments	146	DU	15	60	75	59	32	91	971
3	Apartments	201	DU	21	82	103	81	44	125	1,337
4	Condo/Townhomes	263	DU	20	96	116	92	45	137	1,528
5	Single Family	250	DU	47	141	188	158	93	251	2,380
6	Single Family	460	DU	86	259	345	290	170	460	4,379
7	Single Family	260	DU	49	146	195	164	96	260	2,475
8	Single Family	60	DU	11	34	45	38	22	60	571
9	City Park	13.82	Acres	35	27	62	28	21	49	26
	Shopping Center	90.060	TSF	54	33	87	160	174	334	3,846
10	Less 30% Pass-By Reduction ²			-16	-10	-26	-48	-52	-100	-1,154
	Sub-Total PA 10			38	23	61	112	122	234	2,692
Total Project Trip Generation				402	917	1,319	1,261	903	2,164	22,078

1.70

Therefore, the CalEEMod model should have divided the trip purpose between primary and diverted trips for the retail land uses, as pass-by trips are already accounted for in the daily trip totals. By

spreading the trip purpose percentages amongst the three categories, the model is accounting for pass-by trips that have already been accounted for in the EIR's Traffic Impact Study. Because the proposed Project's CalEEMod model incorrectly allocates the Project's operational trips to the various categories of trip purposes, the emissions associated with these trips are underestimated and as a result, the Project's mobile-source operational emissions are underestimated. An updated CalEEMod model should be prepared in order to accurately estimate the Project's operational emissions.

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cont.

Unsubstantiated Application of Operational Mitigation Measures

Review of the Project's CalEEMod output files demonstrates that the model incorrectly includes several mobile-, energy-, water-, and waste-related operational mitigation measures. As a result, the Project's operational emissions may be underestimated, and the model should not be relied upon to determine Project significance.

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First, the Project's CalEEMod output files reveal that the Project's emissions were modeled including the following mobile mitigation measures: "Increase Density," "Increase Diversity," "Improve Destination Accessibility," "Increase Transit Accessibility," and "Improve Pedestrian Network" (see excerpt below) (Appendix D1, pp. 110, 156, 202, 248, 295, 349, 403).

4.1 Mitigation Measures Mobile

Increase Density
Increase Diversity
Improve Destination Accessibility
Increase Transit Accessibility
Improve Pedestrian Network

1.72

Second, the Project's CalEEMod output files reveal that the Project's emissions were modeled including the following energy mitigation measures: "Exceed Title 24," "Install High Efficiency Lighting," and "Install Energy Efficient Appliances" (see excerpt below) (Appendix D1, pp. 112, 158, 204, 250, 297, 351, 405).

5.1 Mitigation Measures Energy

Exceed Title 24
Install High Efficiency Lighting
Install Energy Efficient Appliances

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Third, the Project's CalEEMod output files reveal that the Project's emissions were modeled including the following water mitigation measure: "Apply Water Conservation Strategy" (see excerpt below) (Appendix D1, pp. 118, 164, 210, 256, 305, 359, 413).

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7.1 Mitigation Measures Water

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cont

Apply Water Conservation Strategy

Finally, the Project's CalEEMod output files reveal that the Project's emissions were modeled including the following waste mitigation measure: "Institute Recycling and Composting Services" (see excerpt below) (Appendix D1, pp. 118, 164, 210, 256, 307, 361, 415).

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

However, the inclusion of the above-mentioned mobile-, energy-, water-, and waste-related operational mitigation measures is unsubstantiated. According to the CalEEMod User's Guide,

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"The mitigation measures included in CalEEMod are largely based on the CAPCOA Quantifying Greenhouse Gas Mitigation Measures (<http://www.capcoa.org/wp-content/uploads/downloads/2010/09/CAPCOA-Quantification-Report-9-14-Final.pdf>) document. The CAPCOA measure numbers are provided next to the mitigation measures in CalEEMod to assist the user in understanding each measure by referencing back to the CAPCOA document."⁹

However, the EIR fails to demonstrate consistency with several of the mitigation measures included in the model based on CAPCOA's Quantifying Greenhouse Gas Mitigation Measures document (see table below).

Measure	Consistency
CAPCOA's Quantifying Greenhouse Gas Mitigation Measures ¹⁰	
Mobile Measures	
Measure LUT-1 Increase Density <i>"The reductions in GHG emissions are quantified based on reductions to VMT. The relationship between density and VMT is described by its elasticity."</i> % VMT Reduction = A * B, where: A = % increase in housing units or jobs/acre	Here, while the "User Entered Comments & Non-Default Data" table attempts to substantiate this measure by stating: "7.89 du/acre, 6.46 acres = 87 jobs/acre," this fails to mention VMT, emission factors, elasticity, and the anticipated % increase in housing units or jobs/acre (Appendix D1, pp. 75, 121, 167, 213, 259, 313, 367). Furthermore, the EIR fails to include a discussion of the proposed Project's

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⁹ "CalEEMod User's Guide." CAPCOA, November 2017, available at: <http://www.caleemod.com/>, p. 53.

¹⁰ "Quantifying Greenhouse Gas Mitigation Measures." CAPCOA, August 2010, available at: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

<p>B = Elasticity of VMT with respect to density</p>	<p>VMT reductions based on elasticity. Thus, the EIR fails to demonstrate consistency with the measure and as a result, it is unsubstantiated.</p>
<p>Measure LUT-3 Increase Diversity</p> <p><i>"The mixed-use development should encourage walking and other non-auto modes of transport from residential to office/commercial/ institutional locations (and vice versa). The residential units should be within ¼-mile of parks, schools, or other civic uses. The project should minimize the need for external trips by including services/facilities for day care, banking/ATM, restaurants, vehicle refueling, and shopping."</i></p> <p>% VMT Reduction = Land Use * B, where: Land Use = % increase in land use index versus single use development B = Elasticity of VMT with respect to land use index</p>	<p>Here, while the "User Entered Comments & Non-Default Data" table attempts to substantiate this measure by stating: "Increase diversity w/commercial, residential and park uses," the EIR fails to address the Project's proximity to parks, schools, or other civic uses, as well as the incorporation of services/facilities for day care, banking/ATM, restaurants, vehicle refueling, and shopping on the Project site (Appendix D1, pp. 75, 121, 167, 213, 259, 313, 367). Furthermore, the EIR fails to include a discussion or quantification of the Project's VMT reduction with regard to land use index. Thus, the EIR fails to demonstrate consistency with the measure and as a result, its inclusion in the model is unsubstantiated.</p>
<p>Measure LUT-4 Improve Destination Accessibility</p> <p><i>"The VMT reductions for this strategy are based on changes in distance to key destinations versus the standard suburban distance...This distance is used as a baseline to mirror the distance to destinations reflected in the land uses for the ITE Trip Generation Manual, which is the baseline method for determining VMT."</i></p> <p>% VMT Reduction = Center Distance * B, where: Center Distance = % decrease in distance to downtown or major job center vs typical development B = Elasticity of VMT with respect to distance to downtown or major job center</p>	<p>Here, while the "User Entered Comments & Non-Default Data" table attempts to substantiate this measure by stating: "~1.7 miles to dtwn Coachella," the EIR fails to address the typical distance to downtown in a typical development or the elasticity of VMT with respect to distance (Appendix D1, pp. 75, 121, 167, 213, 259, 313, 367). Furthermore, the EIR fails to include a discussion or quantification of the proposed Project's VMT elasticity with respect to distance or typical distance of a typical development to downtown. Thus, the EIR fails to demonstrate consistency with the measure and as a result, its inclusion in the model is unsubstantiated.</p>

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cont.

<p>Measure LUT-5 Increase Transit Accessibility</p> <p><i>"The use of transit results in a model shift and therefore reduced VMT...The project description should include, at a minimum, the following design features:</i></p> <ul style="list-style-type: none"> • <i>A transit station/stop with high-quality, high-frequency bus service located within a 5-10 minute walk (or roughly ¼ mile from stop to edge of development), and/or</i> <ul style="list-style-type: none"> ○ <i>A rail station located within a 20 minute walk (or roughly ½ mile from station to edge of development)</i> • <i>Fast, frequent, and reliable transit service connecting a high percentage of regional destinations</i> • <i>Neighborhood designed for walking and cycling"</i> <p>% VMT = Transit * B, where: Transit = Increase in transit mode share B = Adjustments from transit ridership increase to VMT</p>	<p>Here, while the "User Entered Comments & Non-Default Data" table attempts to substantiate this measure by stating: "1.5 miles to Sunline bus routes 91 and 95 at Harrison/Grapefruit," this is not located within a 5-10 minute walk to the Project site, and thus, fails to be consistent (Appendix D1, pp. 75, 121, 167, 213, 259, 313, 367). Furthermore, while the EIR fails to include the indicated design features, it also fails to address the increase in transit mode share or adjustments from transit ridership increase to VMT. Furthermore, while the EIR includes "Goal 5. Transit Supportive Development Patterns...5.4 Transit accessible development: Encourage new large residential or commercial developments to locate on existing and planned transit routes," this is merely a <u>goal</u> (pp. 359). As a result, the EIR fails to indicate that any mitigation will actually occur. Thus, the EIR fails to demonstrate consistency with the measure and as a result, its inclusion in the model is unsubstantiated.</p>	<p>1.76 cont.</p>
<p>Measure SDT-1 Improve Pedestrian Network</p> <p><i>"Providing a pedestrian access network to link areas of the Project site encourages people to walk instead of drive. This mode shift results in people driving less and thus a reduction in VMT. The project will provide a pedestrian access network that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the project site. The project will minimize barriers to pedestrian access and interconnectivity."</i></p> <p>Inputs: <i>"The project applicant must provide information regarding pedestrian access and connectivity within the project and to/from off-site destinations."</i></p>	<p>Here, while the "User Entered Comments & Non-Default Data" table attempts to substantiate this measure by stating: "Sidewalks connecting off-site," the EIR fails to demonstrate that the Project will provide a pedestrian access network that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the project site (Appendix D1, pp. 75, 121, 167, 213, 259, 313, 367). Furthermore, while the EIR states that the "Project shall improve the pedestrian network by incorporating sidewalks within the property," this again fails to demonstrate that the Project will provide a pedestrian access network that internally links all uses and connects to all existing or planned external streets and pedestrian facilities</p>	

	contiguous with the project site (pp. 201). Thus, the EIR fails to demonstrate consistency with the measure and as a result, its inclusion in the model unsubstantiated.
Energy Measures	
<p>Measure BE-1 Exceed Title 24</p> <p><i>"The California Energy Commission (CEC) has published reports estimating the percentage deductions in energy use resulting from these new standards. Based on CEC's discussion on average savings for Title 24 improvements, these CEC savings percentages by end user can be used to account for reductions in electricity and natural gas use due to updates to Title 24."</i></p> <p>GHG Reduction % = Reduction * Reduction Commitment, where:</p> <p>Reduction = Applicable reduction based on climate zone, building type, and energy type (Tables BE-1.1 and BE-1.2)</p> <p>Reduction Commitment = Project's reduction commitment beyond Title 24 standards</p> <p>The following information needs to be provided by the Project Applicant:</p> <ul style="list-style-type: none"> • Square footage of non-residential buildings • Number of dwelling units • Building/Housing Type • Climate Zone3 • Total electricity demand (KWh) per dwelling unit or per square feet • % reduction commitment (over 2008 Title 24 standards) 	<p>Here, while the "User Entered Comments & Non-Default Data" table attempts to substantiate this measure by stating: "Residential 2013 Title 24 standards are at least 25% more efficient than 2008 Title 24 standards," the EIR fails to demonstrate how the Project would achieve the 25% reduction through Project-specific measures that reduce the total electricity demand (Appendix D1, pp. 75, 121, 167, 213, 259, 313, 367). Furthermore, while the EIR states:</p> <p>"A 25% improvement was used under Energy Mitigation in CalEEMod, as the 2013 Title 24 Standards for residential construction are at least 25% more efficient than 2008 Standards," this also fails to demonstrate how the Project would actually achieve a GHG reduction greater than the 2008 Title 24 standards (p. 4.4-51). Thus, the EIR fails to demonstrate consistency with the measure, and its inclusion in the model is unsubstantiated.</p>
<p>Measure LE-1 Install High Efficiency Lighting</p>	<p>Here, the EIR states: "MM-AQ-12 Project Operations. Prior to issuance of any construction permits, the Project applicant shall submit for</p>

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cont.

<p><i>“Lighting sources contribute to GHG emissions indirectly, via the production of the electricity that powers these lights. Public street and area lighting includes streetlights, pedestrian pathway lights, area lighting for parks and parking lots, and outdoor lighting around public buildings.”</i></p> <p>GHG emission reduction = $\frac{\text{Power}_{\text{baseline}} - \text{Power}_{\text{mitigated}}}{\text{Power}_{\text{baseline}}}$, where:</p> <p>GHG emission reduction = % reduction in GHG emissions Power_{baseline} = Power rating of lights (kW) Power_{mitigated} = Power rating of lights (kW)</p>	<p>review and approval by the City of Coachella Public Works Director, building plans that incorporate measures <u>such as, but not limited to</u>, the following: ... “Energy-efficient light-emitting diode (LED) lighting and solar photovoltaic lighting fixtures in all common areas of the site” (emphasis added) (p. 4.4-58). Thus, the EIR includes measures that the Project <i>may</i> include, such as LED lighting and solar photovoltaic lighting fixtures, but fails to actually commit to these measures. Furthermore, the EIR fails to indicate the quantified percent GHG emission reduction based on power savings achieved. Thus, the EIR fails to demonstrate consistency with the measure, and its inclusion in the model is unsubstantiated.</p>	1.76 cont.
<p>Measure BE-4 Install Energy Efficient Appliances</p> <p><i>“Using energy-efficient appliances reduces a building’s energy consumption as well as the associated GHG emissions from natural gas combustion and electricity production. To take credit for this mitigation measure, the Project Applicant (or contracted builder) would need to ensure that energy efficient appliances are installed.”</i></p> <p>GHG emissions_{mitigated} = Electricity Emissions_{baseline} X (1-(Sum of Reductions)) + Natural Gas Emissions_{baseline}, where:</p> <p>Electricity Emissions_{baseline} = Emissions due to electricity generation (adjusted for Title 24 Standards) Sum of Reductions = Applicable reduction based on energy efficient appliances installed Natural Gas Emissions_{baseline} = Emissions due to natural gas combustion, adjusted for Title 24 Standards</p>	<p>Here, while the “User Entered Comments & Non-Default Data” table attempts to substantiate this measure by stating: “Energy Star appliances will be installed,” this justification fails to demonstrate a commitment to the installation of Energy Star appliances (Appendix D1, pp. 75, 121, 167, 213, 259, 313, 367). According to the EIR, “Prior to issuance of any construction permits, the Project applicant shall submit for review and approval by the City of Coachella Public Works Director, building plans that incorporate measures <u>such as, but not limited to</u>, the following: ... “Energy-efficient appliances (ENERGY STAR or equivalent), and high efficiency heating, ventilation, and air conditioning (HVAC) systems in all on-site buildings” (emphasis added) (p. 4.4-58). As you can see in the excerpt above, the Project <i>may</i> include the installation of Energy Star appliances but does not commit to the measure. Thus, the EIR fails to demonstrate consistency with the measure, and its inclusion in the model is unsubstantiated.</p>	

Water Measures	
<p>Measure WUW-2 Apply Water Conservation Strategy</p> <p><i>“This mitigation measure describes how to calculate GHG emissions reductions from a Water Conservation Strategy which achieves X% reduction in water use (where X% is the specific percentage reduction in water use committed to by the Project Applicant). The steps taken to achieve this X% reduction in water use can vary in nature and may incorporate technologies which have not yet been established at the time this document was written. In order to take credit for this mitigation measure, the Project Applicant would need to provide detailed and substantial evidence supporting the percent reduction in water use.”</i></p> <p>GHG emission reduction = PercentReduction, where:</p> <p>GHG emission reduction = % reduction in GHG emissions for water use</p> <p>PercentReduction = Expected percent reduction in water use after implementation of Water Conservation Strategy</p>	<p>Here, the “User Entered Comments & Non-Default Data” table attempts to substantiate this measure by stating: “20% reduction in water use inside and out per CalGreen” (Appendix D1, pp. 75, 121, 167, 213, 259, 313, 367). While the EIR reiterates this, it fails to provide an explanation of how the 20% was quantified and how this measure will be implemented, monitored, and enforced for the Project (p. 4.4-57). Thus, the EIR fails to demonstrate consistency with the measure, and its inclusion in the model is unsubstantiated.</p>
Waste Measures	
<p>Measure SW-1 Institute Recycling and Composting Services</p> <p><i>“Current protocols for quantifying emissions reductions from diverted landfill waste developed by the USEPA and the California Center for Integrated Waste Management Board (CIWMB) are based on life-cycle approaches, which reflect emissions and reductions in both the upstream and downstream processes around waste management. The Project Applicant should seek local agency guidance on comparing and/or combining operational emissions inventories and life cycle emissions inventories... To take credit for</i></p>	<p>Here, while the “User Entered Comments & Non-Default Data” table attempts to substantiate this measure by stating: “AB 341 requires at least 75% recycling by 2020,” the Project’s construction does not begin until after 2020 and as a result, this reduction does not apply to the proposed Project (Appendix D1, pp. 75, 121, 167, 213, 259, 313, 367). Furthermore, the EIR states that “[t]he project will be required to comply with City programs, such as City’s recycling and waste reduction program, which initially comply, with the 50 percent reduction required in AB 939, then the 75% reduction by 2020 required in AB 341” (p. 4.4-53, Table 4.4.4-</p>

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this measure, the Project Applicant would need to provide detailed and substantial evidence supporting the amount of waste reduced or diverted to recycling and composting due to the institution of extended recycling and composting services."

"USEPA's Waste Reduction Model (WARM) is used to quantify baseline emissions and emissions reductions from diverting landfill waste to composting or recycling. This webbased tool is available online... The required inputs are the tons of waste associated with one of three waste management practices: landfill (baseline scenario), recycled (mitigated scenario), combusted (not applicable in California), and composted (mitigated scenario)."

11). Thus, these 50 percent and 75 percent reductions are not only targets for 2020, which are outdated, but also are to be completed by the City's programs. The EIR fails to indicate any Project-specific recycling and composting measures and, as a result, the EIR fails to demonstrate consistency with the measure, and its inclusion in the model is unsubstantiated.

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As you can see in the table above, the EIR fails to justify several of the mitigation measures utilized in the Project's CalEEMod model. As a result, the inclusion of these measures in the model are unsubstantiated and the model should not be relied upon to determine Project significance.

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The EIR concludes that the Project's construction and operational health risk impacts would be less than significant without conducting a quantified construction or operational health risk assessment (HRA). More specifically, the EIR attempts to justify this claim by stating:

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"Given the relatively limited number of heavy-duty construction equipment and the short-term construction schedule, the proposed Project would not result in a long-term (i.e., 70 years) substantial source of toxic air contaminant emissions and corresponding individual cancer risk" (p. 1-3).

Furthermore, the EIR states:

"[R]esults of the LST analysis, which were developed in response to environmental justice and health concerns, indicate that the Project will not exceed the SCAQMD localized significance thresholds during construction, with the incorporation of Mitigation Measures MM-AQ-1 through MM-AQ-10. Therefore, sensitive receptors would not be subject to significant air toxic impacts during construction at the Project site" (p. 4.4-47-48).

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However, these justifications and the subsequent less than significant impact finding are incorrect for several reasons.

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First, the use of the LST method to determine the Projects health risk impacts on nearby, existing sensitive receptors is incorrect. While the LST method assesses the impact of pollutants at a local level, it only evaluates impacts from criteria air pollutants. According to the Final Localized Significance Threshold Methodology document prepared by the SCAQMD, the LST analysis is only applicable to NO_x, CO, PM₁₀, and PM_{2.5} emissions, which are collectively referred to as criteria air pollutants.¹¹ Because the LST method can only be applied to criteria air pollutants, this method cannot be used to determine whether emissions from DPM, a known human carcinogen, will result in a significant health risk impact to nearby sensitive receptors. As a result, health impacts from exposure to toxic air contaminants (TACs), such as diesel particulate matter (DPM), were not analyzed, thus leaving a gap within the EIR's analysis.

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Second, the omission of a quantified HRA is inconsistent with the most recent guidance published by the Office of Environmental Health Hazard Assessment (OEHHA), the organization responsible for providing guidance on conducting HRAs in California. In February of 2015, OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments*.¹² This guidance document describes the types of projects that warrant the preparation of an HRA. Construction of the Project will produce emissions of DPM, a human carcinogen, through the exhaust stacks of construction equipment over a construction period of approximately 2,895 days (Appendix D1, pp. 84, 130, 176, 222, 269, 323, 377). The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors.¹³ Therefore, per OEHHA guidelines, we recommend that health risk impacts from Project construction be evaluated by the EIR.

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Furthermore, once construction of the Project is complete, the Project will operate for a long period of time. As previously stated, Project operation will generate approximately 22,078 daily vehicle trips, which will generate additional exhaust emissions and continue to expose nearby sensitive receptors to DPM emissions (Appendix O, pp. 59, Table 3-2). The OEHHA document recommends that exposure from projects lasting more than 6 months be evaluated for the duration of the project, and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident (MEIR).¹⁴ Even though we were not provided with the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, we recommend that health risks from Project operation also be evaluated, as a 30-year exposure duration vastly exceeds the 2-month and 6-month requirements set forth by OEHHA. This guidance reflects the most recent health risk policy, and as such, we recommend that an updated

¹¹ "Final Localized Significance Threshold Methodology." SCAQMD, Revised July 2008, *available at*: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf>.

¹² "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: http://oehha.ca.gov/air/hot_spots/hotspots2015.html

¹³ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-18

¹⁴ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-6, 8-15

assessment of health risks to nearby sensitive receptors from Project construction and operation be included in a revised CEQA evaluation for the Project. 1.80 cont.

Third, by claiming a less than significant impact without conducting a quantified HRA to nearby, existing sensitive receptors as a result of Project construction, the EIR fails to compare the excess health risk to the SCAQMD's specific numeric threshold of 10 in one million.¹⁵ Thus, the EIR should not conclude less than significant health risk impacts resulting from Project construction without quantifying emissions to compare to the proper threshold. 1.81

Screening-Level Assessment Indicates Significant Impact

In an effort to demonstrate the potential health risk posed by Project construction and all Project operation to nearby sensitive receptors, we prepared a simple screening-level HRA. The results of our assessment, as described below, provide substantial evidence that the Project's construction and operational DPM emissions may result in a potentially significant health risk impact not previously identified by the EIR. 1.82

In order to conduct our screening level risk assessment, we relied upon AERSCREEN, which is a screening level air quality dispersion model.¹⁶ The model replaced SCREEN3, and AERSCREEN is included in the OEHHA¹⁷ and the California Air Pollution Control Officers Associated (CAPCOA)¹⁸ guidance as the appropriate air dispersion model for Level 2 health risk screening assessments ("HRSAs"). A Level 2 HRA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project. 1.83

We prepared a preliminary HRA of the Project's construction and operational health-related impact to residential sensitive receptors using the annual PM₁₀ exhaust estimates from SWAPE's updated CalEEMod model. According to the EIR, the closest sensitive receptor is located approximately 100 meters west of the Project site (Appendix D1, p. 4-3). Consistent with recommendations set forth by OEHHA, we assumed exposure begins during the third trimester stage of life. The Project's construction CalEEMod output files indicate that construction activities will generate approximately 415 pounds of diesel particulate matter (DPM) over the 2,895-day construction period. The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, 1.84

¹⁵ "South Coast AQMD Air Quality Significance Thresholds." SCAQMD, April 2019, *available at*: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>

¹⁶ "AERSCREEN Released as the EPA Recommended Screening Model," USEPA, April 11, 2011, *available at*: http://www.epa.gov/ttn/scram/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf

¹⁷ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>

¹⁸ "Health Risk Assessments for Proposed Land Use Projects," CAPCOA, July 2009, *available at*: http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf

and volume emission sources. To account for the variability in equipment usage and truck trips over Project construction, we calculated an average DPM emission rate by the following equation:

$$\text{Emission Rate } \left(\frac{\text{grams}}{\text{second}} \right) = \frac{414.8 \text{ lbs}}{2,895 \text{ days}} \times \frac{453.6 \text{ grams}}{\text{lbs}} \times \frac{1 \text{ day}}{24 \text{ hours}} \times \frac{1 \text{ hour}}{3,600 \text{ seconds}} = 0.0007522 \text{ g/s}$$

Using this equation, we estimated a construction emission rate of 0.0007522 grams per second (g/s). Subtracting the 2,895-day construction duration from the total residential duration of 30 years, we assumed that after Project construction, the sensitive receptor would be exposed to the Project's operational DPM for an additional 22.07 years, approximately. The Project's operational CalEEMod emissions, calculated by subtracting the existing emissions from the proposed Project, indicate that operational activities will generate approximately 1,279 pounds of DPM per year throughout operation. Applying the same equation used to estimate the construction DPM rate, we estimated the following emission rate for Project operation:

$$\text{Emission Rate } \left(\frac{\text{grams}}{\text{second}} \right) = \frac{1,279 \text{ lbs}}{365 \text{ days}} \times \frac{453.6 \text{ grams}}{\text{lbs}} \times \frac{1 \text{ day}}{24 \text{ hours}} \times \frac{1 \text{ hour}}{3,600 \text{ seconds}} = 0.01840 \text{ g/s}$$

Using this equation, we estimated an operational emission rate of 0.0184 g/s. Construction and operational activity was simulated as a 304-acre rectangular area source in AERSCREEN with dimensions of 1,550 meters by 794 meters (EIR, p. 1-10). A release height of three meters was selected to represent the height of exhaust stacks on operational equipment and other heavy-duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. An urban meteorological setting was selected with model-default inputs for wind speed and direction distribution.

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project site. EPA guidance suggests that in screening procedures, the annualized average concentration of an air pollutant be estimated by multiplying the single-hour concentration by 10%.¹⁹ While the closest residential sensitive receptor is approximately 100 meters away, the maximally exposed sensitive receptor is approximately 800 meters away, according to AERSCREEN. The single-hour concentration estimated by AERSCREEN for Project construction is approximately 0.05024 µg/m³ DPM at approximately 800 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration 0.005024 µg/m³ for Project construction at the maximally exposed sensitive receptor. For Project operation, the single-hour concentration is estimated by AERSCREEN is approximately 1.229 µg/m³ at approximately 800 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.1229 µg/m³ for Project operation at the maximally exposed sensitive receptor.

¹⁹ "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources Revised." EPA, 1992, *available at*: http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019_OCR.pdf; *see also* "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>, p. 4-36

We calculated the excess cancer risk to the closest sensitive receptor using applicable HRA methodologies prescribed by OEHHA and the SCAQMD. Consistent with the construction schedule included in the EIR, the annualized average concentration for construction was used for the entire third trimester of pregnancy (0.25 years), the infantile stage of life (0 – 2 years), and the first 5.68 years of the child stages of life (2 – 16 years). The annualized average concentration for operation was used for the remainder of the 30-year exposure period, which makes up the remainder of the child stages of life (2 – 16 years) and adult stages of life (16 – 30 years). Consistent with OEHHA, SCAQMD, BAAQMD, and SJVAPCD guidance, we used Age Sensitivity Factors (ASFs) to account for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution.^{20, 21, 22, 23} According to this guidance, the quantified cancer risk should be multiplied by a factor of ten during the third trimester of pregnancy and during the first two years of life (infant) as well as multiplied by a factor of three during the child stage of life (2 to 16 years). We also included the quantified cancer risk without adjusting for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution in accordance with older OEHHA guidance from 2003. This guidance utilizes a less health protective scenario than what is currently recommended by SCAQMD, the air quality district responsible for the City, and several other air districts in the state. Furthermore, in accordance with guidance set forth by OEHHA, we used the 95th percentile breathing rates for infants.²⁴ Finally, according to SCAQMD guidance, we used a Fraction of Time At Home (FAH) Value of 1 for the 3rd trimester and infant receptors.²⁵ We used a cancer potency factor of 1.1 (mg/kg-day)⁻¹ and an averaging time of 25,550 days. The results of our calculations are shown below.

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²⁰ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, **available at:** <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>.

²¹ "Draft Environmental Impact Report (DEIR) for the Proposed The Exchange (SCH No. 2018071058)." SCAQMD, March 2019, **available at:** <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/march/RVC190115-03.pdf?sfvrsn=8>, p. 4.

²² "California Environmental Quality Act Air Quality Guidelines." BAAQMD, May 2017, **available at:** http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, p. 56; see also "Recommended Methods for Screening and Modeling Local Risks and Hazards." BAAQMD, May 2011, **available at:** <http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20Modeling%20Approach.ashx>, p. 65, 86.

²³ "Update to District's Risk Management Policy to Address OEHHA's Revised Risk Assessment Guidance Document." SJVAPCD, May 2015, **available at:** <https://www.valleyair.org/busind/pto/staff-report-5-28-15.pdf>, p. 8, 20, 24.

²⁴ "Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics 'Hot Spots' Information and Assessment Act," June 5, 2015, **available at:** <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588-risk-assessment-guidelines.pdf?sfvrsn=6>, p. 19.

"Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, **available at:** <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>

²⁵ "Risk Assessment Procedures for Rules 1401, 1401.1, and 212." SCAQMD, August 2017, **available at:** http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/riskassessmentprocedures_2017_080717.pdf, p. 7.

The Closest Exposed Individual at an Existing Residential Receptor						
Activity	Duration (years)	Concentration (ug/m3)	Breathing Rate (L/kg-day)	Cancer Risk without ASFs*	ASF	Cancer Risk with ASFs*
Construction	0.25	0.005024	361	6.8E-09	10	6.8E-08
3rd Trimester Duration	0.25			6.8E-09	3rd Trimester Exposure	6.8E-08
Construction	2.00	0.005024	1090	1.7E-07	10	1.7E-06
Infant Exposure Duration	2.00			1.7E-07	Infant Exposure	1.7E-06
Construction	5.68	0.005024	572	2.5E-07	3	7.4E-07
Operation	8.32	0.1229	572	8.7E-06	3	2.6E-05
Child Exposure Duration	14.00			8.7E-06	Child Exposure	2.6E-05
Operation	14.00	0.1229	261	4.9E-06	1	4.9E-06
Adult Exposure Duration	14.00			4.9E-06	Adult Exposure	4.9E-06
Lifetime Exposure Duration	30.00			1.4E-05	Lifetime Exposure	3.3E-05

* We, along with CARB and SCAQMD, recommend using the more updated and health protective 2015 OEHHA guidance, which includes ASFs.

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cont.

The excess cancer risk posed to adults, children, infants, and during the third trimester of pregnancy at the closest receptor, located approximately 800 meters away, over the course of Project construction and operation, utilizing age sensitivity factors, are approximately 4.9, 26, 1.7, and 0.068 in one million, respectively. The excess cancer risk over the course of a residential lifetime (30 years) at the closest receptor, with age sensitivity factors, is approximately 33 in one million. The infant, child, and lifetime cancer risks, using age sensitivity factors, all exceed the SCAQMD threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the EIR. Results without age sensitivity factors are presented in the table above, although we **do not** recommend utilizing these values for health risk analysis, as they are less conservative and health-protective according to the most recent guidance. Regardless, the excess cancer risk over the course of a residential lifetime (30 years) at the closest receptor, without age sensitivity factors, is approximately 14 in one million. Thus, the Project may result in a significant impact regardless of the use of age sensitivity factors.

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An agency must include an analysis of health risks that connects the Project's air emissions with the health risk posed by those emissions. Our analysis represents a screening-level HRA, which is known to be conservative and tends to err on the side of health protection. The purpose of the screening-level construction HRA shown above is to demonstrate the link between the proposed Project's emissions and the potential health risk. Our screening-level HRA demonstrates that construction of the Project could result in a potentially significant health risk impact, when correct exposure assumptions and up-to-date, applicable guidance are used. Therefore, since our screening-level construction HRA indicates a

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potentially significant impact, an updated CEQA analysis should include a reasonable effort to connect the Project's air quality emissions and the potential health risks posed to nearby receptors. Thus, an updated CEQA analysis should include a quantified air pollution model as well as an updated, quantified, refined health risk assessment which adequately and accurately evaluates health risk impacts associated with both Project construction and operation.

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cont.

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The EIR concludes that the Project's GHG impact would be less than significant, stating:

"[T]he project's emissions would be 3.27 MTCO₂e/SP/yr which is below both the SCAQMD's and the City's CAP service population target" (Appendix D1, pp. 47).

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This justification and subsequent less-than-significant impact finding are incorrect and unsubstantiated for two reasons:

- (1) Incorrect and unsubstantiated analysis demonstrates a significant impact; and
- (2) Updated analysis demonstrates a significant impact that was not previously identified or addressed by the EIR.

1) Incorrect and Unsubstantiated Analysis Demonstrates Significant Impact

The EIR fails to adequately compare the Project's annual GHG emissions to the applicable SCAQMD threshold. This is incorrect for three reasons.

First, as previously discussed, the EIR's CalEEMod model relies upon incorrect input parameters to estimate the Project's criteria air pollutant and GHG emissions, resulting in an underestimation of Project emissions. Therefore, we find the EIR's quantitative GHG analysis to be incorrect and unreliable.

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Second, the EIR's GHG analysis includes an unsubstantiated reduction as a result of carbon sequestration from 2,406 new trees (see excerpt below) (Appendix D1, pp. 71, Table 15)

TABLE 15
Year 2020 Project Greenhouse Gas Emissions with Mitigation and Regulations¹

Emission Source	Emissions (MTCO ₂ e) ¹
Area Source	3,641.21
Energy Source	5,953.43
Mobile Source	15,541.76
Waste	203.07
Water	742.24
Construction (averaged over 30 years)	653.85
Sequestration from 2,406 new on-site trees ³	-85.17
Total Annual Emissions²	26,650.38
SCAQMD 2020 target for service population (SP) (which includes residents and employees) 4.8 MTCO ₂ e/SP/year	4.8 MTCO ₂ e/SP/year
Coachella City CAP GHG emission target (15% below 2010 emissions by 2020)	7.0 MTCO ₂ e/SP/year
Project Service Population ⁴	8,155.00
Project's MTCO₂e/SP	3.27
Exceeds Threshold (?)	No

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cont.

As you can see in the excerpt above, the EIR's GHG analysis included a reduction of 85.17 metric tons of carbon dioxide equivalent (MT CO₂e) as a result of carbon sequestration from 2,406 trees. However, this reduction was already included in the emissions calculated by the EIR's CalEEMod model (see excerpt below) (Appendix D1, pp. 79, 125, 171, 217, 263, 317, 371).

Table Name	Column Name	Default Value	New Value
tblSequestration	NumberOfNewTrees	0.00	2,406.00

Thus, the EIR's GHG analysis includes a reduction that was already accounted for by the EIR's CalEEMod model. As a result, the Project's GHG analysis is underestimated and should not be relied upon to determine Project significance.

Third, the EIR's GHG analysis relies upon service population efficiency targets that are not applicable to the proposed Project. The EIR relies upon the SCAQMD's 2020 target service population efficiency of 4.8 metric tons of carbon dioxide equivalent per service population per year (MT CO₂e/SP/yr) and the City's CAP threshold of 7.0 MT CO₂e/SP/yr in order to determine that the Project would have a less than significant GHG impact (Appendix D1, p. 7-1). However, review of the City's CAP demonstrates that the 7.0 MT CO₂e/SP/yr is for the year 2020 (see excerpt below).²⁶

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²⁶ "CLIMATE ACTION PLAN CITY OF COACHELLA PUBLIC DRAFT." City of Coachella, June 2014, *available at*: <https://www.coachella.org/home/showdocument?id=2880%20>, p. 35.

	2020 REDUCTION POTENTIAL MTCO ₂ E	2020 REDUCTION POTENTIAL (MTCO ₂ E/SP)	2035 REDUCTION POTENTIAL MTCO ₂ E	2035 REDUCTION POTENTIAL (MTCO ₂ E/SP)
Projected BAU Emissions	923,091	9.8	1,543,672	9.3
Adjusted BAU with State Programs and General Plan Policies	585,045	6.2	904,042	5.4
Proposed Greenhouse Gas Emissions Targets	735,829	7.0	756,679	4.2
Reduction Beyond Target (2020) and Emissions Gap (2035)	150,784	0.8	-147,363	-1.2

As you can see in the excerpt above, both the SCAQMD's and the City's CAP thresholds utilized in the EIR are for the year 2020. However, reliance on targets for 2020 is incorrect, as the EIR's CalEEMod model demonstrates the Project would not become operational until 7 years after the Project begins construction (Appendix D1, pp. 74, 166, 212, 258, 312, 366). As it is already 2020 and the Project is yet to be approved, we can reasonably say the Project will not become operational until at least 2027. Thus, the EIR should have used the SCAQMD's 2030 substantial progress service population efficiency threshold of 3.0 MT CO₂e/SP/year and the City of Coachella CAP's 2035 target of 4.2 CO₂e/SP/year in order to evaluate the Project's 2022 emissions. If the correct SCAQMD threshold had been used to adequately evaluate the Project's underestimated emissions, a significant impact would be revealed that was not previously identified in the EIR (see table below).

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cont.

Annual Greenhouse Gas Emissions Efficiency		
Source	Project Emissions	Unit
EIR Annual Emissions	26,650.4	MT CO ₂ e/year
Service Population	8,155.0	Residents & Employees
Per Service Population Annual Emissions	3.3	MT CO₂e/sp/year
2035 SCAQMD Project Level Efficiency Threshold	3	MT CO ₂ e/sp/year
Exceed?	Yes	-

As you can see in the table above, when we compare the per service population emissions estimated in the EIR to the relevant SCAQMD threshold, the Project's 2022 service population efficiency value of 3.3 MT CO₂e/SP/year exceeds the 2035 service population efficiency threshold of 3.0 MT CO₂e/SP/year. Thus, we find a significant GHG impact not previously identified in the EIR. As a result, an updated CEQA analysis must be prepared for the Project, and mitigation should be implemented where necessary, per CEQA guidelines.

2) Updated Analysis Indicates a Potentially Significant Impact

Notwithstanding the flawed GHG evaluation discussed above, applicable thresholds and site-specific modeling demonstrate that the Project will have a significant GHG impact. The updated CalEEMod output files, modeled by SWAPE with Project-specific information, disclose the Project's mitigated emissions, which include approximately 22,480 MT CO₂e of total construction emissions (sum of 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2022) and approximately 34,611 MT CO₂e/yr of annual operational emissions (sum of area, energy, mobile, waste, and water-related emissions). When we compare the Project's GHG emissions to the 3,000 MT CO₂e/yr mixed-use threshold (SCAQMD Tier 3 Option 1), we find that the Project's GHG emissions exceed the threshold (see table below).

SWAPE Annual Greenhouse Gas Emissions	
Project Phase	Proposed Project (MT CO ₂ e/year)
Construction (amortized over 30 years)	749.3
Area	3,640.8
Energy	7,387.8
Mobile	21,635.5
Waste	897.9
Water	1,048.7
Total	35,360.1
Threshold	3,000
Exceed?	Yes

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As demonstrated in the table above, the proposed Project would generate a total of approximately 35,360 MT CO₂e/yr when modeled correctly, which exceeds the SCAQMD's 3,000 MT CO₂e/yr mixed-use/non-industrial project screening threshold. Hence, a Tier 4 analysis is warranted. When dividing the Project's GHG emissions by a service population value of 8,155 people, as indicated by the EIR, we find that the Project would emit approximately 4.34 MT CO₂e/SP/yr. This exceeds the SCAQMD 2035 efficiency target of 3.0 MT CO₂e/SP/yr as well as the City of Coachella's 2035 Reduction Target of 4.2 MT CO₂e/SP/yr (see table below).

Annual Greenhouse Gas Emissions Efficiency		
Source	Project Emissions	Unit
SWAPE Annual Emissions	35,360.10	MT CO ₂ e/year
Service Population	8,155.00	Residents & Employees
Per Service Population Annual Emissions	4.34	MT CO₂e/sp/year
2035 SCAQMD Project Level Efficiency Threshold	3	MT CO ₂ e/sp/year
Exceed?	Yes	-
City of Coachella CAP 2035 Reduction Target	4.2	MT CO ₂ e/sp/year
Exceed?	Yes	-

As you can see in the table above, when we compare the Project's per service population emissions, estimated by SWAPE's Project-specific CalEEMod model, to the 2035 SCAQMD threshold of 3.0 MT CO₂e/SP/yr and the City of Coachella's 2035 Reduction Target of 4.2 MT CO₂e/SP/yr, we find that the Project's emissions would exceed thresholds. Thus, the proposed Project would conflict with the City of Coachella CAP and would result in a potentially significant impact not identified in the EIR. As a result, an updated CEQA analysis should be prepared for the Project, and additional mitigation should be implemented where necessary, per CEQA guidelines.

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cont.

Feasible Mitigation Measures Available to Reduce Operational Emissions

Our analysis demonstrates that the Project's air quality and GHG emissions may result in potentially significant impacts. In an effort to reduce the Project's operational emissions, we identified several mitigation measures that are applicable to the Project. Feasible mitigation measures can be found in CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*, which attempt to reduce GHG levels, as well as criteria air pollutants, such as particulate matter emissions.²⁷ Therefore, to reduce the Project's operational emissions, consideration of the following measures should be made:

- Integrate affordable and below market rate housing
- Energy-related mitigation:
 - Install programmable thermostat timers
 - Establish onsite renewable energy systems, including solar power and wind power
 - Limit outdoor lighting requirements
 - Reduce unnecessary outdoor lighting by utilizing design features such as limiting the hours of operation of outdoor lighting.
 - Provide education on energy efficiency to residents, customers, and/or tenants. Provide information on energy management services for large energy users.
 - Meet "reach" goals for building energy efficiency and renewable energy use.
 - Limit the use of outdoor lighting to only that needed for safety and security purposes.
 - Require use of electric or alternatively fueled sweepers with HEPA filters.
 - Include energy storage where appropriate to optimize renewable energy generation systems and avoid peak energy use.
 - Prohibit gas powered landscape equipment and implement electric yard equipment compatibility
- Transportation-related mitigation:
 - Provide EV parking
 - Require residential area parking permits
 - Implement ride-sharing, vanpool, shuttle, bike-sharing programs
 - Provide bike parking near transit
 - Provide local shuttles
 - Implement area or cordon pricing
 - Install a park-and-ride lot

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²⁷ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

- Water-related mitigation:
 - Install an infiltration basin to provide an opportunity for 100% of the storm water to infiltrate on-site.
 - Install a system to reutilize gray water
 - Use locally-sourced water supply
 - Plant native and drought-resistant trees and vegetation
- Develop and follow a “green streets guide” that requires:
 - Use of minimal amounts of concrete and asphalt;
 - Use of groundcovers rather than pavement to reduce heat reflection.²⁸
- Implement Project design features such as:
 - Shade HVAC equipment from direct sunlight;
 - Install high-albedo white thermoplastic polyolefin roof membrane;
 - Install formaldehyde-free insulation; and
 - Use recycled-content gypsum board.
 - Require all buildings to become “LEED” and “WELL” certified.
- Plant low-VOC emitting shade trees, e.g., in parking lots to reduce evaporative emissions from parked vehicles.

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cont.

Finally, the Kimball Business Park Project Final Environmental Impact Report includes various feasible mitigation measures that would reduce on-site area emissions that are applicable to the proposed Project’s retail land use, and include, but are not limited to:²⁹

- Increase in insulation such that heat transfer and thermal bridging is minimized.
- Limit air leakage through the structure and/or within the heating and cooling distribution system.
- Installation of dual-paned or other energy efficient windows.
- Installation of automatic devices to turn off lights where they are not needed.

These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduces emissions released during Project operation. An updated EIR should be prepared to include additional mitigation measures, as well as include an updated air quality analysis to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The EIR also should demonstrate commitment to the implementation of these measures prior to Project approval, to ensure that the Project’s significant emissions are reduced to the maximum extent possible.

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SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional

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²⁸ Cool Houston Plan;

http://www.harcresearch.org/sites/default/files/documents/projects/CoolHoustonPlan_0.pdf

²⁹ Mitigation Monitoring Plan for the Kimball Business Park Project Final Environmental Impact Report, July 2016.

information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

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cont.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

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Vista Del Agua Construction

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CalEEMod Version: CalEEMod.2016.3.2

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Vista Del Agua PAINT MIT 10 g/L - Riverside-Salton Sea County, Annual

Vista Del Agua PAINT MIT 10 g/L
Riverside-Salton Sea County, Annual

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CalEEMod Version: CalEEMod.2016.3.2

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Vista Del Agua PAINT MIT 10 g/L - Riverside-Salton Sea County, Summer

Vista Del Agua PAINT MIT 10 g/L
Riverside-Salton Sea County, Summer

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CalEEMod Version: CalEEMod.2016.3.2

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Vista Del Agua PAINT MIT 10 g/L - Riverside-Salton Sea County, Winter

Vista Del Agua PAINT MIT 10 g/L
Riverside-Salton Sea County, Winter

1.100

Responses to Comment Letter No. 1

- 1.1 Comment noted. These are informational statements and a summary of the Project Description that do not require a response.
- 1.2 Comment noted. This is a summary of the Project Description that does not require a response.
- 1.3 Comment noted. This is a description of the Southwest Carpenters that does not require a response.
- 1.4 Comment noted. No further response is required.
- 1.5 Comment noted. No further response is required.
- 1.6 Comment noted. See responses to comments in FEIR and Supplement to FEIR. The comment further suggests that Southwest Carpenters may “supplement” their comments at an unspecified later date. The City notes that the Draft EIR was circulated to the public for two public review periods and was widely available to the public for review and comment from June 8, 2018 through July 23, 2018, and again from August 10, 2018 through September 24, 2018, and that there was adequate time for comments to be submitted during that period. CEQA does not require that an agency respond to late comments (Pub Resources Code §21091(d)(1)). Nor is a lead agency required to delay the review process to prepare responses to late comments (14 Cal Code Regs §15207). No further response is required.
- 1.7 Comment noted. The City will provide all notices related to this proposed Project to the Commenter. No further response is required.
- 1.8 This comment under the heading of “Expert” serves to introduce two additional commenters from the SWAPE organization. Mr. Hagemann and Dr. Rosenfeld can be considered scientists and the resumes for each, provided in Exhibit A and B respectively, demonstrate extensive though very general backgrounds in research in the western United States, research that is only marginally related and not directly applicable to the specific issues of this Project within its geographic and environmental setting. Each of these commenters has worked at environmental organizations and have published many papers, however, neither has specific experience with land development projects or issues specifically in Riverside or San Bernardino Counties (i.e. the Inland Empire or IE). The only local experience demonstrated by the commenters is their private organization from the Bay Area has been hired in the past to make similar comments on other types of projects in the IE that were being challenged by union organizations. Neither commenter appears to have actual research-oriented experience in this area, only indirect experience commenting on other projects. In addition, neither commenter visited the Project site or surrounding area to familiarize themselves with actual local conditions or constraints. As will be demonstrated in subsequent responses below, most of their “specific” comments are actually general comments about methodologies for assessing potential environmental impacts that are very generic and could apply to almost any type of land development project anywhere in the western United States. Based on this information, it is difficult to determine if these individuals are actually experts within the definition of CEQA (i.e., with knowledge and experience directly applicable to the

issues raised in the EIR and the project site).

- 1.9 This is some additional information regarding the experience of Matt Hagemann, P.G., C.Hg. that has been addressed in Response to Comment 1.7 above.
- 1.10 This is some additional information regarding the experience of Matt Hagemann, P.G., C.Hg. that has been addressed in Response to Comment 1.7 above.
- 1.11 This is some additional information regarding the experience of Matt Hagemann, P.G., C.Hg. that has been addressed in Response to Comment 1.7 above.
- 1.12 This is some additional information regarding the experience of Paul Rosenfeld, Ph.D. that has been addressed in Response to Comment 1.7 above.
- 1.13 This is some additional information regarding the experience of Paul Rosenfeld, Ph.D. that has been addressed in Response to Comment 1.7 above.
- 1.14 This is some additional information regarding the experience of Paul Rosenfeld, Ph.D. that has been addressed in Response to Comment 1.7 above.
- 1.15 Comment noted. This comment provides a general summary and the commenter's own interpretation of CEQA but does not include any specific allegations regarding this project or the EIR and does not require a response.
- 1.16 Comment noted. This comment provides a general summary and the commenter's own interpretation of CEQA, does not include any specific allegations regarding this project or the EIR, and does not require a response.
- 1.17 Comment noted. This comment provides a general summary and the commenter's own interpretation of CEQA, does not include any specific allegations regarding this project or the EIR, and does not require a response.
- 1.18 Comment noted. This comment provides a general summary and the commenter's own interpretation of CEQA, does not include any specific allegations regarding this project or the EIR, and does not require a response.
- 1.19 Comment noted. This comment provides a general summary and the commenter's own interpretation of CEQA, does not include any specific allegations regarding this project or the EIR, and does not require a response.
- 1.20 Comment noted. This comment discusses the standards for recirculation of an EIR under CEQA without any specific application to the Project and does not require a response.
- 1.21 Comment noted. This comment discusses the standards for recirculation of an EIR under CEQA without any specific application to the Project and does not require a response.
- 1.22 Comment noted. This comment discusses the standards for recirculation of an EIR under CEQA without any specific application to the Project and does not require a response.

- 1.23 This comment is introductory in nature and does not raise any specific environmental issues. As contained in these Responses to Comments, the City, in exercising its discretion as lead agency has determined that the DEIR does not meet the criteria listed in State CEQA Guidelines Section 15088.5 (Recirculation of an EIR Prior to Certification) that would necessitate a revised and recirculated EIR.
- 1.24 Comment noted. The comment provides a slightly condensed statement of the Draft EIR's rationale for the preparation of a Program EIR and does not raise any environmental issues. No further response is required.
- 1.25 Comment noted. This comment discusses the level of disclosure in a program EIR under CEQA without any specific application to the Project. No further response is required.
- 1.26 This is an opinion of the commenter. Pursuant to *CEQA Guidelines* Section 15168:

"A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- (1) Geographically,*
- (2) As logical parts in the chain of contemplated actions,*
- (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or*
- (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways."*

The DEIR analyzed the proposed Project under CEQA at a program level for the entire Project, which consists of residential, commercial (suburban retail and neighborhood commercial), and open space (neighborhood park and paseos) development, with associated on-site and off-site infrastructure improvements for Vista Del Agua, an approximate 275.4-acre site, in the City of Coachella (City), Riverside County, California. The DEIR was prepared as a Program EIR for the following reasons:

- The proposed Project would be implemented over a moderately geographic area, of approximately 275.4 acres.
- Final grading and construction plans and details have not been developed for each planning area, as of yet.

A worst-case construction scenario was developed to analyze construction impacts throughout the DEIR.

Subsequent activities associated with implementation of the Specific Plan would be evaluated for compliance with CEQA in light of the DEIR to determine whether additional environmental documentation must be prepared. Specifically, if Tentative Tract Maps, improvement plans, or other discretionary approvals associated with implementation of the Specific Plan are submitted and proposed, the environmental impacts of implementing those maps, plans, and approvals will be compared against the analysis set forth in the DEIR and CEQA's mandates for subsequent and/or supplemental environmental review. *CEQA Guidelines* Section 15168(c) provides that later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. The

DEIR, therefore, provides for the evaluation of future activities in the program in accordance with the CEQA Guidelines and the Project does not require the preparation of a subsequent EIR.

The comment does not provide a specific allegation regarding the Project, DEIR or FEIR. To the extent the Commenter alleges the FEIR does not provide substantial evidence regarding the analysis of Planning Area 10, see Response 1.27 below.

- 1.27 The Specific Plan Land Use Summary referenced by the commenter provides that Planning Area ("PA") 10 has a land use designation of Neighborhood Commercial and is anticipated to develop 90,060 square feet of commercial uses. In the event Planning Area 10 does not develop as commercial uses, a maximum number of 41 single-family residential units may be developed. In the event PA 10 is developed with 41 single-family residential units, the unit count in other planning areas must be reduced to maintain the overall number of units allowed in the Project, as under no circumstances will the maximum number of 1,640 units be exceeded. (DEIR, p. 2-2.) Thus, if PA 10 is developed with residential uses instead of commercial uses, impacts would be less than what was analyzed in the FEIR, as the number of residential units in the Project would not increase and 90,060 square feet of commercial uses would not be developed.

The commenter asserts that traffic impacts would differ substantially. According to Table 4.14.4-2 of the DEIR (p. 4.4-15), PA 10 was analyzed utilizing 90,600 square feet of shopping center uses, which would generate 3,846 Daily Trips. If the 10-acre site was developed as 41 single family units, it would generate approximately 395 Daily Trips (41 single family units x 9.63 Daily Trips). This is considerably less (almost 90% less) than the commercial trips analyzed in the DEIR. As development of residential units in PA 10 would not result in an increase in impacts and the DEIR analyzed a worst-case scenario, no additional analysis is required.

- 1.28 Please refer to Responses to Comments 1.26 and 1.27. No additional response is required.
- 1.29 As set forth in the DEIR, FEIR, and herein, the City has adequately analyzed the Project's air quality, health risk, and greenhouse gas impacts and no updated EIR is necessary. Please refer to Responses to Comments 1.59 through 1.100 regarding responses to the SWAPE comment letter.
- 1.30 Comment noted. This is a summary of information contained in the FEIR that does not require a response.
- 1.31 The commenter asserts that CEQA requires that an EIR propose and describe mitigation measures to minimize the significant environmental effects identified in the EIR. (Pub. Res. Code § 21002.1(a); State CEQA Guidelines § 15126.4.) However, the commenter does not provide examples of mitigation measures it felt the City should consider or that would lessen (if not avoid) the significant and unavoidable impacts of the Project related to the conversion of Prime Farmland and Farmland of Local Importance to urban uses.

The City has found that no mitigation measures are feasible to minimize the direct conversion of approximately 275 acres of farmland to urban uses. (DEIR, p. 4.3-11.)

According to the Coachella General Plan Update Draft EIR (p. 4.2-17), <https://cityofcoachellageneralplanupdate.weebly.com/final-eir.html>, no mitigation measures are feasible for impacts to Agricultural Resources.

As stated on p. 4.3-7 of the DEIR:

“The conversion of sites from vacant land to residential, commercial and open space uses will permanently remove the potential for the land to be farmed in the future. However, this change is consistent with future land uses planned for the City in the General Plan.”

The most recent case law related to the conversion of agricultural land also supports the City’s finding of infeasibility. In *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, as modified on denial of rehearing (Mar. 20, 2020), the court held that based on cases and the statutes addressing agricultural conservation easements, “entering into a binding agricultural conservation easement does not create new agricultural land to replace the agricultural land being converted to other uses. Instead, an agricultural conservation easement merely prevents the future conversion of the agricultural land subject to the easement. Because the easement does not offset the loss of agricultural land (in whole or in part), the easement does not reduce a project’s impact on agricultural land. The absence of any offset means a project’s significant impact on agricultural land would remain significant after the implementation of the agricultural conservation easement.” The court then restated its conclusion using the data from the case, providing “the implementation of agricultural conservation easements for the 289 acres of agricultural land estimated to be converted each year would not change the net effect of the annual conversions. At the end of each year, there would be 289 fewer acres of agricultural land in Kern County. Accordingly, under the thresholds of significance listed in the EIR, this yearly impact would qualify as a significant environmental effect. Therefore, we agree with KG Farms’ contention that MM 4.2-1.a does not provide effective mitigation for the conversion of agricultural land.”

The court in *King & Gardiner Farms* noted that the determinations reached in *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230 did not contradict the court’s conclusion. “In *Masonite*, the court did not consider the net effect of implementing an agricultural conservation easement and whether a significant impact could be reduced to a less than significant level by such an easement. In *Masonite*, the court concluded “the EIR’s determination that [agricultural conservation easements] are legally infeasible cannot be sustained and remanded for further environmental review. (Id. at p. 241.)”

Like the project in *King & Gardiner Farms*, the DEIR here concluded that no mitigation was feasible given the direct conversion of 275 acres of farmland. Entering a conservation easement would not bring back the converted land. At the end of the Project, there would be 275 less acres of farmland in the City, which is also envisioned by the City’s General Plan. For the reasons outlined above, no mitigation measures need to be added.

- 1.32 Please refer to Response to Comment 1.31. In addition, as stated on p. 4.3-7 of the

DEIR:

“The Project is consistent with the adopted General Plan and no new impacts on agricultural resources are anticipated as a result of the Project. Cumulative impacts to agricultural resources were determined to be adequately evaluated in the 2035 General Plan EIR and, therefore, pursuant to §15152(f)(1), cumulative impacts to agricultural resources are not treated as significant for purposes of this EIR and no further cumulative impact analysis is required.”

No violation of CEQA has occurred.

- 1.33 The first portion of this comment pertains to an opinion of the commenter in terms of the use of Project Design Features and Standard Conditions. The “Standard Conditions” cited relate to compliance with state and local requirements. For instance, SC-AES-1 sets forth the City’s submittal requirements for architectural review. This is not a mitigation measure, as SC-AES-1 and SC-AES-2, which sets forth submittal requirements for landscape review, ensure development on the Project site is consistent with the City’s design requirements in the Specific Plan. (DEIR, p. 4.2-8.) SC-AG-1 requires compliance with AB 2881. CEQA requires mitigation only if impacts are still significant after an evaluation of a project with identified “project design features” and compliance with all applicable established laws and regulations (i.e. regulatory compliance). Many jurisdictions like Coachella codify many regulatory requirements as “standard conditions”.

The commenter cites *Lotus v. Department of Transportation* (2014) 223 Cal. App.4th 645, 656, and indicates that the use of Project Design Features and Standard Conditions disregards the requirements of CEQA. In *Lotus*, the court discussed what constitutes mitigation under CEQA (i.e., avoiding, minimizing, rectifying, reducing, and compensating for a significant impact) (*Id.*), and overturned an EIR in part for relying upon measures that were included in the project description but should have been presented as mitigation measures in response to the identification of significant environmental impacts. The Court found that by compressing the analysis of impacts and mitigation measures into a single issue, the EIR in that case disregarded the requirements of CEQA. CEQA requires a lead agency to consider a proposed project, evaluate its environmental impacts and, if significant impacts are identified, to describe feasible mitigation measures to reduce the impacts. The court explained that “simply stating there will be no significant impacts because the project incorporates ‘special construction techniques’ is not adequate or permissible.” *Id.* at 656-657.

The Standard Conditions included in the EIR are measures that are required by law or regulation or the City’s development review process that have been codified into standard conditions by the City. For instance, SC-AES-1 and SC-AES-2 require submittal of an architectural review and landscape review pursuant to the City’s Municipal Code. While implementation of these measures would ensure development on the Project site is consistent with the City’s design requirements and would ensure consistency with visual character of existing development within the City the impact on visual character due to site development was still significant and unavoidable. The DEIR went on to state that no other feasible mitigation measures could reduce potential impacts to changes in visual character due to site development to a less than significant level as the Project would result in the conversion of the existing undeveloped site to a developed site. (DEIR, p. 4.2-8). The EIR thus evaluated

potential environmental effects as well as whether the Standard Conditions would effectively reduce significant impacts. It did not, as in *Lotus*, conclude that as the Project will comply with the City's Municipal Code, there were not impacts to visual character.

Similarly, SC-UTIL-3 incorporates a number of design features for water conservation, low impact development and xeriscape requirements to reduce water used for landscaping, etc. These actions are a type of regulatory compliance which are applied at the building permit stage by the City and are standard for this type of development, therefore, SC-UTIL-3 does not constitute mitigation but rather regulatory compliance.

- 1.34 Please reference Response to Comment 1.33. No additional response is required.
- 1.35 Please reference Response to Comment 1.33. No additional response is required.
- 1.36 Standard Conditions and Project Design Features are not contained in the Mitigation Monitoring and Reporting Program (MMRP, FEIR pp. 4-1 through 4-39). Standard Conditions are conditions that apply to all Projects in the City. It would be a voluminous effort to include all Federal, State and Local regulations on a Project in an EIR, and potential lead to a voluminous document, which is discouraged by CEQA. These Standard Conditions are contained in the City's Municipal Code, as well as the Project-specific conditions of approval. Project Design Features are contained within the body of the DEIR. Subsequent implementing projects (tract maps, development plans, etc.) will be reviewed for consistency with the DEIR. These procedures, when combined with the Project-specific MMRP, will ensure that methods to reduce the Project physical effects upon the environment will be implementable and enforceable. While the Standard Conditions do not amount to Mitigation Measures, as discussed in Response to Comment 1.33, they have been included in the MMRP for clarity and reference.
- 1.37 The first portion of this comment reiterates sections from the State CEQA Guidelines which pertain to cumulative impacts. No response is required. The comment expresses the commenter's general opinion that the DEIR fails analyze the Project's cumulative impacts but does not contain a specific allegation to that effect enabling the City to respond. Specific comments are addressed in Responses to Comments 1.38 through 1.44.
- 1.38 The commenter incorrectly conflates the DEIR's significance conclusions regarding operational air quality emissions, with the DEIR's significance conclusions regarding global climate change. Operational air quality emissions and greenhouse gas emissions, while related, address different issue areas which have different areas and components for analysis. They utilize different thresholds, each of which are appropriate for their respective issue areas. As stated on page 59 of the DEIR, cited by the commenter, when the Project is fully operational, the Project would exceed SCAQMD regional thresholds for VOC, NOx and CO. Even with the incorporation of Mitigation Measures MM-AQ-10 through MM-AQ-13 the Project would have a significant and unavoidable impact. This is a significant and unavoidable *air quality* impact. The commenter conflates this analysis with the GHG analysis. Regarding GHGs, the Project is consistent with the City's Climate Action Plan with the incorporation of MM-AQ-10 through MM-AQ-13 and the planting of approximately 2,406 new trees. (DEIR, p. 4.-60.) This results in a less than significant impact

regarding whether the Project would conflict with an applicable plan for the purpose of reducing the emissions of *greenhouse gases*.

The commenter states that the conclusions in the EIR are irreconcilable, and as a result, the EIR's conclusion that the Project will have less than significant *cumulative air quality impacts* is flawed and unsupported. As stated, the commenter conflated the air quality and GHG analyses. Cumulative air quality impacts are discussed on page 4.4-47 of the DEIR, and are significant and unavoidable, as individual project-related construction and operational emissions that exceed SCAQMD thresholds for project-specific impacts would be considered cumulatively considerable. These findings are consistent. The conclusions reached on DEIR pp. 4.4-59 and 60 are sound and do not need to be altered. No additional response is required.

- 1.39 The commenter indicates that cumulative hazard impacts were not adequately analyzed in the DEIR. Section 4.8.6, Cumulative Impacts (DEIR pp. 4.8-17 and 4.8-18) states:

"Pursuant to Section 15130(b) of the State CEQA Guidelines, the geographic scope of the cumulative setting for hazards and hazardous materials analysis is the City of Coachella, the Coachella Valley, and Riverside County. No cumulative project list is required here, as the setting is broader than the list of cumulative projects utilized for the analysis for air quality, greenhouse gasses, noise and traffic (see the list referenced in these Subchapters, as applicable)."

This provides the area or universe for consideration of cumulative impacts that may result from Project implementation. CEQA allows for two main methods of analyzing cumulative impacts, typically referred to as the list method or the regional plan method or approach. For cumulative impacts relative to this Project, it is most reasonable to use the regional plan approach since it is assumed each jurisdiction will require individual projects within its jurisdiction to comply with the myriad of federal, state, and local laws and regulations on hazardous materials. For this particular issue, it is unreasonable to attempt to develop a list of projects in the surrounding area that would contribute to an overall increase in hazards or hazardous materials due to the aforementioned compliance with established laws and regulations. As cited by the commenter, "since the Project is below the established thresholds, cumulative impacts will remain less than significant."

- 1.40 As explained in Response to Comment 1.39 above, in this case for this environmental issue it is assumed each jurisdiction will require individual projects to comply with the many laws and regulations for hazardous materials. As long as each project complies with established laws and regulations, development in the surrounding region, including the proposed Project, would not create or make any direct significant impacts or contribute to any cumulatively considerable impacts regarding hazardous materials. The commenter has provided no evidence to refute this conclusion. No additional analysis is required.
- 1.41 This is an opinion provided by the commenter. The comment expresses the commenter's general opinion that the DEIR fails analyze the Project's cumulative impacts pertaining to Utilities and Service Systems Impacts but does not contain a specific allegation to that effect enabling the City to respond. Specific comments are addressed in Response to Comment 1.42.

- 1.42 Because an impact is incremental, it is not necessarily cumulatively considerable, as the commenter states. According to DEIR p. 4.15-36:

“Cumulative impacts to landfill capacity will be less than significant due to the Project construction debris and operational waste representing a less than substantial cumulative increment with mitigation. Therefore, due to available capacity and implementation of the above mitigation measures, which provide for recycling on site to reduce Project operational waste, cumulative impacts to the existing landfills resulting from waste generated by Project implementation are considered less than significant.”

As explained in Response to Comment 1.39 above, in this case for this environmental issue, it is assumed each jurisdiction will require individual projects to comply with the various laws and regulations regarding solid waste reduction, recycling, or disposal. As long as each project complies with those established laws and regulations, development in the surrounding region, including the proposed Project, would not create or make any direct significant impacts or contribute to any cumulatively considerable impacts regarding solid waste disposal. The commenter has provided no evidence to refute this conclusion. No additional analysis is required.

- 1.43 The Phase I Environmental Site Assessment for the Project site did not identify pesticide or former agricultural chemical use as an environmental issue. In spite of that, MM-HAZ-4 was proposed so there would be no potential for significant impacts to future workers or residents on the site from exposure to hazardous materials. All work described in MM-HAZ-4 shall be performed in accordance with County and City standards at the time of ground disturbance. According to the Mitigation Monitoring and Reporting Program (Section 4.0 of the FEIR), monitoring shall be performed by the Department of Environmental Health or the Department of Toxic Substances Control. This will assure that any thresholds are not exceeded and that all work is conducted per the appropriate protocols. Mitigation measures with these types of performance standards are acceptable under CEQA and there is no deferral of mitigation.
- 1.44 Please refer to Response to Comment 1.43. Here, the commenter cites to case law regarding the impermissible deferral of mitigation in order to support its assertion regarding MM-HAZ-4. The commenter notes impermissible deferral of mitigation occurs when an EIR calls for mitigation measures to be created based on future studies, but the agency fails to commit itself to specific performance standards. What the commenter failed to note, however, is that a lead agency may rely on future studies to devise the specific design of a mitigation measure when the results of later studies are used to tailor mitigation measures to fit on-the-ground environmental conditions. See *City of Maywood v. Los Angeles Unified Sch. Dist.* (2012) 208 Cal.App.4th 362, 411 (upholding mitigation measure, based on further investigation of contamination at project site, calling for development of hazardous materials remediation plan); *City of Hayward v. Board of Trustees of Cal. State Univ.* (2015) 242 Cal.App.4th 833, 855 (upholding transportation demand management program that identified measures to be evaluated and included monitoring plan, performance goals, and schedule for implementation). Mitigation performance standards are sufficient if they identify the criteria the agency will apply in determining that the impact will be mitigated. *Citizens for a Sustainable Treasure Island v. City & County of San Francisco* (2014) 227 Cal.App.4th 1036, 1059.

Here, there is no improper deferral of mitigation, as the requirements imposed through MM-HAZ-4 are enforceable performance standards. MM-HAZ-4 provides that prior to the issuance of a grading permit, the applicant shall conduct sampling of the near surface soil to assess whether residual concentrations exceed State of California action levels. This is an identifiable criterion. This is to occur in areas that were used for agriculture prior to 1972. This tailors testing to the on-the-ground conditions of the Project site. Representative samples are taken using a grid and testing is done using EPA Method 8081. This is a specific criteria/methodology. Work is done in compliance with guidelines set by an oversight committee such as the Department of Environmental Health or the Department of Toxic Substances Control. Once again, these are specific standards. Accordingly, MM-HAZ-4 does not constitute an improper deferral of mitigation, as the agency is committed to testing based on identifiable performance standards.

- 1.45 Comment noted. This is information regarding General Plans that does not assert any comments specific to the Project and, therefore, does not require a response.
- 1.46 Comment noted. This is information regarding General Plans that does not assert any comments specific to the Project and, therefore, does not require a response.
- 1.47 Comment noted. This is information regarding General Plans that does not assert any comments specific to the Project and, therefore, does not require a response.
- 1.48 Comment noted. This is information regarding the Subdivision Map Act that does not assert any comments specific to the Project and, therefore, does not require a response.
- 1.49 Comment noted. This is information regarding Subdivision Map Act that does not assert any comments specific to the Project and, therefore, does not require a response.
- 1.50 The Draft EIR found a significant and unavoidable impact related to the conversion of farmland to non-agricultural use, noting the ultimate vision for the Project site and immediate environs is suburban and urban land development – not agriculture. (DEIR, p. 4.3-10.) Further, the Draft EIR explained that no buffering pursuant to Policy 10.8 was proposed due to the ultimate vision for the Project site and surrounding area (DEIR, p. 4.3-10). However, the Project does include some buffering in accordance with this policy. Specifically, and according to Figure 7-1 of the Vista Del Agua Specific Plan (Appendix A of the DEIR) a screening buffer is provided on the western boundary of the Project site to the adjacent existing agricultural lands. This buffer is depicted on Figure 7-8, Landscape Screening of the Specific Plan. These adjacent lands are part of the Shadow View Specific Plan and will ultimately be developed in an urban/suburban pattern similar to Vista Del Agua. This buffer is provided on the western boundary of Planning Areas 1, 2 and 4. No buffer is provided on the western portion of PA5, as it will be adjacent to a future public park within the Shadow View Specific Plan. A buffer is proposed on the eastern and northern boundary of PA3 where it abuts agricultural land. Further, Avenues 47, 48 and Polk Street will also serve as buffers. In fact, the Project has included providing “a transition blend of rural and suburban lifestyles” into the Project objectives (DEIR, p. 3-3) to ensure land use conflicts with existing surrounding uses do not occur.

Regarding Policy 10.9 (Right to Farm), the Draft EIR notes the Project is subject to Assembly Bill 2881 – Right to Farm Disclosure, and Standard Condition SC-AG-1 is included to comply with Assembly Bill 2881 by requiring disclosure prior to the close of escrow on the sale of individual homes that “The property is located within 1 mile of farmland as designated on the most recent Important Farmland Map.” (DEIR, p. 4.3-10.) The Draft EIR notes a significant and unavoidable impact would occur in the interim until such time that adjacent properties are developed with suburban and urban scale development. (Id.) Therefore, the EIR does adequately analyze these Policies as relates to the Project and the Project is consistent with Policies 5.8. and 5.9. No additional analysis is needed.

- 1.51 General Plan Policy 6.14 encourages the avoidance of locating new sensitive uses in proximity to sources of pollution. Sources of pollution include agricultural land where pesticides and chemical fertilizers are used regularly. Where such uses are located in proximity to sources of air pollution, building design, construction and technology techniques can mitigate the negative effects of air pollution on indoor air quality. The site and surrounding area are not currently being used for agriculture – see also Response to Comment 1.43 above regarding the possibility of the presence of agricultural chemicals. Based on this information, the Project is consistent with General Plan Policy 6.14 as described in the Chapter 4.4 of the DEIR. (DEIR, p. 4.10-22.)

Please refer to Responses to Comments 1.43 and 1.44 regarding deferral of mitigation. No additional analysis is needed.

- 1.52 Comment noted. The comment expresses the commenter’s opinion regarding consistency with the City’s General Plan. For specific responses, refer to Responses to Comments 1.50 and 1.51.
- 1.53 The commenter requests recirculation of the EIR to address concerns raised in the comment letter. However, significant new information has not been added to the EIR in response to commenter’s concerns. Recirculation is not required when the changes merely clarify, amplify, or make insignificant modifications to an adequate EIR. *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112, 1130; see State CEQA Guidelines § 15088(b). This is the case here.
- 1.54 Comment noted regarding attached exhibits. Responses to comments raised in the exhibits are discussed in detail below. No additional response is required.
- 1.55 See Responses to Comments 1.08 and 1.09 above relative to the commenter’s qualifications. It is unclear if Mr. Hagemann is considered an expert under CEQA for the purposes of making comments on this EIR given the commenter’s general scientific background, area or areas of expertise (which do not apply to this Project), and the geographic distribution of the commenter’s experience (i.e., not in the Inland Empire). In addition, the commenter lacks any direct experience with this Project or similar types of land development projects in this area or the specific environmental conditions found in this area. Be that as it may, the various specific comments made by the commenter have been responded to below. Mr. Hagemann’s resume is attached electronically to these Responses.
- 1.56 See Responses to Comments 1.08 and 1.12 above relative to the commenter’s

- qualifications. It is unclear if Dr. Rosenfeld is considered an expert under CEQA for the purposes of making comments on this EIR given the commenter's general scientific background, area or areas of expertise (which do not apply to this Project), and the geographic distribution of the commenter's experience (i.e., not in the Inland Empire). In addition, the commenter lacks any direct experience with this Project or similar types of land development projects in this area or the specific environmental conditions found in this area. Be that as it may, the various specific comments made by the commenter have been responded to below. Dr. Rosenfeld's resume is attached electronically to these Responses.
- 1.57 Comment noted. These are informational statements and a summary of the Project Description that do not require a response.
 - 1.58 This comment summarizes the findings of the subsequent issues raised by SWAPE. However, as described below (Responses to Comments 1.59 through 1.100), the DEIR has fully disclosed and analyzed the Project's impacts per City of Coachella, South Coast Air Quality Management District and State of California standards and no updated EIR is necessary.
 - 1.59 The comment provides a summary of the EIR's finding regarding operational air quality impacts and states that they agree the Project would result in a significant VOC, NOx and CO impact. The commenter also provides the opinion that the "significant and unavoidable" conclusion in the EIR is incorrect but does not provide support for that assertion. The last part of the comment provides a discussion of responsible agency findings under State CEQA Guidelines Section 15096(g)(2). Responsible agency findings are not applicable at this stage and no response is required.
 - 1.60 The commenter is incorrect that implementation of AQ-1 through AQ-13 do not represent all feasible mitigation. Mitigation requires specificity in terms of recommended actions or improvements. In this case, the percent of lighting electrical consumption and number of trees to be planted were based on the characteristics and limitation of the Project site plan as proposed. The commenter has conflated all feasible with all possible mitigation but provided no documentation or evidence as to why the suggestion of additional mitigation are actually feasible for this Project, the commenter has just recommended "more" than proposed. The commenter has also not considered if mitigation is under the control of the lead agency or some other entity, in that case compliance with particular measures could be infeasible simply because the lead agency cannot guarantee their implementation or monitoring.

The commenter has not provided substantial evidence that would suggest additional mitigation measures would further reduce emissions to less than significant levels. They have instead simply listed generic mitigation measures from CAPCOA and other unsubstantiated sources. Many of the measures described on Page 24 of the SWAPE letter are standard building code requirements that will be implemented by the Project. Furthermore, the 2019 California Building Standards Code now requires all new residential developments to have net zero energy generation. This means that GHG emissions will be near zero. This new requirement, which was not previously discussed in the 2016 Air Quality Study, is a standard condition for any new home built after January 1, 2020. Additionally, all lighting fixtures will be fitted with ultra-low LED lighting, further reducing electricity demand. Therefore, considering the mitigation measures that are in place in the EIR and the additional requirements from the latest

CA Building Standards Code, GHG emissions associated with electricity will be reduced to near zero. Therefore, the comment regarding adding additional lighting mitigation does not significantly reduce project emissions. As described in Response to Comment 1.59, the commenter has not provided substantial evidence that would suggest additional mitigation measures would further contribute to reduced project emissions. For these reasons, the EIR correctly concluded that air emissions would be significant (mainly due to its size and type relative to the established SCAQMD daily thresholds).

Compliance with SCAQMD Rule 1113 is considered compliance with existing regulations so it does not need to be included as specific mitigation. Rule 1113 is a standard condition that governs the VOC content for paints, solvents, coatings, etc. and the application thereof by the SCAQMD. This Project will be required to go above and beyond the standard Rule 1113 requirements and use ultra-low and no-VOC paints as part of mitigation measure AQ-4. With the implementation of AQ-4, all construction VOC emissions impacts will be mitigated to less than significant levels. Therefore, no additional mitigation would be required to mitigate VOC emissions.

The project will provide native/draught tolerant landscaping that is suitable for the desert climate of the site, which local climate data shows the average annual high temperature is over 88 degrees Fahrenheit and the average annual rainfall is less than 4 inches. The type of vegetation that will be planted on the site will not be the broad-leaved, large tree species that provide significant carbon sequestration, but would instead be smaller draught tolerant species. Therefore, the carbon sequestration from on-site tree planting is limited and could actually have a negative impact by requiring more water usage. Therefore, the comment that additional carbon sequestration would be achievable by planting more trees is not appropriate in this case. The analysis has already taken into account some carbon sequestration from landscaping, however, the suggestion to provide more trees for purposes of carbon offsetting would not be recommended as a viable mitigation due to the local climate setting.

- 1.61 This comment provides a general description of CalEEMod modeling methodology. No further response required.
- 1.62 All changes to default values in CalEEMod are identified and described in the Vista Del Agua Air Quality and Greenhouse Gas Impact Study, City of Coachella, September 2016. The commenter claims that several values input into the model are not consistent with the information disclosed in the EIR but does not identify which values are referenced such that the City can respond. To the extent the commenter raises concerns regarding specific modeling inputs, detailed responses are provided below. No further response required.
- 1.63 Architectural coating values have been reduced per the requirements of Mitigation Measures MM-AQ-4 and MM-AQ-12 (DEIR, pp. 4.4-54 through 4.4-59), which requires that architectural coatings be applied with VOC content no greater than 10 g/L and the use paints with VOC content lower than SCAQMD Rule 1113 requires for application to surfaces of homes within the Project site. All changes to default values in CalEEMod are identified and described in the *Air Quality and GHG Impact Analysis, Vista Del Agua, City of Coachella, CA*, prepared by RK Engineering, dated September 1, 2016 (AQ/GHG Analysis, Appendix D1). The modification to the model has been performed in a manner that is consistent with the recommendations described in the

CalEEMod User Guide, Section 3.4, Altering Default Data. CalEEMod was designed to allow the user to change the defaults to reflect project-specific information. An explanation has been provided in the Remarks box and the modification is reported in the CalEEMod output sheets to justify and support the change to default values. Therefore, the VOC reductions mitigation measures required by MM-AQ-4 and MM-AQ-12, have been appropriately applied to CalEEMod and may be relied upon to determine significance.

- 1.64 The Project will be required to comply with the engine tier requirements and construction fleet contractors must meet the State's Best Available Control (BACT) requirements (Mitigation Measure MM-AQ-3, pp. 4.4-54 and 4.4-55 of the DEIR). As more and more demand for Tier 4 engines occurs, contractors will have to purchase new equipment that complies with the applicable standards in order to secure contracts and meet the requirements of projects they intend to serve. No further response required.
- 1.65 Figure 4 shows a graphic from 2014, before the mandatory requirements from the EPA and CARB for Tier 4 engines and BACT were fully enacted. Therefore, the data shown in this graphic is outdated and may not represent the current fleet engine usage mix. Tier 4 engine demand continues to expand each year and contractors are upgrading their fleets to meet the demand. No further response required.
- 1.66 The Project will be required to use Tier 4 engines during construction and in doing will comply with the BACT requirements from the State. No further analysis or mitigation is required (Mitigation Measure MM-AQ-3, pp. 4.4-54 and 4.4-55 of the DEIR). A limited supply of tier 4 fleet engines does not mean the measure is infeasible. The developer has accepted the condition and will be required to comply with it. No further response required.
- 1.67 The mobile emissions analysis in the AQ/GHG Analysis (DEIR, Appendix D1 – *AQ/GHG Analysis*) assumed an 11% pass-by and the Project traffic study (DEIR, Appendix O) utilized a 30% pass-by credit for the Shopping Center. The latest Institute of Transportation Engineers (ITE) Trip Generation Manual, 2017 provides surveyed data that indicates shopping center uses experience pass-by reduction up to 34% during peak times. Therefore, the 30% estimate in the traffic study and the 11% estimate in the air quality study are within a reasonable margin for expected pass-by. Furthermore, the Traffic Study does not analyze diverted trips, this is a metric specific to the AQ/GHG Analysis. The default diverted trip assumption in CalEEMod has not been changed, therefore, the use of diverted trips in the emissions analysis is consistent with the CalEEMod user guide recommendations. Furthermore, neither the traffic study nor the AQ/GHG Analysis has taken into account any trip reduction potential for walking and bicycling trips which will likely occur throughout the site, as residents will be connected to the retail areas via dedicated walking trails and protected bikeways. The project is designed to encourage walking and bicycling trips and integrate the diversity of land uses without having to drive in a car. Therefore, the mobile emissions estimates provided in the AQ/GHG Analysis are reasonable and all potential impacts have been fully disclosed.
- 1.68 Reference Response to Comment 1.67. No additional analysis is required.
- 1.69 Reference Response to Comment 1.67. No additional analysis is required.

- 1.70 The trip generation estimates that have been used in the Traffic Study (DEIR, Appendix O) and the Air/GHG Study are consistent with the latest published data from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 2017. The ITE shows shopping center uses experience pass-by reduction up to 34% during peak times. Therefore, the 30% estimate in the traffic study and 11% are within a reasonable margin for expected pass-by trips. Furthermore, neither the traffic study nor the Air Quality Study has taken into account any trip reduction potential for walking and bicycling trips which will likely occur throughout the site, as residents will be connected to the retail areas via dedicated walking trails and protected bikeways. The project is designed to encourage walking and bicycling trips and integrate the mix of land uses without having to drive in a car. Therefore, the mobile emissions estimates provided in the AQ/GHG Analysis are reasonable and all potential impacts have been fully disclosed.
- 1.71 This comment provides a general statement and gives the commenter's opinion that operational emissions may be underestimated but does not provide any specific examples of operational mitigation measures that should not have been included. Response to specific comments related to operational mitigation measures are discussed in Response to Comments 1.72 through 1.76.
- 1.72 The CalEEMod computer model was developed by the South Coast Air Quality Management District (SCAQMD) specifically to better estimate air pollutant emissions from land development projects in southern California compared to its predecessor the Urbemis model. SCAQMD specifically designed CalEEMod to have more project characteristics in terms of construction and operation parameters to provide more accurate estimates of project emissions. The application of the CalEEMod input parameters referring to mobile source mitigation measures (Section 4.1 on the CalEEMod output sheets) have been applied based on the projects physical setting and its proposed land use mix and multi-modal infrastructure. The use of the mobile emissions mitigation tools is consistent with the CAPCOA Quantifying Greenhouse Gas Mitigation Measures methodology, which demonstrates that increasing the density and diversity of a site, improving destination accessibility and pedestrian network, and increase transit accessibility can reduce VMT. The project will increase the density and diversity of the site compared to the existing land use designation in the City of Coachella General Plan by allowing higher density residential development and providing a mix of uses including single-family homes, multi-family homes, open space, parks, and commercial uses. Furthermore, the project will provide increased access to transit and improved pedestrian networks through the creation of expansive pedestrian trails and bikeways. This mobile source mitigation measures are correctly applied per CalEEMod and CAPCOA methodology to account for the trip reduction potential of the project. No further analysis is required.
- 1.73 The application of the CalEEMod input parameters referring to energy source mitigation (Section 5.1 on the CalEEMod output sheets) are sufficient for the project use, supported by the mitigation requirements in the EIR, and meet the standards of the project design, per the CAPCOA Quantifying Greenhouse Gas Mitigation Measures methodology. These inputs were chosen help reduce the project's GHG emissions and reflect the building code standards and requirements that will be implemented. The use of these parameters is identified in the CalEEMod output sheets and enforced through the AQ-MM6 through AQ-MM-11. No further analysis is required.

- 1.74 The application of the CalEEMod input parameters referring to water conservation measures (Section 7.1 in the CalEEMod output sheets) are sufficient for the project use, supported by the mitigation requirements in the EIR, and meet the standards of the project design, per the CAPCOA Quantifying Greenhouse Gas Mitigation Measures methodology. These inputs were chosen help reduce the project's GHG emissions and reflect the City policy, building code standards and requirements that will be implemented. The use of these parameters is identified in the CalEEMod output sheets and enforced through the AQ-MM6 through AQ-MM-11. The project will be required to install low-flow fixtures, including faucets, toilets, and showers such that indoor water demand is reduced by 20%. The project will also be required to utilize landscaping and irrigation that reduces outside water demand by at least 20%. No further analysis is required.
- 1.75 The application of the CalEEMod input parameters referring to waste reduction measures (Section 8.1 in the CalEEMod output sheets) are sufficient for the project use, supported by the mitigation requirements in the EIR, and meet the standards of the project design, per the CAPCOA Quantifying Greenhouse Gas Mitigation Measures methodology. These inputs were chosen help reduce the project's GHG emissions and reflect the City policy, building code standards and requirements that will be implemented. The use of these parameters is identified in the CalEEMod output sheets and enforced through the AQ-MM6 through AQ-MM-11. The project will be required to ensure that at least 75 percent of waste is diverted from landfills. No further analysis is required.
- 1.76 Project Mitigation Measures MM-AQ-11 through MM-AQ-13, DEIR, pp. 4.4-56 through 4.4-59) are consistent with CAPCOA's Quantifying Greenhouse Gas Mitigation Measures for land use development for the following reasons, which are all identified in the CalEEMod Output sheets in the Air/GHG Analysis:
- The project will increase the density of the site compared to the currently existing land use designations in the City's General Plan
 - The project will increase the diversity of the site by providing a mix of land uses including single family and multi-family residential, parks and open space, and retail commercial uses.
 - The project will increase destination accessibility by providing new jobs/housing within 1.7 miles of downtown Coachella.
 - The project will increase transit accessibility by being located within 1.5 miles to Sunline bus routes 91 and 95 at Harrison/Grapefruit,
 - The project will improve the pedestrian network by providing sidewalks and off-site connection with an expansive pedestrian trail system and bikeways which a described in the Specific Plan.

The amount of GHG reduction achieved through each of the measures described above is calculated internally by CalEEMod and is based off of the specific site parameters and inputs that are shown in the User Entered Comments and Non-Default Data fields. The use of the mitigation tools is consistent with CAPCOA because CalEEMod takes into account distances and other elasticity factors which limit the amount of GHG reducing potential from each measure. In addition, the CalEEMod and CAPCOA measures are consistent with the latest (2019) State Green Building Code with which the Project will be required to be consistent.

- 1.77 This statement provides a general summary of the findings of the EIR. No further response is required.
- 1.78 This statement provides a general summary of the findings of the EIR. No further response is required.
- 1.79 The Localized Significance Thresholds (LST) thresholds are applied to determine the impact of criteria air pollutants from the Project per the methodologies recommended by SCAQMD. The LST methodology is also not the solely relied upon metric used for concluding that the project would have a less than significant impact from TAC emissions. The LST methodology provides information on how much particulate emissions, including Diesel Particulate Matter (DPM), will be produced by the project. The EIR informs the reader that the project generated PM₁₀ and PM_{2.5} emissions would be below the localized thresholds of significance.

According to p. 4.4-41 of the DEIR:

“Table 4.4.4-7, Construction Localized Significance, below, illustrates the construction related LSTs for the Project area. The emissions will be below the SCAQMD thresholds of significance for localized construction emissions.”

In addition, according to p. 4.4-41 of the DEIR:

“According to SCAQMD LST methodology, LSTs would apply to the operational phase of a project, if the Project includes stationary sources, or attracts mobile sources (such as heavy-duty-trucks) that may spend long periods of time queuing and idling at the site; such as industrial warehouse/transfer facilities. The proposed Project does not include such uses. During operation, on-site emissions would be negligible and would primarily consist of the intermittent on-site travel of motor vehicles. There, due to the lack of stationary source emissions, no long-term localized significance threshold analysis is warranted.”

The Project is not identified as a significant stationary source polluter that would require additional health risk analysis of operations per the California Air Resources Board's Recommendations on Siting New Sensitive Land Uses. Furthermore, regarding construction, OEHHA recommends that a 30-year exposure duration be used as the basis for estimating cancer risk at the maximum exposed individual resident (MEIR) in the Hot Spots Program. This exposure duration represents the time of residency for 90 to 95% of Californians at a single location and should provide adequate public health protection against individual risk. OEHHA admits that there is considerable uncertainty in trying to evaluate the cancer risk from projects that will only last a small fraction of a lifetime, such as construction. Furthermore, per Mitigation Measure MM-AQ-4 (DEIR, p. 4.4-55), all off-road diesel equipment shall be equipped with California's most stringent Tier 4 final engines to reduce diesel particulates and NOx exhaust emissions. Finally, the project will be built out in phases, and construction activities will take place spread out throughout the site. As a result, sensitive receptors are not expected to be exposed to substantial pollutant concentrations over a 30-year exposure duration. For these reasons, a quantified health risk assessment is not warranted or needed to reach a conclusion of less than significant.

1.80 For additional information relative to an HRA for this Project, see Response to Comment 1.79 above. A quantified HRA study is not warranted or needed to make the determination of the project having less than significant health risks because the type of use being proposed does not meet the established recommendations by the California Air Resources Board, in their Air Quality and Land Use Handbook: A Community Health Perspective, April 2005. This document indicates that residential and commercial land use projects are not significant stationary source polluters and sources of toxic air contaminants that would pose significant risk. The CARB lists the following uses as being significant sources of air pollution which may pose risk to sensitive populations:

- High traffic freeways and roads
- Distribution centers
- Rail yards
- Ports
- Refineries
- Chrome plating facilities
- Dry cleaners
- Large gas dispensing facilities

Furthermore, the Office of Environmental Health Hazard Assessment (OEHHA) recommends that a 30-year exposure duration be used as the basis for estimating cancer risk at the maximum exposed individual resident (MEIR) in the Hot Spots Program. This exposure duration represents the time of residency for 90 to 95% of Californians at a single location and should provide adequate public health protection against individual risk. OEHHA admits that there is considerable uncertainty in trying to evaluate the cancer risk from projects that will only last a small fraction of a lifetime. Furthermore, per Mitigation Measure MM-AQ-4 (DEIR, p. 4.4-55), all off-road diesel equipment shall be equipped with California's most stringent Tier 4 final engines to reduce diesel particulates and NOx exhaust emissions. As a result, the potential exposure to diesel particulate matter would be reduced by over 85%. Additionally, the Project will be built out in phases, and construction activities will take place spread out throughout the site. As a result, sensitive receptors would not be exposed to substantial pollutant concentrations over a 30-year exposure duration. In addition, the reader is referred to the related discussion on DEIR pp. 4.4-46 and 4.4-47 as it pertains to "Health Risk Assessment." No additional analysis is necessary or warranted.

1.81 For additional information relative to an HRA for this Project, see Response to Comment 1.79 above. The Project is not a significant long-term generator of toxic air contaminants, such as stationary source polluters like refineries, power plants or large-scale industrial/truck uses. Therefore, a quantified health risk assessment was not performed for this use. Please also see Responses to Comments 1.79 and 1.80. No additional analysis is required.

1.82 The commenters screening-level HRA analysis is flawed and does not take into account the Tier 4 non-road engine requirements that this Project will utilize per Mitigation Measure MM-AQ-4 (DEIR, p. 4.4-55). Tier 4 engines can reduce Diesel Particulate Matter emissions by over 85%, and as a result, the emissions and risk exposure findings in the SWAPE letter are substantially over-estimated and do not represent the Project conditions. Accordingly, the commenter has not provided substantial evidence of a potentially significant health risk impact and no additional

analysis is required.

- 1.83 This statement provides a general overview of the AERSCREEN model. For additional information relative to an HRA for this Project, see Response to Comment 1.79 above. No additional response is required.
- 1.84 The SWAPE HRA analysis utilizes SWAPE's updated CalEEMod model. However, as shown on Page 3 of 56 of the CalEEMod output sheets provided by SWAPE, this model only includes Tier 3 engine requirements for construction equipment, not Tier 4 engines. Tier 4 engines are mandated in MM-AQ-4 (DEIR, p. 4.4-55) for all off-road equipment used by the project during construction. Tier 4 engines can reduce Diesel Particulate Matter emissions by over 85%, and as a result, the emissions and risk exposure findings in the SWAPE letter are substantially over-estimated and do not represent the Project conditions. Accordingly, the commenter has not provided substantial evidence of a potentially significant health risk impact and no additional analysis is required.
- 1.85 The HRA Analysis does not represent project conditions because it fails to take into account the Tier 4 engine requirement for all off-road diesel construction equipment. Therefore, the analysis significantly over estimates potential health risks from diesel exhaust exposure.
- 1.86 The HRA Analysis does not represent realistic project conditions because it fails to take into account the Tier 4 engine requirement for all off-road diesel construction equipment. Tier 4 engines can reduce Diesel Particulate Matter emissions by over 85%. Therefore, the analysis significantly over estimates potential health risks from diesel exhaust exposure. Please reference Response to Comment 1.82 and 1.84. No additional analysis is required.
- 1.87 For additional information relative to an HRA for this Project, see Response to Comment 1.79 above. The HRA Analysis performed by SWAPE does not represent realistic project conditions because it fails to take into account the Tier 4 engine requirement for all off-road diesel construction equipment. Tier 4 engines can reduce Diesel Particulate Matter emissions by over 85%. Therefore, the analysis significantly over estimates potential health risks from diesel exhaust exposure. Please reference Response to Comment 1.82 and 1.84. No additional analysis is required.
- 1.88 The potential health risks from the project are assessed with the context of the California Air Resources Board Air Quality and Land Use Handbook: A Community Health Perspective, April 2005. Which indicates that residential and commercial land use projects are not significant stationary source polluters and sources of toxic air contaminants that would pose significant risk. The CARB lists the following uses as being significant sources of air pollution which may pose risk to sensitive populations:
- High traffic freeways and roads
 - Distribution centers
 - Rail yards
 - Ports
 - Refineries
 - Chrome plating facilities
 - Dry cleaners

- Large gas dispensing facilities

Furthermore, Tier 4 engines are mandated in MM-AQ-4 (DEIR, p. 4.4-55) for all off-road equipment used by the project during construction. Tier 4 engines can reduce Diesel Particulate Matter emissions by over 85%. The upgraded engine requirement was not considered in the SWAPE HRA analysis and thus it does not represent project conditions. Therefore, the analysis significantly overestimates potential health risks from diesel exhaust exposure. Please reference Responses to Comments 1.79, 1.80, 1.82 and 1.84 for additional analysis.

- 1.89 The comment provides a summary of the Project's GHG emissions and provides the commenter's opinion that the less than significant finding in the EIR and the justification for the finding are incorrect and unsubstantiated. The comment provides general reasons to support the commenter's opinion but does not provide a specific comment allowing for a specific response. Responses to specific allegations are provided in Responses to Comments 1.90 through 1.92.
- 1.90 The CalEEMod (DEIR, Appendix D1 – *AQ/GHG Analysis*) input parameters accurately and correctly model the Project emissions. Furthermore, the credit for carbon sequestration has been applied correctly. Carbon sequestration is applied over a 20 year growing period. 2,406 trees would provide approximately 1,703 metric tons of total carbon sequestration or 85.17 MTCO₂e annually. No additional analysis is required.
- 1.91 The DEIR's GHG analysis correctly applied the efficiency threshold at the time the report was prepared, and the notice of preparation was filed, which was pre-2020. The commenter incorrectly applies a Project level threshold to a programmatic level Project. However, looking at year 2035, the Project would still meet SCAQMD's efficiency thresholds for year 2035 programmatic level projects (4.1 MTCO₂e per service population) and the City of Coachella 2035 reduction potential targets (4.2 MTCO₂e per service population). No further analysis is required.
- 1.92 The SWAPE GHG analysis fails to take into account many of the Project design features and mitigation measures that will reduce project GHG emissions. This includes the land use, transportation, energy, water and waste reduction measures described in Mitigation Measures MM-AQ-2 through MM-AQ-13 (DEIR pp. 4.4-54 through 4.4-59). Furthermore, the SWAPE analysis, which was prepared post-2019 California Building Code requirements, fails to take into account the latest net-zero energy standards required of all new residential construction in California. Therefore, the SWAPE analysis is inherently flawed and blatantly attempts to over exaggerate emissions beyond what is reasonable. No additional analysis is required.
- 1.93 The commenter provides a generic list of mitigation measures from CAPCOA without any consideration for how they apply to the Project. Many of these measures are already included in the Project design and mitigation requirements, others are simply not applicable to the Project. As a result, substantial evidence has not been provided to demonstrate how the Project could further reduce emissions.
- 1.94 Refer to Response to Comment 1.93.
- 1.95 This is a general comment regarding the preparer's limitations of limitability. No further

response required.

- 1.96 This is an AERSCREEN Analysis for construction provided by the commenter. The DEIR has adequately disclosed and analyzed the Project's air quality impacts per City of Menifee, South Coast Air Quality Management District and State of California standards, utilizing the appropriate methodology for analysis. No additional response is required. The AERSCREEN results provided in the Comment Letter as part of Exhibit C is attached electronically to these Responses.
- 1.97 Please see Response to Comment 1.96.
- 1.98 The CalEEMod output files alone do not provide substantial evidence that additional impacts may result from the Project, beyond that which has been disclosed in the DEIR. Given the nature of the comments provided by SWAPE, including over-estimates of vehicle trips and energy usage and misinterpretation of mitigation measures, the City finds that the CalEEMod analysis prepared by SWAPE does not accurately depict Project impacts. The conclusions that have been reported in the SWAPE letter are inaccurate and would result in overestimated Project impacts. No further analysis or revisions to the findings related to air quality or GHG emissions is recommended. The CalEEMod results provided in the Comment Letter as part of Exhibit C is attached electronically to these Responses.
- 1.99 Please see Response to Comment 1.98.
- 1.100 Please see Response to Comment 1.98.

Attachments to Comment Letter #1 may be accessed at the link below:

<https://www.dropbox.com/s/as8o4l4rvqxxry1/VDA%201%20-%20Tsai-SRCC%20Comment%20Letter-City%20Council%202-26-2020.pdf?dl=0>

Vista Del Agua - City Council Comment Letter No. 2

Rutan & Tucker, LLP
Shadow View Owners (2-26-2020)

(Note: In an effort to conserve resources, Attachments to Comment Letter No. 2 are not included below; the entire Letter is attached electronically to these Responses)



M. Katherine Jenson
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February 26, 2020

VIA E-MAIL AND FEDERAL EXPRESS

Honorable Mayor Steven Hernandez
Mayor Pro Tem Emmanuel Martinez
and City Council Members Philip Bautista, Megan
Beaman Jacinto, and Josie Gonzalez
Mr. Luis Lopez, Development Services Director
City of Coachella
1515 6th Street
Coachella, CA 92236

LLopez@coachella.org

Re: Vista del Agua City Council Public Hearing - February 26, 2020

Dear Honorable Mayor Hernandez and City Council Members:

This letter is submitted jointly by DiMare/Shadow View T.I.C. ("DiMare") and Shadow View Land and Farming, LLC, an affiliate of Reading International, Inc. ("Reading"). Collectively, DiMare and Reading ("Shadow View Owners" or "Owners") own the property comprising the Shadow View Specific Plan, immediately north of the proposed Vista del Agua Project ("Project").

2.1

The Shadow View Owners have consistently voiced serious concerns regarding the proposed Vista del Agua development and how its off-site infrastructure and environmental effects will impact the Shadow View Owners' property. Specifically, the Shadow View Owners submitted detailed written comments dated: July 20, 2018, September 20, 2018, March 18, 2019, and June 19, 2019. Those comments are incorporated by reference into this letter. While the Agenda package for the Project contains copies of the first three of these letters, the package omits the June 19, 2019 letter and fails to contain any response to that letter. Among other things, that letter explained in detail why the City's so-called responses to the comments submitted by the Shadow View Owners were not responsive or are incomplete. Since the City Council does not have the benefit of that letter, it is Attachment 1 hereto. The City Council should request a detailed response to that letter before considering the Project.

2.2

The Shadow View Owners' concerns arise from the remote location of the Project. The applicant's proposed hopscotch development will necessitate the construction of some 29-acres of off-site improvements. Unfortunately, those improvements are proposed on land that neither the applicant nor the City owns. Instead, that 29 acres is owned by the Shadow View Owners.

2.3

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Neither the City nor the developer has responded to Owners' concerns about how the infrastructure and the other components of the Project would impact the Owners' property. To the contrary, the City has purportedly commissioned a study that supposedly demonstrates that in order to allow this remote development to proceed, the City must take portions of the private property owned by the Shadow View Owners. This so-called study is referenced throughout the staff report as the "Discussion of Alternatives to Shadow View Boulevard as Either Primary or Secondary access to the Vista Del Agua Project, January 31, 2020." (E.g., see Findings, p. 172, p. 411 of agenda package.) The Staff Report claims that the new report is included as Attachment 11 to the agenda report. (Executive Summary, p. 207.) Yet it is not identified in the list of attachments at the end of the report, and is not included in the nearly 700 pages of attachments. Nor is the report available with the Project information on the City's webpage. The City's withholding of this information deprives the City Council, the public and the Shadow View Owners of critical information necessary to assess the proposed factual findings that the City Council is being asked to adopt. For example, the missing report is cited as the supporting evidence for no less than eight critical factual findings necessary for compliance with CEQA. (See, e.g., pp. 407 to 412 of staff report.) More fundamentally, why were the Shadow View Owners not notified that the City was conducting an analysis involving their private property or at least provided with a copy of the analysis when it was completed?

2.4

The answer to these questions appears pretty obvious: the applicant and City staff have opted to keep their planned use of the Shadow View private property for the Project as uncertain as possible, leaving the Shadow View Owners to guess as to where, when and how their property will be confiscated. Yet this is an undeniable component of the Project, and disclosure of the "where, when, and how" is required by law, including CEQA as well as the City's own Municipal Code.

2.5

The Project's proposed Specific Plan and the related documents continue to assume that the Project applicant and/or the City will have free reign over the private property of the Shadow View Owners. The City concedes that the EIR does not cover the use of eminent domain. (Agenda package, p. 523.) The applicant has made it clear that it is relying on the City to solve its access issues. The applicant's representative noted at the Planning Commission Workshop that the City "can start eminent domain proceedings. We're only taking the roadway. Nothing can be built there anyway because of the way it's written in the General Plan." (Attachment 1, Transcript, p. 16.) Referencing or relying upon the General Plan in this manner is legally risky. (See e.g., *Jefferson Street Ventures, LLC, v. City of Indio* (2015) 236 Cal.App.4th 1175.) Neither the City nor the Project applicant should rely on any right of way being granted over the property owned by the Shadow View Owners, as none has been granted or contemplated. The City's approval of the Project, as proposed, would create a cloud on title for the Shadow View properties that is compensable, as it would create the aura of limitations on how the Shadow View properties might be able to be developed, i.e. that the use of the Shadow View properties is beholden to and constrained by the Project and the impacts that it would impose. The Shadow View Owners

2.6



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reserve their right to plan and develop their properties in a configuration that is not currently contemplated, but that will respond to future market forces. | 2.6
cont.

The figures in the Project's Specific Plan and EIR continue to depict the carving up of the Shadow View Specific Plan property with public infrastructure to serve what can best be described as a hoppedscotch and sprawling development. The Project applicant has not made any material efforts to acquire a right of way through any portion of the Shadow View properties. The continued attempt to obtain approval of the Project seems to amount to nothing more than an effort at deriving some speculative increase in value at the implied expense of the Shadow View Owners. | 2.7

The Shadow View Owners continue to object to the Project and the EIR. The EIR does not comply with the mandates of CEQA and is inconsistent with the City's General Plan. In addition, because the Shadow View Owners (and the public) have been denied access to key Project documents, such as the new January 31, 2020 analysis regarding the access issue referenced above, as well as to a planned but not provided, proposed Development Agreement, the Shadow View Owners due process rights will be violated if this matter proceeds to decision. | 2.8

1. No Access to Key Documents.

As explained above, the staff report heavily relied upon the new analysis regarding access to the Project which is extensively cited in the staff report, and is relied upon as the supporting evidence for at least eight significant CEQA findings. Yet that report has not been made public or provided to the Shadow View Owners. Given that their property is the subject of the report, we find this "hide the ball" approach appalling. | 2.9

Because the Shadow View Owners have been denied access to this information, in order to preserve their rights, the Shadow View Owners object to the City not recirculating the EIR with the new analysis. | 2.10

In addition, one of the key Project entitlements continues to be missing. The Development Agreement is identified as one of the key components of the Project. The DEIR says that the "physical improvements associated with the [Development Agreement] have been described in Subchapters 3.4.1, 3.4.2, and 3.4.3, above." (DEIR, p. 3-8.) Because we have no ability to review the Development Agreement, there is no way to verify that this is correct. In addition, we expect that the Development Agreement will have extensive information about the 29 acres of off-site improvements referenced in the Project Description. Without this information, it is not possible to verify that the EIR has captured all of the potential impacts arising from the installation and operation of those improvements. Further, without this information relating to the responsibility for and timing of the off-site improvements, how can the City Council or the public provide meaningful input on this Project? | 2.11

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2. The City has failed to provide meaningful responses to the Comments submitted by the Shadow View Owners.

As outlined in Attachment 1, the meager “responses” to the Shadow View Owners’ written comments fall well short of what is required under CEQA. The City has never addressed the shortcomings outlined in detail in the June 19, 2019 submittal by the Shadow View Owners.

2.12

In addition, we note that the response to comment 7v (page 526 of Agenda package) is wholly inadequate and completely misses the point. In the comment, we pointed out that with regard to the “fair share payment” mitigation contained in Mitigation Measure MM-TR-3, the City cannot rely upon a partial payment for an improvement to actually accomplish mitigation unless there is evidence that the rest of the costs will be collected and the improvement will actually be constructed within a reasonable time frame. For example, collecting 3.33% from the applicant for an improvement at Polk and 50th Ave. does not provide any assurance that the identified improvement will actually be constructed. This type of measure only works where it is part of a program specifically designed to ensure the improvement will ultimately be installed. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173.) In response to this comment, the City noted only that “[t]he responsibility to ensure all mitigation measures are implemented and fair-share contributions are paid is the responsibility of the City of Coachella.” (Staff report, p. 526.) This is not responsive. The concern expressed is not over whether the 3.33% will be paid. It is how the City plans to come up with the other 96.67%. Unless there is a program in place that is reasonable calculated to actually produce and pay for the identified improvements, the mitigation is invalid.

2.13

3. Alternatives Analysis.

In addition to the objections previously raised to the defects in the Alternatives Analysis – which objections have not been addressed – we note one additional objection. It now appears that a brand new alternative has been added which was not subject to public review. On page 411 of the Staff Report, there is now a fourth alternative relating to Tyler Street. What is this alternative and why was it not included in the DEIR? The addition of this new alternative requires recirculation of the EIR.

2.14

4. General Plan Consistency.

We note that in the Land Use section (4.10), many General Plan policies are referenced, but the following, which is one of the most critical relating to this Project, is omitted:

2.15

2.10 Contiguous development pattern. Encourage and incentivize development to occur contiguous to, or proximate to, existing built areas to facilitate delivery of City services and minimize “leapfrog” development not connected to existing urbanized areas.



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(See also General Plan p. 2-09 "New development will generally be contiguous (or proximate) to existing development and leapfrog development will be avoided.") 2.15
cont

In addition to this inconsistency being an issue under the Land Use Section of the EIR, these policies also preclude the City from finding that this Project is consistent with the City's General Plan. 2.16

5. Creation of New Parcels Without Access.

The proposed Tentative Parcel Map would create six new parcels for financing purposes. However, the Coachella Municipal Code envisions that newly created parcels have streets and right-of-way that provide legal access to the property. (*See e.g.*, Coachella Municipal Code 16.12.040.L.) Given the determination that providing access through existing streets and right-of-way is infeasible, how is access to the newly created parcels guaranteed? Neither the proposed Tentative Parcel Map nor the proposed conditions of approval provide the answer to this critical question. 2.17

Thank you for considering these comments. Should the Project be approved, the Shadow View Owners are preserving all rights to take appropriate action. 2.18

Very truly yours,

RUTAN & TUCKER, LLP

M. Katherine Jenson

MKJ:lr

cc: Carlos L. Campos, City Attorney (via e-mail)
Clients (via e-mail)

Attachment: Letter dated June 19, 2019, from Rutan & Tucker to Planning Commission 2.19



M. Katherine Jensen
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June 19, 2019

VIA PERSONAL DELIVERY

Honorable Chairperson Mike Etheridge
Honorable Commissioners Mario Zamora, Denise
Delgado, Atay Ramirez and Kimberly Miranda
City of Coachella Planning Commission
1515 Sixth Street
Coachella CA 92236

Re: Public Hearing Regarding Vista Del Agua Project - June 19, 2019

Dear Honorable Chair Etheridge and Commissioners Zamora, Delgado, Ramirez and Miranda:

This letter is submitted jointly on behalf of DiMare/Shadow View T.I.C. ("DiMare") and Shadow View Land and Farming, LLC, an affiliate of Reading International, Inc. (collectively, "Reading"). DiMare and Reading (collectively, "Shadow View Owners") own the property comprising the Shadow View Specific Plan area, immediately north of the proposed Vista del Agua Project ("Project"). 2.20

The Shadow View Owners were deeply disturbed by the proceeding on the Project that took place at the March 20, 2019 Workshop. After listening to the audio recording of the Workshop, we deemed it advisable to have the proceeding transcribed and to have the transcript entered into the official record. 2.21

During the proceedings, the Applicant *personally attacked the Shadow View Owners*, belittled their property rights, and made serious misrepresentations about the one and only telephone conference that took place between one of the property owners and the Applicant. (Transcript, pp. 7-8, 15-16.) He then *tried to shift his problem of limited access* to the City by trying to steer the City towards exercising its power of eminent domain over the Shadow View property to advance their private Project. (Transcript, pp. 15-16.) 2.22

To set the record straight, Charles Ellis signed a declaration, under penalty of perjury, regarding the one and only telephone conference he had with Mr. James Kozak, the Applicant's representative. During that call, Mr. Kozak made no offer to purchase the right-of-way. Instead, as Mr. Ellis explains, during that single telephone call, Mr. Kozak indicated that the applicant was looking for the Shadow View Owners to not only dedicate the land for the roads and utilities, but also for the Shadow View Owners to contribute to the construction of infrastructure. Mr. Ellis 2.23

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indicated that the DiMare owners were not interested in any long term commitment that would require expenditures or pigeon hole the property to a particular land use. 2.23 cont.

Adding to these misrepresentations, the City's staff and its consultant repeatedly blurred the private/public property lines by repeatedly suggesting that public roads somehow already exist because of *expired* tract maps and references in the General Plan and Specific Plan. (Transcript, pp. 14, 15.) 2.24

For the record, there has never been any dedication of any roadway on the Shadow View property, and the City and the public hold no access rights across the property. If the Applicant wishes to place 29-acres of infrastructure on the Shadow View property, they will need to first acquire all necessary property rights. 2.25

Finally, we note that our prior written comments have not fully been addressed in the Final Environmental Impact Report ("Final EIR"). We have only just obtained the Final EIR with the responses to comments, and have not yet had sufficient time to review all of the responses to our comments. Those that we have reviewed have not been adequately addressed. By way of example: 2.26

In Comment 7k, we noted that the Draft EIR was inadequate because it did not identify where the 29 acres of infrastructure improvements were to be located on the Shadow View property. We complained that this identification was being improperly deferred until the tentative tract map stage. Rather than providing the location, the response to this comment says there is nothing definitive. ***Identifying the "precise" location of all project components is a fundamental part of a project description.*** (CEQA Guideline § 15124.) 2.27

Likewise Comment 7l has not been adequately addressed. That comment noted that the Draft EIR mistakenly referenced that the 29 acres of public improvement slated for the Shadow View property would be placed within "right-of-way," when no such "right-of-way" exists. Right-of-way" as defined by Webster's means "the right to pass over property owned by another." Rather than correcting this error, the response to the comment does not explain how that right exists. Rather, the City states "it is the intent of the City that these roadways be improved and open for public use." (Final EIR, p. 2-40.) The City's intention does not create "right-of-way." Moreover, the comment pointed out the Draft EIR's failure to include the right-of-way acquisition as part of the project description. Strangely, in response, the City simply acknowledges that the Draft EIR's project description does not include a description of any such acquisition, even as a potential future action, despite the fact that the need for acquisition is noted in several other locations in the Draft EIR. In fact, page 2-41 of the Final EIR states: "Right-of-way will need to be acquired in order to construct these roadways." ***The project description is required to include "permits and other approvals required to implement the project."*** 2.28

The Response to Comment 7n not only misses the point, it proves the point the Shadow View Owners have been making. The Draft EIR makes no distinction between existing public 2.29

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roadways the City already owns (e.g., Dillon) and those in which neither the City nor the Applicant have any ownership interest (e.g., Shadow View Boulevard). As the response points out, Figure 3.4.2-3 shows the desired but non-existent streets exactly the same as those that already exist. (Draft EIR, p. 3-17.) To make matters worse, readers of the Draft EIR are directed to the next figure (Figure 3.4.2-3) to see the “right-of-way.” That figure suggests the “right-of-way” for Shadow View Blvd. is 118 feet. There is no such right-of-way!

2.29
 cont.

The response to Comment 7o raises more issues than it resolves. Throughout the Draft EIR, the Project is described as including 29-acres of offsite improvements, and Comment 7o asked for details regarding those improvements. In response, the City seems to be suggesting that the actual improvements will be just a quarter of that amount. (Final EIR 2-41.) Which acreage is correct and where is it located?

2.30

Response 7r again fails to address fundamental inconsistencies in the Project description. On one hand, the Draft EIR states that the Specific Plan will provide for “vehicular, pedestrian and bicycle circulation routes along a combination of roadways,” and it cites pages 5-1 and 5-2 of the Specific Plan. Those pages show full improvements along the public roads across Shadow View. But later, and in the response to the comment, it describes the improvements across Shadow View as nothing more than a 30-foot strip of pavement. That is not sufficient for pedestrians or bicycles! If there are no such improvements along what they are labeling as the primary and the secondary Project access points, how will bicycles or pedestrians get to and from the Project? The response never explains this, or the discrepancy in the description.

2.31

Regarding Responses 7r, 7s and 7t, it is impossible to verify the alleged conclusion of RK Engineering Group, Inc., that the new, reduced mitigation measures will be sufficient to handle the impacts of the Project, unless they show their work. What is included in the responses to comment are simply conclusions.

2.32

Regarding Response 7u, the Final EIR proposes to ***totally change the Traffic Mitigation Measures***. The Draft EIR and the Traffic Study required that the Applicant put in the full roadway improvement across Shadow View. Now the staff is cutting this back and making additional changes that are not even explained. ***This wholesale modification of the key mitigation measures affecting the Shadow View property requires recirculation. (CEQA Guideline 15088.5(a)(3).) The City needs to show that the new mitigation is as effective as the prior mitigation, which was already woefully lacking.***

2.33

Comment 7w demonstrated that the Project is not consistent with General Plan Policy 2.10, which requires contiguous development patterns and discourages “leapfrog” development not connected to existing urbanized areas. Comment 7x noted that Land Use analysis needed to address this issue. In response, the City says that this Project is “anticipated to be developed in a manner and time frame consistent with the surrounding properties” (i.e., Shadow View). Yet this is not a condition or requirement of the Project. The fact that it is hopscotch is what is most

2.34



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troubling; we can't know the impacts it will have on Shadow View, because how and when Shadow View will be developed is not known. The City's statements are not responsive. | 2.34 cont.

Regarding the comments on the Alternatives analysis (comments 7y-7aa), the City's "responses" are conclusory, at best. Moreover, the City's testimony at the March 20, 2019 Workshop underscores that this so-called "alternative" was not an alternative at all. Mr. Lopez stated: "So, that's where maybe the two property owners (and) the city need to sit down and figure something out. Because there is no other way to get to the Vista Del Agua under the mitigation measures of the EIR the way they're currently written." (Transcript, p. 15; *see also* p. 19.) The Draft EIR was required to consider reasonably feasible solutions, not fiction. | 2.35

We are still very much in the process of reviewing the mountain of documents the City just released relating to this Project, and will be supplementing these comments once we have a chance to fully consider the new documents. | 2.36

We respectfully request that the City Planning Commission continue this matter so that the access and off-site infrastructure issues can be properly addressed. | 2.37

Should you have any questions regarding the foregoing, please do not hesitate to contact me at the number above. | 2.38

Respectfully submitted,

RUTAN & TUCKER, LLP

M. Katherine Jenson

MKJ:lr

Enclosures:

- | | |
|--|------|
| <ol style="list-style-type: none"> 1. Transcript of Planning Commission Meeting, March 20, 2019 2. Declaration of Charles M. Ellis | 2.39 |
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Transcript of Planning Commission Meeting, March 20, 2019 | 2.40

Declaration of Charles M. Ellis | 2.41

Responses to Comment Letter No. 2

- 2.1 These are informational statements and a summary of the Project Description that do not require a response.
- 2.2 The City is aware of the concerns raised by the Shadow View Owners, specifically, the Shadow View Owners submitted written comments dated: July 20, 2018, September 20, 2018, March 18, 2019, and June 19, 2019. Responses to the July 20, 2018, September 20, 2018 and March 18, 2019 letters are included in the FEIR. Comments dated June 19, 2019 were submitted after the close of the public comment period. The June 19, 2019 letter was received on June 19, 2019 and were verbally responded to by City Staff at the June 19, 2019 Planning Commission Hearing. The City is not required to respond to late comment letters (Pub. Res. Code § 21091(d)(1); *Residents Against Specific Plan 380 v. County of Riverside* (2017) 9 Cal.App.5th 941, 972). Nonetheless, these Responses to Comments, respond to the Comment Letters submitted by the Shadow View Owners, dated February 26, 2020 (Responses 2.1 through 2.19) and June 19, 2019 (Responses 2.20 through 2.42).
- 2.3 This comment asserts the Shadow View Owners have concerns regarding the location of the Project and the necessary offsite improvements.

Development of the Project would not constitute “hopscotch development” as claimed in the comment. The Project is located immediately east of the Shadow View Specific Plan. The Shadow View Specific Plan was approved in July 2006 and an EIR certified. The Development Agreement for the Shadow View Specific Plan was recorded in March 2007, and Tentative Parcel Map 34993 and Tract Map 34865 were approved in September 2007. These maps were active at the time the NOP for the Project was released on March 2, 2015, but have since expired. The Project is also within an area slated and long-planned for urban development, as the Coachella General Plan 2035 designates the site as General Neighborhood, Urban Neighborhood, Suburban Retail District, Suburban Neighborhood, and Neighborhood Center. (General Plan Update 2035, p. O4-59, <https://www.coachella.org/Home/ShowDocument?id=3221> .)

Access to the Project is planned via Shadow View Boulevard, Avenue 47, Vista Del Sur, and Avenue 48. Although the right-of-way for Shadow View Boulevard does not exist through the Shadow View Specific Plan area at this time, the conceptual amendment for the Shadow View Specific Plan as illustrated on Figure 4-25 within the Coachella General Plan illustrates Shadow View Boulevard connecting to Dillion Road and the Vista Del Agua property via Avenue 48. The Shadow View Specific Plan and associated tentative tract maps (now expired) also show Shadow View Boulevard in the basic alignment proposed by the Project.

Please also refer to the follow Responses to Comments in the FEIR:

- Response to Comment 7w, p. 2-43;
- Response to Comment R4d, p. 2-83;
- Response to Comment 7b, p. 2-38;
- Response to Comment PCb, p. 2-92.

No additional response is required.

- 2.4 Contrary to the Shadow View Owners' assertion, the Draft EIR does consider the Project's potential impacts to the Shadow View property. See, e.g., DEIR pp. 4.5-9, 4.8-2 – 4.8-3, 4.11-42.) Further, in response to comments raised by the Shadow View Owners, the City re-examined the three Alternatives discussed in the DEIR, as well as a fourth Alternative, set forth in the "Discussion of Alternatives to Shadow View Boulevard as Either Primary or Secondary Access to the Vista Del Agua Project," dated January 31, 2020 ("Alternatives Memo"), as well as on pages 172 through 174 of the CEQA Findings of Fact and Statement of Overriding Considerations attached as Exhibit A to proposed Resolution 2020-02.

As stated above, the Alternatives Memo was completed in response to comments made by the Shadow View Owners after the close of the public comment period. The City had the option to respond to the Shadow View Owners' proposal of a new alternative (Alternative 4), but it was not required to do so. (State CEQA Guidelines, § 15207.) The City is also not required to attach it to the Staff Report. Although not required to respond to a late suggestion of an additional alternative, the City can reject such a newly proposed alternative in its findings approving the Project, although, again, it is not required to do so. (See *South County Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4th 316, 333.) Here, the City was presented with proposed specific findings rejecting the newly proposed Alternative 4 and explaining why the Alternative will not significantly reduce impacts and is also infeasible. The City therefore went above and beyond CEQA's requirements.

Nonetheless and to ensure greater transparency, and as it is public record, a copy of the Alternatives Memo dated January 31, 2020, will be provided in the agenda packet for the May 13, 2020 City Council hearing. Additionally, the January 31, 2020 Alternatives Memo has been updated to include additional technical analysis and to clarify additional points in response to Shadow View's comments. This updated Alternatives Memo, dated April 24, 2020, will also be included in the May 13, 2020 agenda packet.

- 2.5 The commenter expresses the opinion that the applicant and City staff have opted to keep their planned use of the Shadow View private property for the Project as uncertain as possible, and assumes that the Shadow View Owners' property will be "confiscated."

First, the use of the Shadow View property is not uncertain. As stated in the DEIR, approximately 11,600 feet of off-site street improvements are required. The location of such improvements is illustrated in Figure 3.4-2.3. Roadway cross-sections are illustrated in Figure 3.4-2.4. The Project is responsible for a 30 foot paved section of these improvements. (DEIR, p. 3-5). The alignment of Shadow View Boulevard in Figure 3.4-2.3 is substantially the same alignment of Shadow View Boulevard as has been contemplated in numerous planning documents, including in the very Specific Plan previously proposed by the Shadow View Owners and approved by the City.

For example, the Shadow View Specific Plan shows Shadow View Boulevard as a proposed street crossing the Shadow View Specific Plan area (see Shadow View Specific Plan, p. 3-11 [Exhibit 3-5]). The Shadow View Specific Plan also includes Shadow View Boulevard cross sections, indicating that Shadow View Boulevard will ultimately be constructed to a 120-foot right of way (see Shadow View Specific Plan, p. 3-12 [Exhibit 3-6]). Finally, the Shadow View Specific Plan shows Shadow View

Boulevard as a road to be constructed by the residential developer of Shadow View (see Shadow View Specific Plan, pp. 3-9 and -10). As shown in the Specific Plan, improvements are anticipated to take place on privately owned property of the Shadow View Owners.

Further, the City of Coachella General Plan 2035 shows Shadow View Boulevard as part of the City's Circulation Element, as an arterial street (see General Plan, p. O5-7 [Figure 5-1], and p. O5-3 [Table 5-1, Street Typologies]). General Plan Figure 5-1 illustrates that Shadow View Blvd is designated as a Major Arterial with Bicycle Facility (to be developed to a 118-foot right-of-way with six travel lanes) and is planned to connect Dillon Road easterly to Avenue 48.

City administrative practice allows minor re-alignments of Section-Line streets. Shadow View Boulevard is currently aligned with the Avenue 48 section line and the old section-line street easement will be adjusted to connect northwesterly to Dillon Road, pursuant to the General Plan.

Lastly, Tentative Parcel Map 34993, which approved the residential villages subdivision for Shadow View, recorded the street right-of-way through the Shadow View properties. However, the owners let the tentative map expire. (See City Resolution No. 2007-73 for Tentative Tract Map No. 34865 [adopted September 12, 2007].) Shadow View Boulevard is described as running from Dillon Road to the intersection of Tyler Street and Avenue 48 on this Tentative Map.

Establishment of Shadow View Boulevard has already been analyzed under the California Environmental Quality Act as part of the Coachella General Plan 2035 Program EIR, which was certified by the City Council on April 22, 2015 via Resolution 2015-03. Thus, the extension of Shadow View Boulevard, as proposed by the Project, is consistent with the City's plan for its ultimate development. There is no question as to "where" the improvements will occur.

The Project is conditioned to complete extensive circulation improvements prior to the issuance of the first occupancy permit. Specifically, Conditions of Approval for Specific Plan 14-01 Vista Del Agua include the following:

- Condition No. 8: Mitigation measures included in the project Mitigation Monitoring and Reporting Program are hereby incorporated by reference as project conditions of approval.
- Condition No. 15: The first Master Subdivision Map must provide for all requisite on-site and off-site easements, rights-of-way and alignments for vehicular access and extension of utility infrastructure, including reclaimed water facilities, to the project site.
- Condition No. 16: The Shadow View Blvd. access shall be designed as approved by the City Engineer and the Fire Department. Timing of the ultimate improvement shall be in accordance with the requirements of the Specific Plan and EIR.
- Condition No. 25: Prior to or concurrent with approval of a Builder's Tentative Map or Commercial Map, traffic related improvements shall be constructed in accordance with Mitigation Measures TR1, TR2, TR 3, TR 4 and TR 5.

With regards to the construction of Shadow View Blvd that connects Dillon Road to

Avenue 48, Mitigation Measure MM-TR-1 states “construct a new extension of Shadow View Boulevard from Dillon Road prior to the 1st occupancy permit. The City Public Works Department is the responsible party that will plan check the engineering plans submitted by the Applicant for this improvement. Accordingly, before an occupancy permit can be issued for the Project, the extension of Shadow View Boulevard must be constructed. This is reinforced in Conditions 15, 16, and 25. Through the traffic mitigation measures and conditions of approval, the EIR adequately discloses “when” construction of Shadow View Boulevard will occur.

As to “how” right-of-way will be acquired, the commenter states the Shadow View Owners’ property will be “confiscated.” How the acquisition of necessary right-of-way will take place is not certain at this time; however, the EIR and the record discloses that such acquisition is necessary in order for the Project to be implemented.

- 2.6 Please reference Responses to Comments 2.3 and 2.5 as they pertain to approved planning documents which show future locations and roadway dimensions for Shadow View Boulevard. It is not certain at this time whether the necessary right-of-way for the Project can be acquired through a negotiated agreement. However, the City would comply with all legal prerequisites, as needed, associated with any acquisition.

With regard to the commenter’s “confiscation” comment, and as stated in *Selby Realty Co. v City of San Buenaventura* (1973) 10 Cal.3d 110, 119, the mere enactment of a general plan for future development of an area, indicating potential public streets through the plaintiff’s land, does not amount to inverse condemnation. A general plan is necessary for orderly community progress and growth, and it is subject to alteration or abandonment. Here, Shadow View Boulevard is depicted in the City’s General Plan and this same alignment is used in the Vista Del Agua Specific Plan. It is still subject to alteration or abandonment.

Additionally, the approval of the Vista Del Agua Specific Plan does not constrain development of the Shadow View Owners’ property such that an “aura of limitations” on how the Shadow View properties might be developed exists. In , the court denied precondemnation damages for a 2-year period between a city’s notice of intention to condemn and the date of judgment, notwithstanding a pending application for development. In that case, the owner did not file a complete subdivision application until after the city adopted its resolution of necessity and there was no evidence that the property had decreased in value. There is no current plan pending before the City for development of the Shadow View Owners’ property. Further, the City has not precluded the Shadow View Owners from submitting an application for development on their property.

The Vista Del Agua Project included access via Shadow View Boulevard in the alignment it existed on Tentative Parcel Map 34993, which was active at the time the NOP was released for the Project. The Project conservatively anticipates approximately 29 acres of off-site improvements on the Shadow View property, a small fraction of the 540.39 acre Shadow View Specific Plan area, which would benefit from the access Shadow View Boulevard would provide.

- 2.7 Please reference Responses to Comment 2.3, 2.5 and 2.6 as it pertains to approved planning documents which show future locations and roadway dimensions for Shadow View Boulevard. These documents were not created by the applicant. The applicant

utilized existing information to create these exhibits. Development of the Project would not constitute a hopscotched and sprawling development as claimed in the comment. The Project is located immediately east of the Shadow View Specific Plan, which was approved in 2006 and Tentative Parcel Map 34993 and Tract Map 34865 approved in 2007, which were active at the time the NOP for the Project was released on March 2, 2015, but the Shadow View Owners have since let expire. At the time the NOP was released for this Project, it was contemplated to be a complementary project to the Shadow View Specific Plan project. The Project is also within an area slated and planned for urban development, as the Coachella General Plan 2035 designates the site as General Neighborhood, Urban Neighborhood, Suburban Retail District, Suburban Neighborhood, and Neighborhood Center. (General Plan Update 2035, p. 04-59, <https://www.coachella.org/Home/ShowDocument?id=3221> .)

The applicant seeks approval of the Project to implement an aesthetically pleasing and functional community with a balanced mix of economically viable commercial and residential uses and provide a diverse mix of housing options for the people of Coachella.

- 2.8 Comment noted about objections raised by Shadow View Owners. As demonstrated in the DEIR, Final EIR, Specific Plan, and these Responses to Comments, the City, in exercising its discretion as lead agency has determined that the Project complies with the mandates of CEQA and is consistent with the City's General Plan. Please reference Response to Comment 2.4 as it relates to the January 31, 2020 Alternatives Memo and Response to Comment 2.11 below as it pertains to the Development Agreement. No additional comment is required.
- 2.9 Please refer to Response to Comment 2.4. The Alternatives Memo is a public record and has been included in the agenda packet for the May 13, 2020 hearing.
- 2.10 As stated in Response to Comment 2.4, the Alternatives Memo reexamines the three Alternatives discussed in the DEIR and does not alter the conclusions of the DEIR. Alternative 4 was not included in the DEIR as it was developed in response to comments made by the Shadow View Owners. A new alternative suggested in comments on a draft EIR may be evaluated in a final EIR without triggering recirculation of the final EIR unless the discussion in the final EIR involves "significant new information." *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 547. As illustrated in the Alternatives Memo as revised April 24, 2020, Alternative 4 fails to avoid or substantially reduce significant environmental impacts. In fact, by increasing the distance that must be traveled to access the Project site, the air quality (NOx) and GHG impacts of Alternative 4 are increased as compared to the Project due to the increase in VMT (Alternatives Memo, pp. 8-9.) Additionally, Alternative 4 is infeasible as it does not include construction of Shadow View Boulevard as set forth in the City's Circulation Element.

The Alternatives Memo therefore does not add new information that deprives the public from commenting on a feasible mitigation measure that is not adopted, but rather reconfirms and elaborates upon the conclusions already presented in the Draft EIR. State CEQA Guidelines, Section 15088.5; *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112. Therefore, the DEIR does not meet the criteria listed in State CEQA Guidelines Section 15088.5 (Recirculation of an EIR Prior to Certification) that would necessitate a revised and recirculated EIR.

- 2.11 This comment pertains to the availability of a Development Agreement (DA) for the Project. No DA is currently available. As stated in Response to Comment 7i of the FEIR (p. 2-39):

“At this time, the Applicant and the City are still negotiating the terms of the Development Agreement (DA) and therefore no DA is currently before the City for review and approval. When and if a DA is completed, it will come before the City for consideration, review and approval at a duly noticed public hearing. However, the DA terms will focus on administrative and financial issues associated with the Project, and therefore the terms are not anticipated to result in any physical environmental impacts different from those analyzed and disclosed in the EIR. Regardless, if and when a DA is brought forward, its terms will be compared against the EIR for consistency with the Project Description provided in the EIR, and to ensure that the terms will not result in any new or substantially more severe environmental impacts. As required by CEQA, in the unanticipated event that the terms of a DA are determined to result in potentially significant impacts different than those disclosed in the EIR, supplemental environmental review would be required prior to execution of the DA.”

In addition, as stated in Response to Comment PCe of the FEIR (p. 2-92):

“The Development Agreement (DA) is one of the 5 entitlements included in the EIR (see Chapter 3 – Project Setting and Project Description, p. 3-8). The DA was not included in the appendices of the EIR, as it was not available at the time of the public circulation of the EIR. Comment noted on the chronology provided pertaining to request for copies of the DA.”

Lastly, as stated in Response to Comment PCf of the FEIR (pp. 2-92 and 2-93):

“As stated in response to comment 7i of the July 20, 2018 letter, provided in Section 2.0 a. of the FEIR, the EIR anticipated the submittal/approval of a DA, and the analysis of the EIR factored in a development agreement. Upon submittal of a DA, it will be reviewed for consistency with the EIR. If the DA is consistent with the analysis contained in the EIR, then no further analysis will be required. This response represents the City’s independent judgment as it pertains to the scope of any anticipated DA. The remainder of this comment entirely or partially consists of the expression of an opinion not supported by factual evidence or legal argument. The comment is too vague and does not lend itself to further explanation. The City notes this comment, but no further discussion is required by CEQA.”

There are no changes to these Responses in the FEIR. As provided in the prior Responses to Comments cited above, it is common for DAs to follow project entitlements as a subsequent project approval, and the EIR identifies the Development Agreement as such. Ultimately, the DA would have to be consistent with the Project analyzed in the EIR, and no changes to the Project are anticipated. In the unforeseeable and unanticipated event that a future DA were to propose changes to the Project, then further CEQA review would be required prior to any approval of the DA. The purpose of the DA is not to modify the Project or to change mitigation, *but to implement it* by addressing administrative and financial issues that are unrelated to

physical impacts on the environment, and which are still being negotiated. No additional response to comment is required.

- 2.12 Please refer to Response to Comment 2.2. Comments to the June 19, 2019 were received on June 19, 2019 and were verbally responded to by City Staff at the June 19, 2019 Planning Commission Hearing. Responses to the Comment Letter submitted by the Shadow View Owners, dated June 19, 2019, are provided below in Responses to Comments 2.20 through 2.42.
- 2.13 The State CEQA Guidelines specifically recognize that requiring a project to implement or fund its fair share of a measure designed to mitigate a cumulative impact is an effective way to address the project's contribution to the impact. State CEQA Guidelines, § 15130(a)(3). Mitigation Measure MM-TR-3 provides for fair share contributions to be made for improvements at 11 intersections in order to address cumulative conditions for Project Completion (Year 2022) and General Plan Buildout (Year 2035). As provided in the DEIR, MM-TR-3 would reduce the significant impacts by requiring the Project's fair share contribution in the form of DIF and TUMF fee payments towards the future intersection improvements, however the City cannot control the timing of when the intersection improvements for the locations on Caltrans facilities (SR-86 and I-10) are implemented. Therefore, cumulative impacts would remain significant and unavoidable. (DEIR, p. 4.14-57.)

TUMF is included in the DEIR as Standard Condition SC-TR-1, which states the following: "Regional Funding Mechanisms. The applicant shall participate in any approved transportation or development impact fees, such as TUMF fees, required by the City of Coachella per Chapter 4.40 of the City's Municipal Code." The City therefore has an established TUMF program, managed by the Coachella Valley Association of Governments.

In addition to an established TUMF program, the City also has an established DIF program, established by Ord. No. 1013, adopted February 10, 2010, and codified in Chapter 4.45 of the Coachella Municipal Code. Coachella Municipal Code section 4.45.020 sets forth the basis of calculation of development impact fees, and section 4.45.060 sets forth the use of said development impact fees. Related to traffic, section 4.45.060(D) provides the following:

Street facilities fees will be used for the following purposes:

1. Construction or installation of improvements to add or modify traffic signals and related devices to maintain service levels that are *directly impacted by specific development projects*;
2. Construction or installation of street rehabilitation and construction improvements to add or modify land and circulation capacity to maintain service levels that are *directly impacted by specific development projects*.
3. Construction or installation of bridge and grade circulation improvements to add or modify bridge and grade separation service levels for areas *specifically impacted by a development project*.
4. Construction or installation of bus shelter improvements to add or improve shelters in accordance with the regional transit plan and *specifically impacted by development projects*. (emphasis added.)

The City's DIF and TUMF programs are both established by ordinance. When a

mitigation program is established, the required evidence that the planned mitigation will occur can be provided, at least in part, through the presumption that an agency will comply with its own ordinances, and will spend the fees it collects on the purposes for which it collects them. *Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 141. The City will accordingly use the Project's fair share contributions to ensure necessary improvements are made at the 11 identified intersections.

- 2.14 Please refer to Responses to Comments 2.4 and 2.10 above.
- 2.15 Please refer to Responses to Comments 2.3 and 2.7 above. Prior comments received on the General Plan Consistency have also been addressed in Response to Comments 7w, and R4d of the DEIR.

Response to Comment 7w (p. 2-43) states:

"Comment noted about General Plan Policy 2.10 (Contiguous development pattern). Key words to be noted are "encourage," "incentivize," and "minimize." As it pertains to General Plan p. 2-09, key words include "will generally be" and "will be avoided." While these are suggestive, they are not mandated. When taken into a greater context, the Project is located easterly of the Shadow View Specific Plan and within an area that is slated/planned for an urban level of development. The Project is a long-term plan and is anticipated to be developed in a manner and time frame consistent with the surrounding properties."

This comment was also addressed in the same manner in the FEIR (Response to Comment R4d, p. 2-83).

There are no changes to these Responses in the FEIR. No additional comment is required.

- 2.16 Please reference Response to Comments 2.3 through 2.7. No additional analysis is required.
- 2.17 The Project is conditioned to complete extensive circulation improvements prior to the issuance of the first occupancy permit, such that all six parcels created through the parcel map will have legal access as required by state law. Specifically, Conditions of Approval for Specific Plan 14-01 Vista Del Agua include the following:
- Condition No. 8: Mitigation measures included in the project Mitigation Monitoring and Reporting Program are hereby incorporated by reference as project conditions of approval.
 - Condition No. 15: The first Master Subdivision Map must provide for all requisite on-site and off-site easements, rights-of-way and alignments for vehicular access and extension of utility infrastructure, including reclaimed water facilities, to the project site.
 - Condition No. 16: The Shadow View Blvd. access shall be designed as approved by the City Engineer and the Fire Department. Timing of the ultimate improvement shall be in accordance with the requirements of the Specific Plan and EIR.

- Condition No. 25: Prior to or concurrent with approval of a Builder's Tentative Map or Commercial Map, traffic related improvements shall be constructed in accordance with Mitigation Measures TR1, TR2, TR 3, TR 4 and TR 5.

Should the Project not obtain necessary right-of-way to access the Project site, it cannot be developed.

- 2.18 Comment noted. No further response is required.
- 2.19 Responses to the attached Comment Letter submitted by the Shadow View Owners, dated June 19, 2019, are provided below in Responses to Comments 2.20 through 2.42.
- 2.20 These are informational statements that do not require a response.
- 2.21 Comment noted. No further response is required.
- 2.22 This is an opinion provided by the commenter and does not raise an environmental issue. No further response is required.
- 2.23 This is a summary of the Declaration of Charles M. Ellis. No response is required.
- 2.24 As provided in the Transcript, p. 14, the City stated the same street *alignment* is shown on the Shadow View Specific Plan and tentative tract maps that were approved but now expired. There was no comment made that the streets themselves actually exist. (emphasis added.) Please also reference Response to Comment 2.3 and 2.5. No additional response is required.
- 2.25 These are both accurate statements. Please reference Response to Comment 2.3. No additional response is required.
- 2.26 The comment contains the commenter's opinion that prior written comments have not been fully addressed in the FEIR. Specific comments are addressed below.
- 2.27 The Commenter reiterates concerns raised in prior Comment 7k that identification of the precise location of the 29 acres of infrastructure improvements was improperly deferred until the tentative tract map stage. Response to Comment 7k of the Final EIR (pp. 2-39 and 2-40) notes in part that "the Vista Del Agua EIR used the general alignment of Shadow View Boulevard as shown on Figure 5-1, Transportation Network contained in the Mobility Element of the General Plan and Figure 4-25, Conceptual Amendments to the Shadow View Specific Plan as shown on Figure 4-25 of the Coachella General Plan for the general alignment of Shadow View Boulevard for the analysis in the EIR."

An EIR must be "prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences." *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26. This principle applies to the description of the project location. In *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 533, an EIR for a large development described the project area, showed it on a map, and indicated the area would be annexed to the city.

The court rejected claims that the EIR had to describe the area to be annexed precisely, because the information provided was sufficient to assess significant impacts and consider mitigation measures and alternatives.

The Project's depiction of the 29 acres of infrastructure improvements is akin to the area to be annexed in *City of Orange*. As previously stated, the alignment coincides with City planning documents and infrastructure improvements would be developed in accordance with the alignment depicted in Figure 3.4.2-3. Any small alterations in the alignment that would occur at the tentative tract map stage would be minor and they would not create new significant impacts. The EIR's discussion and depiction of the infrastructure improvements is sufficient to allow the City Council and the public to take account of environmental consequences, as well as consider mitigation measures and alternatives.

The commenter has also expressed concern regarding statements in the DEIR about placing 29 acres of infrastructure improvements into right-of-way because no right-of-way currently exists or is approved for acquisition. To clarify and address the commenter's concern, the following global note will be placed at the beginning of the Errata section of the Final EIR:

GLOBAL NOTE: The DEIR makes numerous references to "right-of-way" (ROW) in relation to 29 acres of Project-related infrastructure improvements including roadways. This note is to formally clarify that all DEIR references to "right-of-way" which are in reference to roadways that do not currently exist and for which there is no existing right-of-way acquired or approvals in place to be acquired mean infrastructure (including roadway) "alignment" or **future** right-of-way. These roads must also be shown in the General Plan Mobility Element. This shall be considered a global change or clarification within the entire DEIR document.

Additionally, this is a program EIR. As stated in Response to Comment 7k, "Upon submittal of future plans that have a definitive roadway alignment, said plans will be reviewed for consistency with the EIR. If they are consistent with the analysis contained in the EIR, then no further analysis will be required. If they are inconsistent, then additional analysis may be required pursuant to CEQA Sections 15162 (Subsequent EIRs and Negative Declarations) and/or 15163 (Supplement to an EIR)." This type of analysis is provided for in State CEQA Guidelines Section 15168, and therefore does not constitute an improper deferral.

2.28 Response to Comment 7l of the Final EIR (p. 2-40) states:

"Chapter 3, Project Description describes the nature and locations of the off-site Project components. According to the General Plan Circulation Element Map, Avenue 48 and Avenue 47 are shown as "New Major Corridor" and "New Minor Corridor," respectively, on Figure 2-3, Road Network Vision of the General Plan. Therefore, it is the intent of the City for these roadways to be improved and open for public use. Chapter 4 references to "rights-of-way" refer to the general locations of these roadways. At the time of the NOP, these were still potential rights-of-way on the active Shadow View maps. At the time of the circulation of the EIR, these maps had expired. Right of way will need to be acquired in order to construct these roadways. The roadway alignments for

Avenue 48, Shadow View Boulevard and Avenue 47 are conceptual at this time. However, their locations are consistent with the General Plan Circulation Element and the Shadow View Specific Plan.

To the extent “right-of-way” is used to reference the general location of roadways in the EIR, please see the Global Note at the beginning of the Errata section of the FEIR, which corrects the usage of the term “right-of-way” and is explained in Response to Comment 2.27 above.

Response to Comment 7l also provides “As stated in Response to comment 7k, the EIR does not identify the approvals necessary for the acquisition of property within the Shadow View Specific Plan area (i.e., eminent domain).” The necessity of eminent domain in order to acquire right-of-way to serve the project is speculative at this time, and the City is not making any commitment to exercise any such power. However, we should note that the list of discretionary actions or approvals included in Draft EIR section 3.5 is not exhaustive. DEIR, p. 3-8.

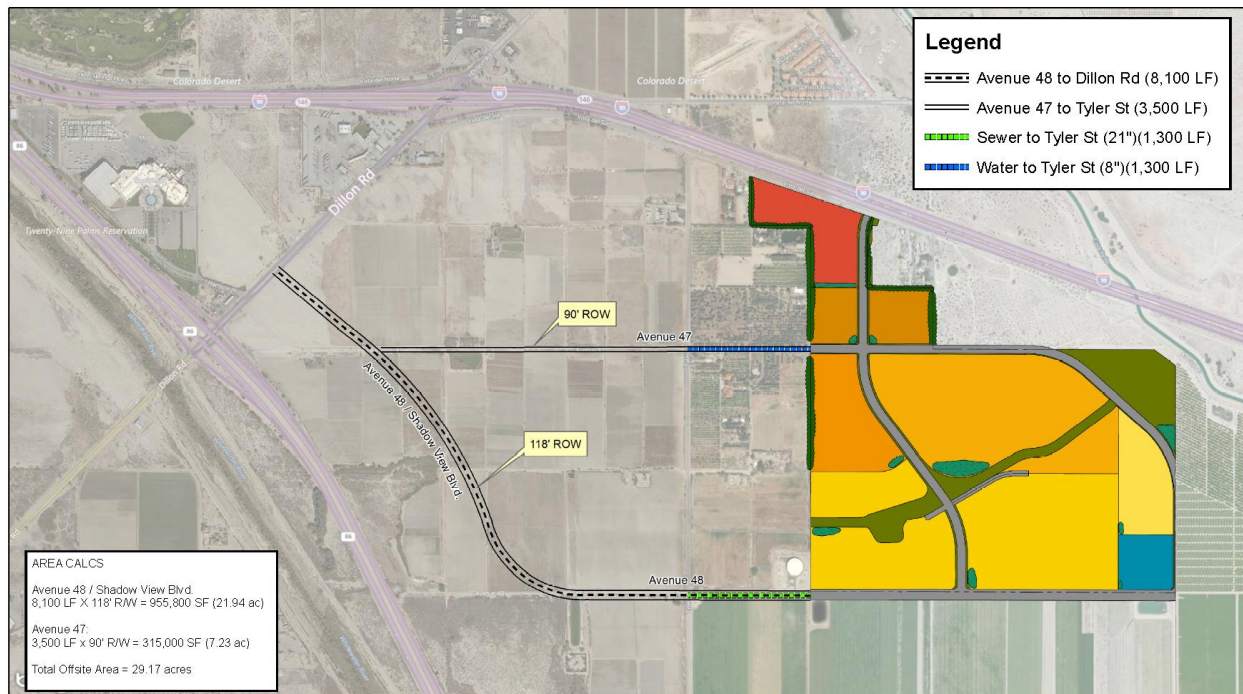
- 2.29 Figure 3.4.2-3 is the Circulation Plan of the EIR, which shows the roadways necessary to access the Project site. Roadways that do not now exist are required to be constructed prior to the issuance of the first occupancy permit for the Project, and thus should be included in the Circulation Plan for the Project. See Conditions of Approval Nos. 8, 15, 16, and 25. While Figure 3.4.2-3 does not distinguish between existing and planned roadways, as stated in Response to Comment 7n of the Final EIR (p. 2-41), “Both Avenue 48 and Avenue 47 are identified in the City of Coachella General Plan, Traffic Impact Study City of Coachella, California, prepared by RK Engineering Group, Inc., dated October 14, 2014, revised June 14, 2016 (TIS, **Appendix O**), as “Future or Unpaved Roads.” According to the General Plan Circulation Element Map, Avenue 48 and Avenue 47 are shown as “New Major Corridor” and “New Minor Corridor,” respectively, on Figure 2-3, Road Network Vision of the General Plan. Therefore, it is the intent of the City for these roadways to be improved and open for public use.”

Please refer to Response to Comment 2.27 regarding the issue of existing right-of-way versus alignment or future right-of-way as referenced in Figure 3.4.2-3 and explained in the Global Note at the beginning of the Errata section of the FEIR.

- 2.30 Response to Comment 7o of the Final EIR (p. 2-41) states:

“Please reference the Figure below, which supplements Figure 4.11.2-1, Circulation Plan, of the EIR, which depicts the approximate 29 acres for the off-site improvements. The roadway alignments for Avenue 48, Shadow View Please reference the Figure below, which supplements Figure 4.11.2-1, Circulation Plan, of the EIR, which depicts the approximate 29 acres for the off-site improvements. The roadway alignments for Avenue 48, Shadow View Boulevard and Avenue 47 are conceptual at this time and are shown on Figure 4.11.2-1, which uses a recent aerial photo base, to allow for ease of identification. However, their locations are consistent with the General Plan Circulation Element and the Shadow View Specific Plan. As shown in the Figure below, the entire right-of-way width was multiplied by the length (linear feet) to get the total approximate 29 acres for the off-site improvements. This represented a “worst-case” scenario for the scope of the off-site improvement areas. As discussed below, 30’ wide pavement is

proposed within these right-of-way areas, with the remainder of the right-of-way remaining undeveloped.”



The Figure included in Response to Comment 7o, reproduced here, supplements Figure 4.11.2-1 and Figure 3.4.2-3, which depict the Circulation Plan for the Project as it sets forth the linear feet for the roadway, sewer and water improvements. The area calculations provided in the Figure amount to approximately 29 acres, as analyzed in the DEIR. Comment 7o appears to have calculated acreage based upon the linear feet of the infrastructure improvements and 30' wide pavement. The total improvement area analyzed in the EIR, however, is based upon the ultimate width of the proposed roadways.

As previously stated in the Final EIR (pp. 2-41 and 2-62), 29 acres of off-site improvement area was analyzed as a worst-case scenario and the expected interim phase roadway improvements would be significantly less. This response is intended to further clarify the intended Project improvements and to address concerns regarding the provision and timing of bicycle and pedestrian circulation routes; the Project will provide interim phase off-site roadway improvements to accommodate bicycle lanes and sidewalks. Thus, to provide more clarity regarding pedestrian and bicycle improvements, Shadow View Boulevard will be widened to a minimum interim width of 34' including the offsite segment from Dillon Road to Avenue 48 to allow for installation of two vehicle travel lanes (12' each) and a sidewalk (5') and Class II on-street bicycle lane (5') on one side of the roadway. As the ultimate buildout of Shadow View Boulevard/Avenue 48 and Avenue 47 was analyzed in the EIR, there are no additional impacts associated with this revision to accommodate a sidewalk and Class II on-street bicycle lane as part of the off-site improvements provided by the Project.

2.31 Comment 2.31 reiterates some of the comments made in Comment 7q and Comment

7r. Response to Comment 7r of the Final EIR (p. 2-42) states:

*“RK Engineering Group, Inc., was consulted for their input regarding this comment, their calculations confirm that 30 feet of pavement would allow for a 2-lane undivided roadway with a minimum ADT capacity up to 10,400 vehicles per day. Based on the City of Coachella General Plan and the Traffic Impact Study City of Coachella, California, prepared by RK Engineering Group, Inc., dated October 14, 2014, revised June 14, 2016 (TIS, **Appendix O**), the Project would assign approximately 7,800 average daily trips (ADT) to this segment. Therefore, the interim improvements shall be adequate to accommodate the entire buildout of the Project. The 30 feet width of pavement will serve to mitigate Project impacts and is not considered a “fair share” contribution. Shadow View Boulevard will serve to mitigate Project impacts. This roadway was not slated for fair-share contribution in the EIR; rather, intersections were identified in the EIR for fair share contributions (reference MM-TR-3 p. 4.14-61 and 4.16-62). As a condition of approval, subsequent traffic analyses will be required as each phase of the development is proposed and any additional improvements, such as to widen intersections, would be identified.”*

This comment was also addressed in the same manner in the FEIR (Response to Comments R4d and PCo on p. 2-83 and p. 2-93, respectively). In addition, updated information on the installation of sidewalks and bike lanes is provided in Response to Comment 2.27 above.

There are no changes to these Responses in the FEIR.

No additional comment is required.

- 2.32 Installation of interim roadway improvements along Shadow View Boulevard, Avenue 48 and Avenue 47 to obtain access to the Project is not a “new, reduced mitigation measure.” As provided in footnote 1 of Table 4.14.4-5, mitigation generally consist of the minimum necessary improvements at an intersection to improve operations to LOS D or better. Installing a two-lane undivided roadway would provide the minimum necessary vehicular capacity to achieve LOS D or better along roadway segments near the Project site.

Pursuant to the City of Coachella General Plan and the Traffic Impact Study City of Coachella, California, prepared by RK Engineering Group, Inc., dated October 14, 2014, revised June 14, 2016, a 2-lane undivided roadway with a minimum ADT capacity up to 10,400 vehicles per day could accommodate the Project’s approximately 7,800 average daily trips to the segment. 24 feet of pavement would allow for a 2-lane undivided roadway with a minimum ADT of 10,400 vehicles per day. Thus, providing 24 feet of pavement is the minimum required to accommodate the Project. As provided in Response to Comment 2.30 above, to accommodate the installation of sidewalks and bike lanes, an additional minimum of 5 feet of pavement will be provided for a Class-II on-street bike lane and an additional minimum of 5 feet will be provided for sidewalks on one side of the street, for a total of 34 feet of roadway improvements under interim conditions. This will still allow for a 2-lane undivided roadway to accommodate the project.

- 2.33 Response to Comment 7u of the Final EIR (pp. 2-42 and 2-43) states:

“MM-TR-1 will be revised to read, “For Existing Plus Project Conditions, the Project applicant is required to make the following improvements at the following intersections and roadway segments...” Also, the first bullet point under MM-TR-1 will be revised to remove the requirement that the Project, “Construct new extension of Avenue 47/Shadow View Boulevard to Dillon Road.” Instead add the following:

- *Roadway Segment Improvements*
 - *Construct new extension of Shadow View Boulevard from to Dillon Road to Avenue 48;*
 - *Construct new extension of Avenue 47 from Tyler Street to Shadow View Boulevard; and*
 - *Construct new extension of Avenue 48 from Tyler Street to Shadow View Boulevard.*

The revisions to MM-TR-1 represent clarifications and refinements that will not require recirculation of the EIR. Shadow View Drive is identified as Avenue 48/Shadow View Boulevard in the EIR (see Section 3.4.2.4).”

This comment was also addressed in the same manner in the FEIR (Response to Comments R4d and PCr on p. 2-83 and p. 2-94, respectively).

There are no changes to these Responses in the FEIR. The City, in exercising its discretion as lead agency has determined that the DEIR does not meet the criteria listed in State CEQA Guidelines Section 15088.5 (Recirculation of an EIR Prior to Certification) that would necessitate a revised and recirculated EIR.

No additional comment is required.

- 2.34 Please refer to Responses to Comments 2.3 and 2.7.
- 2.35 The City examined three alternatives in detail in the DEIR in accordance with State CEQA Guidelines Section 15126.6. In addition to the Vista Del Sur Alternative (Alternative 3) discussed in the DEIR and cited in Comments 7y through 7aa, the City has also examined an Alternative 4 in response to comments. Please refer to the revised Alternatives Memo dated April 24, 2020.
- 2.36 Comment noted. No further response is required.
- 2.37 Comment noted. No further response is required.
- 2.38 Comment noted. No further response is required.
- 2.39 Attachments noted. These attachments to Comment Letter No. 2 are attached electronically to these Responses.
- 2.40 Attachment noted. This attachment to Comment Letter No. 2 is a Transcript of Planning Commission Meeting, dated March 20, 2019, and is attached electronically to these Responses.
- 2.41 Attachment noted. This attachment to Comment Letter No. 2 is a Declaration of Charles M. Ellis and is attached electronically to these Responses.

Attachments to Comment Letter #2 may be accessed at the link below:

<https://www.dropbox.com/s/68rksbeb0ct62c6/VDA%202%20-%20Rutan-Tucker%20Comment%20Letter-City%20Council%202-26-2020.pdf?dl=0>

Final EIR – Supplemental Errata

This errata page is provided to address any errors that may have been discovered in the circulated Final EIR document. Underlining indicates additions to the text; striking indicates deletions to the text.

The Draft EIR makes numerous references to “right-of-way” (ROW) in relation to 29 acres of Project-related infrastructure improvements including roadways. This note is to formally clarify that all Draft EIR references to “right-of-way” which are in reference to roadways that do not currently exist and for which there is no existing right-of-way acquired or approvals in place to be acquired mean infrastructure (including roadway) “alignment” or **future** right-of-way. These roads must also be shown in the General Plan Mobility Element. This shall be considered a global change or clarification within the entire Draft EIR document.

The DEIR contains descriptions indicating that the Project will be responsible for a 30’ paved section of off-site street improvements. The text is being modified (as provided in Response to Comment 2.30 in Responses to the Rutan & Tucker, LLP, Shadow View Owners Letter dated February 26, 2020) so that it shows the Project will accommodate the installation of sidewalks and bike lanes, and an additional minimum of 5 feet of pavement will be provided for a Class-II on-street bike lane and an additional minimum of 5 feet will be provided for sidewalks on one side of the street, for a total of 34 feet of roadway improvements under interim conditions. This will still allow for a 2-lane undivided roadway to accommodate the Project. This shall be considered a global change or clarification within the entire Draft EIR document.

The DEIR contains brief discussions of the Development Agreement (DA) which provides language regarding the DA. A portion of the text is incorrect as the DA has not yet been negotiated. The revised text is as follows:

Pursuant to Government Code Section 65864-65869.5, the Project proponent is proposing to enter into a Development Agreement (DA) with the City to obtain assurances for the Project that, upon approval of the Project, the applicant may proceed with the Project in accordance with existing policies, rules and regulations, and subject to conditions of approval. ~~The physical improvements associated with the DA have been described in Subchapters 3.4.1, 3.4.2, and 3.4.3, above.~~

This shall be considered a global change or clarification within the entire Draft EIR document.

Standard Condition references for Public Services and Recreation were added to DEIR Subchapter 4.13, SC-REC-2 was changed to SC-PS-1, and SC-PS-2 was added; the modifications are as follows:

(DEIR p. 4.13-19)

These fees are reviewed and adjusted annually to accommodate the incremental demands to fire services as a result of development within the City. The payment of DIF is a one-time fee, and is paid prior to the issuance of a building permit (See **Standard Condition SC-PS-1**). The payment of DIF is a standard condition and is not considered unique mitigation under CEQA.

(DEIR p. 4.13-20)

The Project will be reviewed by Sheriff Department personnel and subject to standard conditions of approval through the entitlement process (i.e., prior to an implementing project). Furthermore, prior to the issuance of a building permit, the Project will be conditioned to pay Development Impact Fees (See **Standard Condition SC-PS-1**), a portion of which must be used for the provision of adequate police protection facilities, including buildings, land, equipment and vehicles.

(DEIR p. 4.13-22)

The District's Master Plan recognizes and plans for increased demands on school services as a result of future development under the City's General Plan Update (2015). These incremental demands are met through payment of School Impact Fees, identified in an annual School Facilities Needs Analysis (SFNA), which determines the need for additional facilities as a result of population growth. This SFNA establishes the amount of school fees that will be placed on a development project and made a condition of development approval. This is a standard condition and is not considered unique mitigation under CEQA (See **Standard Condition SC-PS-2**).

(DEIR pp. 4.13-23 and -24)

These fees are reviewed and adjusted annually to accommodate the incremental demands to parks and recreational facilities as a result of development within the City. This is reflected in **Standard Condition SC-~~REC-2~~PS-1**, below. The payment of DIF is a one-time fee, and is paid prior to the issuance of a building permit. The payment of DIF is a standard condition and is not considered unique mitigation under CEQA.

(DEIR p. 4.13-24)

Please reference the discussion on Threshold "d" above as it pertains to Quimby requirement, parkland dedication, payment of in-lieu fee and payment of DIF. These ~~is a~~ are standard conditions, as reflected in **Standard Conditions SC-PS-1 and SC-REC-1**, below, and ~~is~~ are not considered unique mitigation under CEQA.

(DEIR p. 4.13-25)

Chapter 4.45 (Development Impact Fees) of the City's Municipal Code spells out the purpose and findings, basis for calculation of development impact fees, the need for public facilities, the need for development impact fees and the use of development impact fees (DIF). According to Section 4.45.030 (Need for public facilities), in order to implement the goals and objectives of the City's General Plan and applicable specific plans by accommodating the need for public facilities and mitigating the financial and physical impacts for all development projects within the city, the library facilities must be constructed, installed, and paid for or financed. Section 4.45.060 (Use of development impact fees), library facilities fees will be used for the land acquisition and construction costs of a

public library facility as part of the Riverside County Library System, to serve the new residential development in the city (See **Standard Condition SC-PS-1**).

(DEIR p. 4.13-26)

SC-REC-2PS-1 **Development Impact Fee. The Project applicant shall pay Development impact fees at the time an application is made for a building permit.**

SC-PS-2 **School Fees. The Project applicant shall pay school fees at the time an application is made for a building permit.**

Per Response to Comment 1.36, provided in response to the Comment Letter prepared by Mitchell M. Tsai, Attorney for the Southwest Regional Council of Carpenters (2-26-2020) for the City Council, the Mitigation Monitoring and Reporting Table in Section 5.0 of the Final EIR is to be revised to add the Standard Conditions included in the DEIR. Additionally, Mitigation Measure MM-TR-1 was corrected in the Final EIR Errata Section, however, there were typographical errors in the Mitigation Monitoring and Reporting Table in Section 5.0 of the Final EIR. The revised Table and mitigation measure text are provided below.

EXHIBIT B

Mitigation Monitoring and Reporting Program Table including Standard Conditions

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
Aesthetics	b. Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	SC-AES-1 Architectural Review. At the submittal of each Project Tentative Tract Map and/or Site Plan, the Project applicant shall submit detailed Project plans for architectural review and approval by the City Planning Commission.	<u>Submittal of each Project Tentative Tract Map and/or Site Plan.</u>	<u>Planning Division.</u>	<u>Plan check and Conditions of Approval.</u>	
		SC-AES-2 Landscape Review. At the submittal of each Project Tentative Tract Map and/or Site Plan, the Project applicant shall submit detailed Project plans for landscape review and approval by the City Planning Department, per Chapter 17.36.140 of the City's Municipal Code.	<u>Submittal of each Project Tentative Tract Map and/or Site Plan.</u>	<u>Planning Division.</u>	<u>Plan check and Conditions of Approval.</u>	
	d. Would the Project result in the creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	MM-AES-1 Photometric Study. Prior to the approval of any Site Plans for any phase of development, the applicant shall submit to the City of Coachella (City) a photometric (lighting) study (to include parking areas and access way lights, external security lights, lighted signage, and ball field lighting) providing evidence that the project light sources do not spill over to adjacent off-site properties in accordance with the City's Municipal Code. All Project-related outdoor lighting, including but not limited to, street lighting, building security lighting, parking lot lighting, and landscaping lighting shall be shielded to prevent spillover of light to adjacent properties.	<u>Prior to the approval of any permits for lighting.</u>	<u>Planning Division and Building Division.</u>	<u>Plan check and on-site inspection.</u>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		Shielding requirements and time limits shall be identified on construction plans for each phase of development.				
<u>Agriculture and Forestry Resources</u>	<u>a. Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</u>	SC-AG-1 The Project applicant shall comply with Assembly Bill 2881. Disclosure shall be provided prior to the close of escrow on the sale of individual homes. This shall be obtained by including the following disclosures on the title report: "The property is located within 1 mile of farmland as designated on the most recent Important Farmland Map."	<u>Prior to the close of escrow on the sale of individual homes.</u>	<u>Planning Division.</u>	<u>Include the disclosures on the title report.</u>	
Air Quality & Greenhouse Gas	a. Would the Project conflict with or obstruct implementation of the applicable air quality plan?	<p>MM-AQ-1 Prior to the issuance of a grading permit, the Project applicant shall indicate on the grading plan areas that will be graded and shall not allow any areas more than 5 acres to be disturbed on a daily basis. Said plan shall clearly demarcate areas to be disturbed and limits 5 acres and under.</p> <p>MM-AQ-2 The Project shall require that the construction contractor use construction equipment that have Tier 4, or better, final engines, level 3 diesel particulate filters (DPF), with oxidation catalyst that impart 20% reduction and apply coatings with a VOC content no greater than 10 grams per liter (g/L).</p> <p>MM-AQ-3 EPA Tier 4-Final Emissions Standards. Prior to construction, the construction contractor shall provide the City of Coachella Public Works Director or designee a comprehensive inventory of all</p>	<p>MM-AQ-1 <i>Prior to the issuance of a grading plan.</i></p> <p>MM-AQ-2 <i>During grading.</i></p> <p>MM-AQ-3 <i>Prior to construction.</i></p>	<p>MM-AQ-1 <i>City Engineer.</i></p> <p>MM-AQ-2 <i>City Engineer.</i></p> <p>MM-AQ-3 <i>City Engineer.</i></p>	<p>MM-AQ-1 <i>Plan check.</i></p> <p>MM-AQ-2 <i>On-site inspection & Separate submittal - reports, studies, plans.</i></p> <p>MM-AQ-3 <i>On-site inspection & Separate submittal -</i></p>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>off-road construction equipment equal to or greater than 50 horsepower that will be used an aggregate of 40 or more hours during any portion of construction activities for the project. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit's certified Tier specification, best available control technology (BACT) documentation, and California Air Resources Board (ARB) or SCAQMD operating permit shall be provided on site at the time of mobilization of each applicable unit of equipment. Off-road diesel-powered equipment that will be used an aggregate of 40 or more hours during any portion of the construction activities for the project shall meet the United States Environmental Protection Agency (EPA) Tier 4-Final emissions standards, and off-road equipment greater than 300 horsepower shall be equipped with diesel particulate filters.</p> <p>MM-AQ-4 Application of Architectural Coatings. Prior to issuance of any grading permits, the Director of the City of Coachella Public Works Department, or designee, shall verify that construction contracts include a statement specifying that the Construction Contractor shall comply with South Coast Air Quality Management District (SCAQMD) Rule 1113 and any other SCAQMD rules and regulations on the use of architectural coatings or high volume, low-pressure</p>	<p>MM-AQ-4 <i>Prior to the issuance of grading permits.</i></p>	<p>MM-AQ-4 <i>City Engineer.</i></p>	<p><i>reports, studies, plans.</i></p> <p>MM-AQ-4 <i>Plan check.</i></p>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>(HVLV) spray methods. Emissions associated with architectural coatings would be reduced by complying with these rules and regulations, which include using precoated/natural colored building materials, using water-based or low-volatile organic compounds (VOC) coating, and using coating transfer or spray equipment with high transfer efficiency.</p> <p>MM-AQ-5 Construction Equipment Maintenance. Throughout the construction process, general contractors shall maintain a log of all construction equipment maintenance that shows that all construction equipment has been properly tuned and maintained in accordance with manufacturers' specifications. This condition shall be included in development plan specifications.</p> <p>MM-AQ-6 Construction Equipment Operating Optimization. General contractors shall ensure that during construction operations, trucks and vehicles in loading and unloading queues turn their engines off when not in use. General contractors shall phase and schedule construction operations to avoid emissions peaks and discontinue operations during second-stage smog alerts. This condition shall be included in development plan specifications.</p> <p>MM-AQ-7 Construction Generator Use</p>	<p>MM-AQ-5 <i>Throughout the construction process.</i></p> <p>MM-AQ-6 <i>During construction.</i></p>	<p>MM-AQ-5 <i>City Engineer.</i></p> <p>MM-AQ-6 <i>City Engineer.</i></p>	<p>MM-AQ-5 <i>On-site inspection.</i></p> <p>MM-AQ-6 <i>On-site inspection.</i></p> <p>MM-AQ-7</p>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>Minimization. General contractors shall ensure that electricity from power poles is used rather than temporary diesel- or gasoline-powered generators to the extent feasible. This condition shall be included in development plan specifications.</p> <p>MM-AQ-8 Construction Equipment Idling Minimization. General contractors shall ensure that all construction vehicles are prohibited from idling in excess of 5 minutes, both on site and off site. This condition shall be included in development plan specifications.</p> <p>MM-AQ-9 Construction Phase Overlap. Prior to issuance of any construction permits, the City of Coachella Public Works Director shall restrict the timing of construction phasing in order to assure that thresholds are not exceeded.</p> <p>MM-AQ-10 Construction Waste Management Plan. Prior to issuance of a building permit, the applicant shall submit a Construction Waste Management Plan. The plan shall include procedures to recycle and/or salvage at least 75 percent of nonhazardous construction and demolition debris and shall identify materials to be diverted from disposal and whether the materials would be stored on-site or commingled. Excavated soil and land-clearing debris do not contribute to this credit. Calculation can be done by</p>	<p>MM-AQ-7 <i>During construction.</i></p> <p>MM-AQ-8 <i>During construction.</i></p> <p>MM-AQ-9 <i>Prior to issuance of any construction permits.</i></p> <p>MM-AQ-10 <i>Prior to issuance of a building permit.</i></p>	<p>MM-AQ-7 <i>City Engineer.</i></p> <p>MM-AQ-8 <i>City Engineer.</i></p> <p>MM-AQ-9 <i>City Engineer.</i></p> <p>MM-AQ-10 <i>Building Division and Planning Division.</i></p>	<p><i>On-site inspection.</i></p> <p>MM-AQ-8 <i>On-site inspection.</i></p> <p>MM-AQ-9 <i>Plan check.</i></p> <p>MM-AQ-10 <i>Plan check.</i></p>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>weight or volume but must be documented.</p> <p>MM-AQ-11 Project shall improve the pedestrian network by incorporating sidewalks and paseos within the property.</p> <p>MM-AQ-12 Project Operations. Prior to issuance of any construction permits, the Project applicant shall submit for review and approval by the City of Coachella, Building Division, building plans that incorporate measures such as, but not limited to, the following:</p> <p>Operational Mitigation Measures (Materials Efficiency):</p> <ul style="list-style-type: none"> • Project plans for each Tentative Tract Map will include the following materials efficiency components. Materials used for buildings, landscape, and infrastructure will be chosen with a preference for the following characteristics: <ul style="list-style-type: none"> ○ Rapidly renewable; ○ Increased recycle content (50 percent or greater); locally sourced materials (within the South Coast Air Basin); ○ Utilization of sustainable harvesting practices; and ○ Materials with low or no volatile organic compounds (VOCs) off-gassing. 	<p>MM-AQ-11 <i>During any improvement project.</i></p> <p>MM-AQ-12 <i>Prior to issuance of any construction permits.</i></p>	<p>MM-AQ-11 <i>Planning Division.</i></p> <p>MM-AQ-12 <i>City Engineer.</i></p>	<p>MM-AQ-11 <i>Plan check.</i></p> <p>MM-AQ-12 <i>Plan check.</i></p>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>Operational Mitigation Measures (Transportation):</p> <ul style="list-style-type: none"> • Provide one electric car charging station for every 10 high-density residences and provisions for electric car charging stations in the garages of all residential dwellings as required by the California Energy Commission. Provide at least two designated parking spots for parking of zero emission vehicles (ZEVs) for car-sharing programs in all employee/worker parking areas. • Provide incentives for employees and the public to use public transportation such as discounted transit passes, reduced ticket prices at local events, and/or other incentives. • Implement a rideshare program for employees at retail/commercial sites. • Create local "light vehicle" networks, such as neighborhood electric vehicle (NEV) systems. • Require the use of the most recent model year emissions-compliant diesel trucks, or alternatively fueled, delivery trucks (e.g., food, retail, and vendor supply delivery trucks) at commercial/retail sites upon project build out (at the time of operations). If this is not feasible, consider other measures such as incentives, and phase-in schedules for clean trucks, etc. • Prior to issuance of any Site Development permits, the Director of 				

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>the City of Coachella (City) Public Works Department, or designee, shall include prioritized parking for electric vehicles, hybrid vehicles, and alternative fuel vehicles.</p> <p>Operational Mitigation Measures (Landscaping). Project plans shall include following landscaping components:</p> <ul style="list-style-type: none"> • The Project shall require landscaping and irrigation that reduces outside water demand by at least 20%. • The Project shall require that at least 2,406 new trees are planted on-site (approximately 2 trees per residential unit and 25 trees per acre of parks). • The Project shall include Landscape Design Features that will be reflected on the Project plans for each Tentative Tract Map, and will include the following landscape design components: <ul style="list-style-type: none"> ○ Community-based food production within the Project by planning for community gardens; ○ Native plant species in landscaped areas; ○ A landscape plant palette that focuses on shading within developed portions of the site and in areas of pedestrian activity. ○ Tree-lined streets to reduce heat island effects; ○ Non-turf throughout the development areas where 				

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>alternative ground cover can be used, such as artificial turf and/or xeriscaping; and</p> <ul style="list-style-type: none"> Landscaping that provides shading of structures within 5 years of building completion. <p>Operational Mitigation Measures (Water Conservation and Efficiency Features). Project plans for each Tentative Tract Map will shall include following water efficiency components:</p> <ul style="list-style-type: none"> Drought-tolerant landscaping, non-potable reclaimed, well, or canal water for irrigation purposes; High-efficiency plumbing fixtures and appliances that meet or exceed the most current CALGreen Code in all buildings on site; Efficient (i.e., "Smart") irrigation controls to reduce water demand on landscaped areas throughout the Project; Restriction of irrigated turf in parks to those uses dependent upon turf areas, such as playing fields and picnic areas; An integrated storm water collection and conveyance system; and Dual plumbing within recreation areas, landscaped medians, common landscaped areas, mixed use/commercial areas, and parks to allow the use of reclaimed water when available. 				

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>Operational Mitigation Measures (Energy Efficiency). Project plans for each Tentative Tract Map will include the following energy efficiency components:</p> <ul style="list-style-type: none"> • Design to United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED); • GreenPoint Rated standard, or better for all new buildings constructed within the Project; • Energy-efficient light-emitting diode (LED) lighting and solar photovoltaic lighting fixtures in all common areas of the site; • Energy-efficient appliances (ENERGY STAR or equivalent), and high efficiency heating, ventilation, and air conditioning (HVAC) systems in all on-site buildings; • Green building techniques that increase building energy efficiency above the minimum requirements of Title 24; • Installation of photovoltaic panels on a minimum of 25 percent of the buildings on site, or as required by the California Energy Commission in year 2020; and • Utilization of high reflectance materials for paving and roofing materials on residential, commercial, and school buildings <p>Operational Mitigation Measures (Other)</p>				

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		<ul style="list-style-type: none"> Require the use of electric or alternative fueled maintenance vehicles by all grounds maintenance contractors. All commercial and retail development shall be required to post signs and limit idling time for commercial vehicles, including delivery trucks, to no more than 5 minutes. This condition shall be included on future site development plans for review and approval by the City of Coachella Director of Development Services. The City shall identify energy efficient street lights which are currently available and which, when installed, would provide a 10 percent reduction beyond the 2010 baseline energy use for this infrastructure, and shall require the use of this technology in all new development. All new traffic lights installed within the project site shall use light emitting diode (LED) technology. <p>MM-AQ-13 The Project (and subsequent projects within the Specific Plan) shall score a minimum of 100 points on the "Development Review Checklist" contained in the City's CAP.</p> <p>SC-AQ-1 The Project is required to comply with regional rules that assist in reducing</p>	<p>MM-AQ-13 <i>Prior to issuance of a building permit.</i></p> <p>SC-AQ-1 <i>During grading /construction.</i></p>	<p>MM-AQ-13 <i>Planning Division.</i></p> <p>SC-AQ-1 <i>City Engineer and Building</i></p>	<p>MM-AQ-13 <i>Plan check - Separate submittal - reports, studies, plans.</i></p> <p>SC-AQ-1 <i>On-site inspection.</i></p>	

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		<p>short-term air pollutant emissions, per Chapter 8.20 of the City's Municipal Code. SCAQMD Rule 403 and 403.1 requires that fugitive dust be controlled with best-available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 403 and 403.1 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. Applicable suppression techniques are as follows:</p> <ul style="list-style-type: none"> • <u>Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas in active for 10 days or more).</u> • <u>Water active sites at least three times daily.</u> • <u>Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) section 23114.</u> • <u>Pave construction access roads at least 100 feet onto the site from the main road.</u> <p><u>Reduce traffic speeds on all unpaved roads to 15 mph or less.</u></p>		<u>Division.</u>		
	b. Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?	See MM-AQ-1 through MM-AQ-13 , and SC-AQ-1 , above.				

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	d. Would the Project expose sensitive receptors to substantial pollutant concentrations?	See MM-AQ-1 through MM-AQ-10 , above.				
	e. Would the Project create objectionable odors affecting a substantial number of people?	See MM-HYDRO-1 , below.				
	f. Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	See MM-AQ-1 through MM-AQ-13 , above.				
Biological Resources	a. Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<p>MM-BIO-1 To avoid any potential impact to nesting birds and other protected species, including those protected by the Migratory Bird Treaty Act, construction of the Project shall occur outside of the breeding season (February 1 through September 15). As long as trees, shrubs, and herbaceous vegetation with the potential to support nesting birds is removed from September 16 to January 31 (outside of the nesting season), then no further actions are required.</p> <p>Where the nesting season (February 1 to September 15) cannot be avoided during construction, a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including diskings, vegetation removal, demolition activities, and grading. The survey area shall include the Project site and an appropriate buffer (consistent with the Migratory Bird Treaty Act) around the site. Any active nests identified shall have an appropriate buffer area established</p>	MM-BIO-1 Prior to grading/ground disturbance.	MM-BIO-1 Planning Division.	MM-BIO-1 On-site inspection & Separate submittal - reports, studies, plans.	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>(consistent with Migratory Bird Treaty Act protocol at the time of disturbance) of the active nest. Construction activities shall not occur within the buffer area until the biologist determines that the young have fledged.</p> <p>MM-BIO-2 In the event a burrowing owl is found to be present on site during the preconstruction survey, the Project applicant shall ensure the following applicable avoidance measures, are implemented:</p> <ul style="list-style-type: none"> • Avoid disturbing occupied burrows during the breeding nesting period, from February 1 through August 31. If burrows are occupied by breeding pairs, an avoidance buffer should be established by a qualified biologist. The size of such buffers is generally a minimum of 300 feet, but may increase or decrease depending on surrounding topography, nature of disturbance and location and type of construction. The size of the buffer area will be determined by a qualified biologist. Continued monitoring will be required to confirm that the specified buffer is adequate to permit continued breeding activity. • Avoid impacting burrows occupied during the nonbreeding season by migratory or nonmigratory resident burrowing owls. 	MM-BIO-2 <i>Prior to grading/ground disturbance.</i>	MM-BIO-2 <i>Planning Division.</i>	MM-BIO-2 <i>On-site inspection & Separate submittal - reports, studies, plans.</i>	

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		<ul style="list-style-type: none"> Avoid direct destruction of occupied burrows through chaining (dragging a heavy chain over an area to remove shrubs) or disking. Develop and implement a worker awareness program to increase the on-site worker's recognition of and commitment to burrowing owl protection. Place visible markers near burrows to ensure that equipment and other machinery does not collapse occupied burrows. Do not fumigate, use treated bait, or other means of poisoning nuisance animals in areas where burrowing owls are known or suspected to occur. <p>If an occupied burrow is present within the approved development area, the Project applicant shall ensure that a clearance mitigation plan is prepared and approved by the CDFW prior to implementation. This plan will specify the procedures for confirmation and exclusion of nonbreeding owls from occupied burrows, followed by subsequent burrow destruction. There shall also be provisions for maintenance and monitoring to ensure that owls do not return prior to construction. Breeding owls shall be avoided until the breeding cycle is complete.</p> <p><u>SC-BIO-1 CVMSHCP Mitigation Fee: The Project will be required to pay the</u></p>	<u>SC-BIO-1</u> <u>Prior to</u>	<u>SC-BIO-1</u> <u>Building</u>	<u>SC-BIO-1</u> <u>Conditions of</u>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p><u>appropriate Multiple Species Habitat Conservation Plan Mitigation Fee prior to issuance of a building permit, per Chapter 4.48 of the City's Municipal Code. The fees are assessed based on the particular type of development.</u></p> <p><u>SC-BIO-2</u> Pre-Construction Burrowing Owl Survey: Prior to any ground-disturbing activities a "take avoidance survey" in accordance with CDFW for burrowing owl shall be conducted by a qualified biologist. The "take avoidance survey" shall occur within 14 days prior to any site disturbance, including grading. If burrowing owls are observed or detected on the project site during the pre-construction survey, construction activities shall halt, and the owls shall be relocated/excluded from the site outside of the breeding season following accepted protocols, and subject to the approval of CDFW (see MM-BIO-2, below).</p>	<p><u>issuance of a building permit.</u></p> <p><u>SC-BIO-2</u> <u>Prior to any ground-disturbing activities (within 14 days of any site disturbance).</u></p>	<p><u>Division.</u></p> <p><u>SC-BIO-2</u> <u>Building Division and Planning Division.</u></p>	<p><u>Approval.</u></p> <p><u>SC-BIO-2</u> <u>Review Conditions of Approval and Survey.</u></p>	
	b. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	See <u>SC-BIO-1</u> , above.				
	d. Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with	See <u>MM-BIO-1</u> , above.				

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	established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?					
	f. Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	See SC-BIO-1 , above.				
Cultural Resources	a. Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<p>MM-CUL-1 RIV-7835 Avoidance (Planning Area 5). Prior to the issuance of a grading permit, or any activity that would involve initial ground disturbance in the vicinity of RIV-7835, the Project archaeologist will review said plans/activities to determine that none of the resources located in RIV-7835 shall be impacted by the Project development. The Project archaeologist shall make recommendations, where applicable, to protect resources contained in RIV-7835 from potential encroachment from the Project that includes fencing or flagging during all phases of development. The fencing and flagging of RIV-7835 shall be removed after construction is completed and the area shall be planted with low maintenance vegetation.</p> <p>MM-CUL-2 Archaeological and Native American Monitors. Prior to commencement of any grading activity on the Project site and consistent with the</p>	<p>MM-CUL-1 Prior to the issuance of a grading permit.</p> <p>MM-CUL-2 Prior to commencement of any grading</p>	<p>MM-CUL-1 Planning Division and Project archaeologist.</p> <p>MM-CUL-2 City of Coachella (City) Director of</p>	<p>MM-CUL-1 Plan check.</p> <p>MM-CUL-2 Plan check.</p>	

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		findings and recommendations of the cultural resources surveys and reports regarding the sensitivity of each area on the Project site for cultural resources, the City of Coachella (City) Director of Development Services, or designee, shall retain an archaeological monitor and a Native American monitor to be selected by the City after consultation with interested Tribal and Native American representatives. Both monitors shall be present at the pre-grade conference in order to explain the cultural mitigation measures associated with the Project. Both monitors shall be present on site during all ground-disturbing activities (to implement the Project Monitoring Plan) until marine terrace deposits are encountered. Once marine terrace deposits are encountered, archaeological and Native American monitoring is no longer necessary, as the marine deposits are several hundred thousand years old, significantly predating human settlement in this area.	<i>activity.</i>	<i>Development Services, or designee.</i>		
	b. Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	See MM-CUL-2 , above. MM-CUL-3 Archaeological Monitoring Plan and Accidental Discovery. Prior to commencement of any grading activity on the Project site and consistent with the findings of the cultural resources surveys and reports regarding the sensitivity of each area on the Project site for cultural resources, the City shall prepare a Monitoring Plan. The Monitoring Plan shall	MM-CUL-3 <i>Prior to commencement of any grading activity.</i>	MM-CUL-3 <i>City's Director of Development Services.</i>	MM-CUL-3 <i>Plan check.</i>	

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		<p>be prepared by a qualified archaeologist and shall be reviewed by the City of Coachella Director of Development Services, in consultation with the 29 Band of Mission Indians. The Monitoring Plan will include at a minimum:</p> <p>(1) A list of personnel involved in the monitoring activities;</p> <p>(2) A description of how the monitoring shall occur;</p> <p>(3) A description of frequency of monitoring (e.g., full-time, part-time, spot checking);</p> <p>(4) A description of what resources may be encountered;</p> <p>(5) A description of circumstances that would result in the halting of work at the Project site (e.g., what is considered a "significant" archaeological site);</p> <p>(6) A description of procedures for halting work on site and notification procedures; and</p> <p>(7) A description of monitoring reporting procedures.</p> <p>If any significant historical resources, archaeological resources, or human remains are found during monitoring, work should stop within the immediate vicinity (precise area to be determined by the</p>				

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		<p>archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. Project personnel shall not collect or move any archaeological materials or human remains and associated materials. To the extent feasible, Project activities shall avoid such resources.</p> <p>Where avoidance is not feasible, the resources shall be evaluated for their eligibility for listing in the California Register of Historical Resources. If a resource is not eligible, avoidance is not necessary. If a resource is eligible, adverse effects to the resource must be avoided, or such effects must be mitigated. Mitigation can include but is not necessarily limited to: excavation of the deposit in accordance with a cultural resource mitigation or data recovery plan that makes provisions for adequately recovering the scientifically consequential information from and about the resource (see California Code of Regulations Title 4(3) Section 15126.4(b)(3)(C)). The data recovery plan shall be prepared and adopted prior to any excavation and should make provisions for sharing of information with Tribes that have requested Senate Bill 18 (SB 18) consultation. The data recovery plan shall employ standard archaeological field methods and procedures; laboratory and technical analyses of recovered</p>				

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		<p>archaeological materials; production of a report detailing the methods, findings, and significance of the archaeological site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; an interpretive display of recovered archaeological materials at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered archaeological materials. Results of the study shall be deposited with the regional California Historical Resources Information Center (CHRIS) repository.</p> <p>It shall be the responsibility of the City Department of Public Works to verify that the Monitoring Plan is implemented during Project grading and construction. Upon completion of all monitoring/ mitigation activities, the consulting archaeologist shall submit a monitoring report to the City of Coachella Director of Development Services and to the Eastern Information Center c/o Dept. of Anthropology, University of California Riverside summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. The monitoring report shall be prepared consistent with the guidelines of the Office of Historic Preservation's Archaeological Resources Management Reports (ARMR): Recommended Contents and Format. The City of Coachella Director</p>				

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		of Development Services or designee shall be responsible for reviewing any reports produced by the archaeologist to determine the appropriateness and adequacy of findings and recommendations.				
	c. Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<p>MM-CUL-5 Paleontological Resources Impact Mitigation Program. Prior to commencement of any grading activity on the Project site and consistent with the findings of the paleontological resources surveys and reports regarding the sensitivity of each area on the Project site for paleontological resources, the City's Director of Development Services, or designee, shall verify that a qualified paleontologist has been retained and will be on site during all rough grading and other significant ground-disturbing activities in paleontologically sensitive sediments.</p> <p>Prior to any ground-disturbing activities, the paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the proposed Project. The PRIMP should be consistent with the guidelines of the Society of Vertebrate Paleontologists (SVP) (1995 and 2010) and should include but not be limited to the following:</p> <ul style="list-style-type: none"> Attendance at the pre-grade conference in order to explain the mitigation measures associated with the Project. 	<i>Prior to commencement of any grading activity.</i>	<i>City's Director of Development Services, or designee.</i>	<i>Plan check & Separate submittal - reports, studies, plans.</i>	

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		<ul style="list-style-type: none"> During construction excavation, a qualified vertebrate paleontological monitor shall initially be present on a full-time basis whenever excavation will occur within the sediments that have a High Paleontological Sensitivity rating and on a spot-check basis in sediments that have a Low Sensitivity rating. Based on the significance of any recovered specimens, the qualified paleontologist may set up conditions that will allow for monitoring to be scaled back to part-time as the Project after monitoring has been scaled back, conditions shall also be specified that would allow increased monitoring as necessary. The monitor shall be equipped to salvage fossils and/or matrix samples as they are unearthed in order to avoid construction delays. The monitor shall be empowered to temporarily halt or divert equipment in the area of the find in order to allow removal of abundant or large specimens. The underlying sediments may contain abundant fossil remains that can only be recovered by a screening and picking matrix; therefore, these sediments shall occasionally be spot-screened through one-eighth to one-twentieth-inch mesh screens to determine whether microfossils exist. If microfossils are encountered, additional sediment samples (up to 6,000 pounds) shall be collected and 				

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		<p>processed through one-twentieth-inch mesh screens to recover additional fossils. Processing of large bulk samples is best accomplished at a designated location within the Project disturbance limits that will be accessible throughout the Project duration but will also be away from any proposed cut or fill areas. Processing is usually completed concurrently with construction, with the intent to have all processing completed before, or just after, Project completion. A small corner of a staging or equipment parking area is an ideal location. If water is not available, the location should be accessible for a water truck to occasionally fill containers with water.</p> <ul style="list-style-type: none"> • Preparation of recovered specimens to a point of identification and permanent preservation. This includes the washing and picking of mass samples to recover small invertebrate and vertebrate fossils and the removal of surplus sediment from around larger specimens to reduce the volume of storage for the repository and the storage cost for the developer. • Identification and curation of specimens into a museum repository with permanent, retrievable storage, such as the Eastern Information Center c/o Dept. of Anthropology, University of California Riverside. • Preparation of a report of findings with 				

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		an appended, itemized inventory of specimens. When submitted to the City of Coachella Director of Development Services or designee, the report and inventory would signify completion of the program to mitigate impacts to paleontological resources progresses.				
	d. Would the Project disturb any human remains, including those interred outside of formal cemeteries?	<p>MM-CUL-4 Human Remains. Consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e), if human remains are encountered during site disturbance, grading, or other construction activities on the Project site, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which will determine and notify a most likely descendant (MLD). With the permission of the City of Coachella, the MLD may inspect the site of the discovery.</p> <p>The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items</p>	<i>During site disturbance, grading, or other construction activities.</i>	<i>City's Director of Development Services, or designee.</i>	<i>On-site inspection & Separate submittal - reports, studies, plans.</i>	

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		<p>associated with Native American burials. Consistent with CCR Section 15064.5(d), if the remains are determined to be Native American and an MLD is notified, the City of Coachella shall consult with the MLD as identified by the NAHC to develop an agreement for the treatment and disposition of the remains.</p> <p>Upon completion of the assessment, the consulting archaeologist shall prepare a report documenting the methods and results and provide recommendations regarding the treatment of the human remains and any associated cultural materials, as appropriate, and in coordination with the recommendations of the MLD. The report should be submitted to the City of Coachella Director of Development Services and the Eastern Information Center c/o Dept. of Anthropology, University of California Riverside. The City of Coachella Director of Development Services, or designee, shall be responsible for reviewing any reports produced by the archaeologist to determine the appropriateness and adequacy of findings and recommendations.</p>				
Geology and Soils	a. Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as	MM-GEO-1 Compliance with Geotechnical Investigations. Prior to approval of any future development applications, a project-level, site-specific final geotechnical study for each specific planning area shall be completed by the Project applicant. These studies shall be submitted for review and	<i>Prior to approval of any future development applications.</i>	<i>Building Division.</i>	<i>Plan check & Separate submittal - reports, studies, plans.</i>	

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	delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<p>approval by the City of Coachella (City) Engineer to ensure that each planning area with future development has been evaluated at an appropriate level of detail by a professional geologist. The location and scope of each final geotechnical report shall be tiered off of the two geotechnical reports previously prepared for the overall site, <i>Fault Investigation Report for Land Planning Purposes Alpine 280 Property Located East of Tyler Street, West of Polk Street, West of Polk Street, South of I-10 and North of Avenue 48, City of Coachella, Riverside, California</i>, Petra Geosciences, Inc., April 9, 2007, and <i>Geotechnical Investigation Report</i>, Petra Geosciences, Inc., May 7, 2015.</p> <p>The final geotechnical report for each planning area shall document any artificial fill and delineate the precise locations of any and all active faults and shall determine the appropriate building setbacks and restricted use zones within the planning area. Prior to the issuance of grading permits, the City Engineer shall confirm that all grading and construction plans incorporate and comply with the recommendations included in the final specific geotechnical report for each planning area. Design, grading, and construction would adhere to all of the seismic requirements incorporated into the 2010 California Residential Code and 2016 California Building Code (CBC) (or most current building code) and the requirements and standards contained in</p>				

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		the applicable chapters of the City of Coachella Municipal Code, as well as appropriate local grading regulations, and the specifications of the Project geotechnical consultant, including but not limited to those related to seismic safety, as determined in the final area-specific geotechnical studies prepared in association with all future development application conditions, subject to review by the City of Coachella Development Services Director, or designee, prior to the issuance of any grading permits.				
	b. Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	<p>See MM-GEO-1, above.</p> <p>MM-GEO-2 California Building Code Compliance and Seismic Standards. Structures and retaining walls, if proposed, shall be designed in accordance with the seismic regulations as recommended in the CBC. Prior to issuance of any building permits, the Project engineer and the Director of the City of Coachella Development Services, or designee, shall review site plans and building plans to verify that structural design conforms to the CBC.</p>	MM-GEO-2 Prior to issuance of any building permits.	MM-GEO-2 Project engineer and the City's Director of Development Services, or designee.	MM-GEO-2 Plan check.	
	c. Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?	See MM-GEO-1 , above.				

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	e. Would the Project result in substantial soil erosion or the loss of topsoil?	See MM-GEO-1 , above.				
	f. Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<p>See MM-GEO-1, above.</p> <p>MM-GEO-3 Subsidence. Prior to the issuance of grading permits for development applications or entire planning areas, area-specific geotechnical studies shall be prepared by the applicant's qualified geotechnical engineer and submitted to the City of Coachella for review and approval by the City Engineer. These studies shall include testing for collapsible soils. Laboratory analysis shall be conducted on selected samples to provide a more complete evaluation regarding remediation of potentially compressible and collapsible materials. Where appropriate, these studies shall contain specifications for overexcavation and removal of soil materials susceptible to subsidence, or other measures as appropriate to eliminate potential hazards associated with subsidence.</p>	MM-GEO-3 Prior to issuance of any grading permits.	MM-GEO-3 City Engineer.	MM-GEO-3 Plan check.	
	g. Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	MM-GEO-4 Expansive Soils. As planning areas are designed and prior to issuance of grading permits, site-specific geotechnical studies, including laboratory testing for expansive soils, shall be completed by a qualified geotechnical engineer and submitted to the City of Coachella for review and approval by the City Engineer. If expansive soils are found	Prior to issuance of grading permits.	City Engineer.	Plan check & Separate submittal - reports, studies, plans.	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>within the area of proposed foundations, geotechnical testing shall be employed such as excavation of expansive soils and replacement with nonexpansive compacted fill, additional remedial grading, utilization of steel reinforcing in foundations, nonexpansive building pads, presoaking, and drainage control devices to maintain a constant state of moisture. In addition to these practices, homeowners shall be advised about maintaining drainage conditions to direct the flow of water away from structures so that foundation soils do not become saturated.</p> <p>During construction, the Project engineer shall verify that expansive soil mitigation measures recommended in the final foundation design recommendations are implemented, and the City Building Official shall conduct site inspections prior to occupancy of any structure to ensure compliance with the approved measures.</p>				
Hazards and Hazardous Materials	a. Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	MM-HAZ-1 During grading, and/or during construction, should an accidental release of a hazardous material occur, the following actions will be implemented: construction activities in the immediate area will be immediately stopped; appropriate regulatory agencies will be notified; immediate actions will be implemented to limit the volume and area impacted by the contaminant; the contaminated material, primarily soil, shall be collected and removed to a location where it can be treated or disposed of in accordance with the regulations in place at	MM-HAZ-1 <i>During grading, and/or during construction.</i>	MM-HAZ-1 <i>Building Division and County Department of Environmental Health or the Department of Toxic Substances Control.</i>	MM-HAZ-1 <i>On-site inspection.</i>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>the time of the event; any transport of hazardous waste from the property shall be carried out by a registered hazardous waste transporter; and testing shall be conducted to verify that any residual concentrations of the accidentally released material are below the regulatory remediation goal at the time of the event. All of the above sampling or remediation activities related to the contamination will be conducted under the oversight of Riverside County Site Cleanup Program. All of the above actions shall be documented and made available to the appropriate oversight agency such as the Department of Environmental Health or the Department of Toxic Substances Control (DTSC) prior to closure of the contaminated area.</p> <p>MM-HAZ-2 During grading, if an unknown contaminated area is exposed, the following actions will be implemented: any contamination found during construction will be reported to the Riverside County Site Cleanup Program and all of the sampling or remediation related to the contamination will be conducted under the oversight of the Riverside County Site Program; construction activities in the immediate area will be immediately stopped; appropriate regulatory agencies will be identified; a qualified professional (industrial hygienist or chemist) shall test the contamination and determine the type</p>	<p>MM-HAZ-2 During grading.</p>	<p>MM-HAZ-2 Building Division and County of Department of Environmental Health or the State Department of Toxic Substances Control.</p>	<p>MM-HAZ-2 On-site inspection.</p>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>of material and define appropriate remediation strategies; immediate actions will be implemented to limit the volume and area impacted by the contaminant; the contaminated material, primarily soil, shall be collected and removed to a location where it can be treated or disposed of in accordance with the regulations in place at the time of the event; any transport of hazardous waste from the property shall be carried out by a registered hazardous waste transporter; and testing shall be conducted to verify that any residual concentrations of the accidentally released material are below the regulatory remediation goal at the time of the event. All of the above actions shall be documented and made available to the appropriate oversight agency such as the Department of Environmental Health or the Department of Toxic Substances Control prior to closure of the contaminated area.</p> <p>MM-HAZ-3 Prior to the issuance of a grading permit, the applicant shall contact the Riverside County Community Health Agency, Department of Environmental Health, Water Engineering Department in Indio, California to ascertain the locations of wells. If determined by this oversight agency that the closure of the wells is required, then they shall be closed in accordance with the specific requirements for the closure of wells of the Riverside County Community Health Agency,</p>	<p>MM-HAZ-3 Prior to the issuance of a grading permit.</p>	<p>MM-HAZ-3 Riverside County Community Health Agency, Department of Environmental Health, Water Engineering Department.</p>	<p>MM-HAZ-3 Plan check.</p>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>Department of Environmental Health, Water Engineering Department.</p> <p>MM-HAZ-4 Prior to the issuance of a grading permit, the applicant shall conduct sampling of the near surface soil to assess whether residual concentrations exceed State of California action levels is recommended in areas that were in agricultural use prior to 1972. The presence of pesticides in the soil may represent a health risk to tenants or occupants on the Property and the soil may require specialized handling and disposal. A grid shall be used to take representative samples where crops were grown on the Property. Any samples shall be analyzed for pesticides using EPA Method 8081. A qualified contractor shall be contacted to remove such materials. Any work conducted shall be in compliance with guideline set by an oversight agency such as the Department of Environmental Health or the Department of Toxic Substances Control.</p> <p>MM-HAZ-5 If any materials are discovered at the site during any future activities that may contain asbestos, a qualified contractor be contacted to remove such materials. As it pertains to the shed roof, it shall be tested prior to any demolition. All work conducted shall be in compliance with guidelines set by an oversight agency</p>	<p>MM-HAZ-4 Prior to the issuance of a grading permit.</p> <p>MM-HAZ-5 Prior to grading permit final.</p>	<p>MM-HAZ-4 County Department of Environmental Health or the State Department of Toxic Substances Control.</p> <p>MM-HAZ-5 County Department of Environmental Health or the Department of Toxic Substances Control.</p>	<p>MM-HAZ-4 Plan check.</p> <p>MM-HAZ-5 Plan check.</p>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		such as the Department of Environmental Health or the Department of Toxic Substances Control, prior to grading permit final.				
	b. Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	See MM-HAZ-1 through MM-HAZ-5 , above.				
Hydrology and Water Quality	a. Would the Project violate <u>any water quality standards or waste discharge requirements?</u>	SC-HYD-1 Construction General Permit. Prior to issuance of a grading permit, the applicant shall obtain coverage for each phase of the project under the State Water Resources Control Board National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, Permit No. CAS000002) (Construction General Permit), or subsequent issuance. The applicant shall provide the Waste Discharge Identification Numbers to the City of Coachella Director of Public Works to demonstrate proof of coverage under the Construction General Permit, per Chapter 13.16 of the City's Municipal Code. A SWPPP shall be prepared and implemented for each phase of the project in compliance with the requirements of the Construction General Permit. The SWPPPs shall identify construction BMPs to be implemented to ensure that the potential for soil erosion and sedimentation is minimized and to	SC-HYD-1 <u>Prior to issuance of a grading permit.</u>	SC-HYD-1 <u>City Engineer.</u>	SC-HYD-1 <u>Review Waste Discharge Identification Numbers.</u>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p><u>control the discharge of pollutants in storm water runoff as a result of construction activities.</u></p> <p>SC-HYD-2 <u>Water Quality Management Plans. Prior to issuance of grading permits, the applicant shall submit a Final Water Quality Management Plan for each phase of the project to the City of Coachella Director of Public Works for review and approval, per Chapter 13.16 of the City's Municipal Code. The Final WQMPs shall be consistent with the requirements of the Whitewater River Region Water Quality Management Plan for Urban Runoff (January 2011 or subsequent issuance). Project-specific Site Design, Source Control, and Treatment Control BMPs contained in the Final WQMPs shall be incorporated into final design. The BMPs shall be properly designed and maintained to target pollutants of concern and reduce runoff from the project site. The WQMPs shall include an operations and maintenance plan for the prescribed Treatment Control BMPs to ensure their long-term performance.</u></p> <p><u>Site Design BMPs to be considered and incorporated into the Project where feasible include conserving natural areas and minimizing urban runoff, impervious footprint, and directly connected impervious areas. Nonstructural Source Control BMPs to be considered and incorporated into the project where feasible include education/training for property owners, operators, tenants,</u></p>	<p>SC-HYD-2 <u>Prior to issuance of a grading permit.</u></p>	<p>SC-HYD-2 <u>City Engineer.</u></p>	<p>SC-HYD-2 <u>Review Final WQMP.</u></p>	

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		<p><u>occupants, or employees; activity restrictions; irrigation system and landscape maintenance; common area litter control; street sweeping of private streets and parking lots; and drainage facility inspection and maintenance.</u></p> <p><u>Structural Source Control BMPs to be considered and incorporated into the Project where feasible include storm drain inlet stenciling and signage; landscape and irrigation system design; protection of slopes and channels; provision of community car wash racks; provision of wash water controls for food preparation areas; and proper design and maintenance of fueling areas, air/water supply area drainage, trash storage areas, loading docks, maintenance bays, vehicle and equipment wash areas, outdoor material storage areas, and outdoor work areas or processing areas.</u></p> <p><u>Treatment Control BMPs to be considered and incorporated into the project where feasible include biofilters (grass swales, grass strips, wetland vegetation swales, and bioretention), detention basins (extended/dry detention basins with grass lining and extended/dry detention basins with impervious lining), infiltration BMPs (infiltration basins, infiltration trenches, and porous pavement), wet ponds or wetlands (permanent pool wet ponds and construction wetlands), filtration systems (sand filters and media filters), water quality inlets, hydrodynamic separator systems (hydrodynamic devices, baffle boxes, swirl concentrators, or cyclone</u></p>				

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		<p>separators), and manufactured or proprietary devices.</p> <p>SC-HYD-3 Best Management Practices (BMP) Maintenance and Management Program. Prior to the issuance of a grading permit, a detailed maintenance and management program for construction and post-construction storm water facilities shall be prepared that includes, but is not be limited to: detailed landscaped design criteria, a detailed plan for the control of vectors indigenous to wetlands, a detailed plan for the control of mosquitos (in addition to a separate Vector Control Program for nonstorm water facilities – see below), and a plan to evaluate the overall health of the facility on a regular schedule and implement any corrective actions necessary to maintain the facility's ability to improve water quality, per Chapter 13.16 of the City's Municipal Code.</p>	<p>SC-HYD-3 <i>Prior to issuance of a grading permit.</i></p>	<p>SC-HYD-3 <i>City Engineer.</i></p>	<p>SC-HYD-3 <i>Review maintenance and management program.</i></p>	
	<p>c. Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</p>	<p>See SC-HYD-1 through SC-HYD-3, above.</p> <p>SC-HYD-4 Hydrology Reports. Prior to issuance of grading permits, the applicant shall submit a final hydrology report for each phase of the Project to the City of Coachella City Engineer-1 for review and approval, per Chapter 13.16 of the City's Municipal Code. The hydrology reports shall demonstrate, based on hydrologic calculations, that the Project's on-site storm conveyance and retention facilities are designed in accordance with the requirement of the Riverside County Flood Control and Water Conservation District Hydrology Manual.</p>	<p>SC-HYD-4 <i>Prior to issuance of a grading permit.</i></p>	<p>SC-HYD-4 <i>City Engineer.</i></p>	<p>SC-HYD-4 <i>Review Final Hydrology Report.</i></p>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
	e. Would the Project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantially additional sources of polluted runoff?	<u>See SC-HYD-1 through SC-HYD-4, above.</u>				
	f. Would the Project otherwise substantially degrade water quality?	<u>See SC-HYD-2 and SC-HYD-3, above.</u> MM-HYD-1 Vector Control Program. Prior to issuance of grading permits, the applicant shall develop a Vector Control Program in coordination with the Coachella Valley Mosquito and Vector Control District. The Vector Control Program shall address control of flies, eye gnats, imported red fire ants, and mosquitos. The vector control program shall include measures such as landscape maintenance, removal of vegetation and landscape clippings, irrigation management, use of desert landscaping, irrigation management, and turf management.	MM-HYD-1 Prior to issuance of grading permits.	MM-HYD-1 Coachella Valley Mosquito and Vector Control District.	MM-HYD-1 Plan check & Separate submittal - reports, studies, plans.	
<u>Land Use and Planning</u>	b. Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?	<u>See SC-BIO-1, above.</u>				
Noise	a. Would the Project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable	MM-NOI-1 During any earth movement construction activities during any phase of development the developer shall: <ul style="list-style-type: none"> Locate stationary construction noise sources such as generators or pumps at least 300 feet from sensitive land uses, as feasible; 	MM-NOI-1 During any earth movement construction activities.	MM-NOI-1 Building Division.	MM-NOI-1 On-site inspection.	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
	standards of other agencies?	<ul style="list-style-type: none"> • Locate construction staging areas as far from noise sensitive land uses as feasible; • Ensure all construction equipment is equipped with appropriate noise attenuating devices to reduce the construction equipment noise by 8 to 10 dBA; • Turn off idling equipment when not in use; • Maintain equipment so that vehicles and their loads are secured from rattling and banging; • Limit the amount of heavy machinery equipment operating simultaneously to two (2) pieces of equipment within a 50-foot radius of each other (when located with 100 feet of existing residential units); and • Install temporary noise control barriers that provide a minimum noise level attenuation of 10.0 dBA when Project construction occurs near existing noise-sensitive structures. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the noise source. Unnecessary openings shall not be made. <ul style="list-style-type: none"> ○ The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired. 				

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		<ul style="list-style-type: none"> The noise control barriers and associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity. <p>MM-NOI-2 Prior to the approval of an implementing project, the Project applicant shall submit plans to the Building and Safety Department that will demonstrate the necessary performance standards for adequate noise reduction for residences located in PA2, PA3 and PA8, that are adjacent to Avenue 47:</p> <ul style="list-style-type: none"> Areas Exceeding 70 dBA CNEL (within 23 feet from centerline of Avenue 47): 8 foot (combination of earthen berm and maximum 6' high wall) for ground level outdoor living areas such as backyards or patios. Areas Exceeding 65 dBA CNEL (within 73 feet from centerline of Avenue 47): 6 foot for ground level outdoor living areas such as backyards or patios. Areas Exceeding 60 dBA CNEL (within 231 feet from centerline of Avenue 47): 5 foot for ground level outdoor living areas such as backyards or patios. <p>MM-NOI-3 Prior to the approval of an implementing project, the Project applicant shall submit plans to the Building and</p>	<p>MM-NOI-2 <i>Prior to the approval of an implementing project</i></p> <p>MM-NOI-3 <i>Prior to the approval of an</i></p>	<p>MM-NOI-2 <i>Building Division.</i></p> <p>MM-NOI-3 <i>Building</i></p>	<p>MM-NOI-2 <i>Plan check.</i></p> <p>MM-NOI-3 <i>Plan check.</i></p>	

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		<p>Safety Department that will demonstrate the necessary performance standards for adequate noise reduction for residences located in PA5, PA7 and PA10, that are adjacent to Avenue 48:</p> <ul style="list-style-type: none"> Areas Exceeding 70 dBA CNEL (within 23 feet from centerline of Avenue 47): 8 foot (combination of earthen berm and maximum 6' high wall) for ground level outdoor living areas such as backyards or patios. Areas Exceeding 65 dBA CNEL (within 73 feet from centerline of Avenue 47): 6 foot for ground level outdoor living areas such as backyards or patios. Areas Exceeding 60 dBA CNEL (within 231 feet from centerline of Avenue 47): 5 foot for ground level outdoor living areas such as backyards or patios. <p>MM-NOI-4 Prior to the approval of an implementing project, the Project applicant shall submit plans to the Building and Safety Department that will demonstrate the necessary performance standards for adequate noise reduction for residences located in PA5, PA6 and PA7, that are adjacent to Street "A":</p> <ul style="list-style-type: none"> Areas Exceeding 70 dBA CNEL (within 18 feet from centerline of Street "A"): 8 foot (combination of earthen berm and maximum 6' high wall) for ground level outdoor living areas such as backyards 	<p><i>implementing project.</i></p> <p>MM-NOI-4 <i>Prior to the approval of an implementing project.</i></p>	<p><i>Division.</i></p> <p>MM-NOI-4 <i>Building Division.</i></p>	<p>MM-NOI-4 <i>Plan check</i></p>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p>or patios.</p> <ul style="list-style-type: none"> Areas Exceeding 65 dBA CNEL (within 57 feet from centerline of Street "A"): 6 foot for ground level outdoor living areas such as backyards or patios. Areas Exceeding 60 dBA CNEL (within 181 feet from centerline of Street "A"): 5 foot for ground level outdoor living areas such as backyards or patios. <p>MM-NOI-5 The Project will require a final acoustical analysis (for each implementing project) once a site plan or tract map has been developed. The acoustical analyses must demonstrate the interior noise level will not exceed the City's 45 dBA CNEL noise limit. Potential mitigation may include a "windows closed" condition and possibly upgraded windows (increased STC window/door ratings).</p> <p>SC-NOI-1 The City has established certain hours during the day when construction can occur to minimize potential disturbance to sensitive receptors. The Project applicant shall comply with these requirements, which are shown below: <u>October 1st through April 30th</u></p> <ul style="list-style-type: none"> <u>Monday—Friday: 6:00 a.m. to 5:30 p.m.</u> <u>Saturday: 8:00 a.m. to 5:00 p.m.</u> <u>Sunday: 8:00 a.m. to 5:00 p.m.</u> <u>Holidays: 8:00 a.m. to 5:00 p.m.</u> <p><u>May 1st through September 30th</u></p>	<p>MM-NOI-5 <i>Prior to the approval of an implementing project.</i></p> <p>SC-NOI-1 <u><i>During construction.</i></u></p>	<p>MM-NOI-5 <i>Building Division.</i></p> <p>SC-NOI-1 <u><i>Building Division.</i></u></p>	<p>MM-NOI-5 <i>Plan check & Separate submittal - reports, studies, plans.</i></p> <p>SC-NOI-1 <u><i>On-site inspection.</i></u></p>	

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		<ul style="list-style-type: none"> Monday—Friday: 5:00 a.m. to 7:00 p.m. Saturday: 8:00 a.m. to 5:00 p.m. Sunday: 8:00 a.m. to 5:00 p.m. Holidays: 8:00 a.m. to 5:00 p.m. 				
	b. Would the Project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	See MM-NOI-2 through MM-NOI-5 , above.				
	c. Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	See MM-NOI-2 and SC-NOI-1 , above.				
Public Services	a. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for Fire Protection and Emergency Response Services?	SC-PS-1 Development Impact Fee. The Project applicant shall pay Development impact fees at the time an application is made for a building permit.	Prior to the issuance of a building permit	Planning Division and Building Division.	Review project Conditions of Approval.	
	b. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which could cause significant	See SC-PS-1 , above.				

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	<u>environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for Sheriff Law Enforcement Services?</u>					
	<u>c. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for School/Education Services?</u>	SC-PS-2 School Fees. The Project applicant shall pay school fees at the time an application is made for a building permit.	<u>Prior to the issuance of a building permit</u>	<u>Planning Division and Building Division.</u>	<u>Review project Conditions of Approval.</u>	
	<u>d. Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</u>	<u>See SC-PS-1, above.</u> SC-REC-1 Quimby Requirement. Prior to the recordation of a final map, the Project applicant shall offer dedication of land and/or make in-lieu payment of Quimby Fees for park or recreational purposes shall be at the rate of three acres per 1,000 residents.	SC-REC-1 <u>Prior to the recordation of a final map.</u>	SC-REC-1 <u>Planning Division.</u>	SC-REC-1 <u>Plan check and Conditions of Approval.</u>	
	<u>e. Would the Project Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</u>	<u>See SC-PS-1 and SC-REC-1, above.</u>				
	<u>f. Other Services – Library Services</u>	<u>See SC-PS-1, above.</u>				

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Transportation/ Traffic	a. Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<p>MM-TR-1 For Existing Plus Project Conditions, the Project applicant is required to make the following improvements at the following intersections and roadway segments (prior to the 1st occupancy):</p> <p>Roadway Segment Improvements</p> <ul style="list-style-type: none"> o Construct new extension of Shadow View Boulevard from to Dillon Road to Avenue 48; o Construct new extension of Avenue 47 from Tyler Street to Shadow View Boulevard; and o Construct new extension of Avenue 48 from Tyler Street to Shadow View Boulevard. <p>• <u>Roadway Segment Improvements Intersection of Dillon Road and Shadow View Boulevard:</u></p> <p>o Construct new extension of Shadow View Boulevard from to Dillon Road to Avenue 48;</p> <p>o Construct new extension of Avenue 47 from Tyler Street to Shadow View Boulevard; and</p> <p>o Construct new extension of Avenue 48 from Tyler Street to Shadow View Boulevard.</p> <p>o Construct new extension of Avenue 47/Shadow View Boulevard to Dillon Road.</p> <ul style="list-style-type: none"> o Install traffic signal o Install southbound (SB) left-turn lane. o Install westbound (WB) left-turn lane. o Install WB right-turn signal. <p>• Intersection of Tyler Street and Avenue 47:</p>	MM-TR-1 <i>Prior to the 1st occupancy.</i>	MM-TR-1 <i>City Engineer.</i>	MM-TR-1 <i>Plan check.</i>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<ul style="list-style-type: none"> o Install all-way stop signs. • Intersection of Tyler Street and Avenue 48: <ul style="list-style-type: none"> o Install all-way stop signs. • Intersection of Street "A" and Vista Del Sur: <ul style="list-style-type: none"> o Install all-way stop signs. o Install NB left-turn lane. o Install EB right-turn signal. • Intersection of Street "A" and Avenue 47: <ul style="list-style-type: none"> o Install all-way stop signs. o Install northbound (NB) left-turn lane. o Install NB thru-turn lane. o Install NB thru/right-turn lane. o Install SB left-turn lane. o Install SB thru-turn lane. o Install SB thru/right-turn lane. o Install eastbound (EB) left-turn lane. o Install EB thru-turn lane. o Install EB thru/right-turn lane. o Install WB left-turn lane. o Install WB thru-turn lane. o Install WB thru/right-turn lane. • Intersection of Street "A" and Avenue 48: <ul style="list-style-type: none"> o Install all-way stop signs. o Install NB left-turn lane. o Install NB thru-turn lane. o Install NB thru/right-turn lane. o Install SB left-turn lane. o Install SB thru-turn lane. o Install SB thru/right-turn lane. o Install EB left-turn lane. o Install EB thru-turn lane. 				

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		<ul style="list-style-type: none"> ○ Install EB thru/right-turn lane. ○ Install WB left-turn lane. ○ Install WB thru-turn lane. ○ Install WB thru/right-turn lane. ● Intersection of Polk Street and Avenue 48: Install all-way stop signs. <p>MM-TR-2 For Project Completion (Year 2022) With Project Conditions, the Project applicant is required to make the following improvements at the following intersections (prior to the 1st occupancy):</p> <ul style="list-style-type: none"> ● Tyler Street and Avenue 47: <ul style="list-style-type: none"> ○ Install NB left-turn lane. ○ Install NB thru-turn lane. ○ Install SB left-turn lane. ○ Install SB thru-turn lane. ○ Install EB left-turn lane. ○ Install EB thru-turn lane. ○ Install WB left-turn lane. ○ Install WB thru-turn lane. ● Intersection of SR-86 and Avenue 50: <ul style="list-style-type: none"> ○ Install a traffic signal. <p>MM-TR-3 For Project Completion (Year 2022) With Project and Cumulative Projects Conditions, the Project applicant shall make a fair-share contribution for the following improvements at the following intersections, as shown on Table 4.14.4-12 (prior to the 1st occupancy):</p> <ul style="list-style-type: none"> ● Dillon Road and I-10 WB Ramps: 	<p>MM-TR-2 Prior to the 1st occupancy.</p> <p>MM-TR-3 Prior to the 1st occupancy.</p>	<p>MM-TR-2 City Engineer.</p> <p>MM-TR-3 City Engineer.</p>	<p>MM-TR-2 Plan check.</p> <p>MM-TR-3 Plan check.</p>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<ul style="list-style-type: none"> 13.5% <ul style="list-style-type: none"> ○ Install Traffic Signal • Dillon Road and I-10 EB Ramps: 17.94% <ul style="list-style-type: none"> ○ Install Traffic Signal • Dillon Road and Shadow View Boulevard: 20.86% <ul style="list-style-type: none"> ○ Install Two (2) NB right-turn lanes ○ Install NB right-turn overlap phase ○ Install One (1) additional SB left-turn lane ○ Install One (1) additional WB left-turn lane ○ Install WB right-turn overlap phase • Dillon Road and SR-86 NB Ramps: 22.83% <ul style="list-style-type: none"> ○ Install One (1) additional NB thru lane • Dillon Road and SR-86 SB Ramps: 24.14% <ul style="list-style-type: none"> ○ Install One (1) additional NB thru lane ○ Install One (1) additional NB right-turn lane • Dillon Road and Avenue 48: 23.96% <ul style="list-style-type: none"> ○ Install One (1) additional EB right-turn lane ○ Install One (1) additional WB right-turn lane • Tyler Street and Avenue 47: 48.34% <ul style="list-style-type: none"> ○ Install Traffic Signal ○ Install One (1) additional NB left-turn lane • Tyler Street and Avenue 48: 32.62% <ul style="list-style-type: none"> ○ Install Traffic Signal ○ Install NB left-turn lane 				

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<ul style="list-style-type: none"> ○ Install NB thru lane ○ Install SB left-turn lane ○ Install SB thru lane ○ Install EB left-turn lane ○ Install EB thru lane ○ Install WB left-turn lane ○ Install WB thru lane • Tyler Street at Avenue 50: 13.82% <ul style="list-style-type: none"> ○ Install Traffic Signal ○ Install Three (3) NB left-turn lanes ○ Install One (1) additional SB thru lane ○ Install Two (2) additional SB right-turn lanes ○ Install SB right-turn overlap phase ○ Install Two (2) EB left-turn lanes ○ Install Two (2) EB right-turn lanes ○ Install EB right-turn overlap phase • SR-86 and Avenue 50: 13.59% <ul style="list-style-type: none"> ○ Install One (1) additional NB thru lane ○ Install Two (2) additional SB right-turn lanes ○ Install Two (2) additional EB left-turn lanes ○ Install One (1) additional EB thru lane ○ Install One (1) EB right-turn lane ○ Install One (1) WB right-turn lane ○ Install One (1) additional WB thru lane ○ Improve signal phasing to protected east/west • Polk Street at Avenue 50: 3.33% <ul style="list-style-type: none"> ○ Install Traffic Signal ○ Install NB left-turn lane ○ Install NB thru turn lane 				

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<ul style="list-style-type: none"> ○ Install SB left-turn lane ○ Install SB thru turn lane ○ Install EB left-turn lane ○ Install EB thru turn lane ○ Install WB left-turn lane ○ Install WB thru turn lane <p><u>SC-TR-1</u> Regional Funding Mechanisms. The applicant shall participate in any approved transportation or development impact fees, such as TUMF fees, required by the City of Coachella per Chapter 4.40 of the City's Municipal Code.</p>	<u>SC-TR-1</u> Prior to the issuance of a building permit.	<u>SC-TR-1</u> City Engineer.	<u>SC-TR-1</u> Conditions of Approval.	
	b. Would the Project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	See <u>MM-TR-2</u> , <u>MM-TR-3</u> , and <u>SC-TR-1</u> , above.				

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
	c. Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<p>MM-TR-4 Prior to any construction on the Project site, the Project applicant shall submit a traffic control plan (TCP) to the City Engineering Department for review and approval. Said TCP shall be prepared for any subsequent implementing project and will contain, at a minimum, the following: lane closures, detouring, qualifications of work crews, duration of the plan and signing.</p> <p>MM-TR-5 Concurrent with subsequent development projects within the Specific Plan, Sunline Transit District shall be consulted to coordinate the potential for expanded transit/bus service and vanpools and to discuss and implement potential transit turnout locations within the Project area.</p>	<p>MM-TR-4 <i>Prior to any construction on the Project site.</i></p> <p>MM-TR-5 <i>Concurrent with subsequent development projects within the Specific Plan.</i></p>	<p>MM-TR-4 <i>City Engineering Department.</i></p> <p>MM-TR-5 <i>City Engineering Department and Sunline Transit District.</i></p>	<p>MM-TR-4 <i>Plan check & Separate submittal - reports, studies, plans.</i></p> <p>MM-TR-5 <i>Plan check.</i></p>	
	d. Would the Project result in inadequate emergency access?	See MM-TR-4 , above.				
	e. Would the Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	See MM-TR-5 , above.				
Utilities and Service Systems	b. Would the Project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant	SC-UTIL-1 Prior to the issuance of a building permit, the Project proponent shall pay the applicable connection fee for water and sewer.	Prior to the issuance of a building permit.	City Engineer.	Review receipt of paid fees.	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
	<u>environmental effects?</u>					
	<u>c. Would the Project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</u>	<u>See SC-HYD-1, SC-HYD-2, SC-HYD-3, and SC-HYD-4, above.</u>				
	<u>d. Would the Project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</u>	<p><u>See SC-UTIL-1, above.</u></p> <p>SC-UTIL-2 The Project shall implement the following measures to ensure the efficient use of water resources and to meet and maintain the goals of the 2010 CVWMP:</p> <ol style="list-style-type: none"> <u>To the greatest extent practicable, native plant materials and other drought-tolerant plants will be used in all non-turf areas of Project landscaping. Large expanses of lawn and other water-intensive landscaped areas shall be kept to the minimum necessary and consistent with the functional and aesthetic needs of the Project, while providing soil stability to resist erosion;</u> <u>Potential use of the Coachella Canal for construction water and Project landscaping may further reduce Project demand for potable water. This will be reviewed for feasibility and subject to agreements between the City and CVWD since the Project lies outside of the IID boundary;</u> <u>In the event recycled water becomes available to the Project, the potential</u> 	SC-UTIL-2 <u>Submittal of building plans for implementing projects.</u>	SC-UTIL-2 <u>Planning Division and Building Division.</u>	SC-UTIL-2 <u>Plan check.</u>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p><u>use of tertiary treated water will be reviewed to determine feasibility of its use for on-site landscaped areas to reduce the use of groundwater for irrigation;</u></p> <p>4. <u>The installation and maintenance of efficient on-site irrigation systems will minimize runoff and evaporation, and maximize effective watering of plant roots. Drip irrigation and moisture detectors will be used to the greatest extent practicable to increase irrigation efficiency;</u></p> <p>5. <u>The use of low-flush toilets and water-conserving showerheads and faucets shall be required in conformance with Section 17921.3 of the Health and Safety Code, Title 20, California Code of Regulations Section 1601(b), and applicable sections of Title 24 of the State Code.</u></p> <p>SC-UTIL-3 <u>Implementing Projects within the Specific Plan shall incorporate the following design features:</u></p> <p><u>Design strategies for water efficiency include:</u></p> <ul style="list-style-type: none"> <u>Reduce potable water demand through landscaping, non-potable reclaimed, well or canal water for irrigation purposes (when available), and high efficiency plumbing fixtures and appliances;</u> <u>Utilize high efficiency plumbing and</u> 	<p>SC-UTIL-3 <u>Submittal of building plans for implementing projects.</u></p>	<p>SC-UTIL-3 <u>Planning Division and Building Division.</u></p>	<p>SC-UTIL-3 <u>Plan check.</u></p>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p><u>fixtures;</u></p> <ul style="list-style-type: none"> • <u>Utilize efficient irrigation controls to reduce water;</u> • <u>Reduce the amount of irrigated turf in parks;</u> • <u>Minimum of 75% of all front yard landscaping shall be limited to desert-scape or xeriscape materials;</u> • <u>Implement an integrated stormwater collection and conveyance system designed to treat and convey development-related runoff; provide 100-year flood protection to flood prone areas; increase groundwater recharge (where practical) through on-site retention basins, and improve water quality on-site and downstream through on-site water quality basins;</u> • <u>Support the development of reclaimed water supplies in the City of Coachella and the Specific Plan.</u> <p><u>Landscape design strategies include:</u></p> <ul style="list-style-type: none"> • <u>Utilize native plant choices to the greatest extent possible;</u> • <u>Develop a plant palette that focuses on shading of pedestrian activity areas will promote use of non-motorized transportation and reduce the urban heat island effect;</u> • <u>Promote the development of tree-lined streets to encourage walking, biking, and transit use, and reduce urban heat island effects;</u> • <u>Minimum of 75% of all front yard landscaping shall be limited to desert-</u> 				

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p><u>scape or xeriscape materials.</u></p> <ul style="list-style-type: none"> • <u>Incorporate natural site elements (significant rock outcroppings, drainage corridors, bioswales) as design features;</u> • <u>Use Low Impact Development (LID) techniques to control stormwater flows on-site;</u> • <u>Incorporate stormwater and/or water quality facilities close to the source within each planning area, protecting site and regional water quality by reducing sediment and nutrient loads to water bodies on-site and downstream; and</u> • <u>Mimic the predevelopment site hydrology by using site design techniques that store, infiltrate, evaporate, and retain runoff to reduce off-site runoff and facilitate groundwater recharge.</u> <p><u>General direction for design of the landscaped places:</u></p> <ul style="list-style-type: none"> • <u>Implementation of landscape concepts that use drought tolerant plant pallets that are low-water use and well adapted to the desert climates;</u> • <u>Incorporate eco-friendly designs, such as optimizing building orientation, reducing potable water use for irrigation and implementing shade strategies;</u> • <u>Alley-loaded design concepts, which maximize streetscapes with emphasis</u> 				

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p><u>on pedestrians by providing shade, amenities and connectivity throughout the project site;</u></p> <ul style="list-style-type: none"> <u>Incorporate the latest design principles of environmental sensitivity, conservation, and sustainability into the landscape planning and design;</u> <u>Promote design concepts that create lots fronting to open space areas, creating community-gathering places for local residents;</u> <u>Provide structures, pedestrian friendly streets, bicycle lanes, sidewalks and public gathering places that facilitate local, non-vehicular transportation;</u> <u>Planting areas and medians will be irrigated with high efficiency automatic irrigation system;</u> <u>Collection and treatment of urban runoff using multiple water quality basins throughout the project;</u> <u>Utilize high-efficiency plumbing fixtures that meet or exceed the CALGREEN code.</u> 				
	f. Would the Project be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	<p>SC-UTIL-4 The Project shall comply with the following provisions of the Municipal Code regulates impacts on construction solid waste:</p> <ol style="list-style-type: none"> <u>Meet the diversion requirement of at least fifty (50) percent of all construction waste.</u> <u>Submit a construction and demolition waste plan (on the required forms).</u> <u>Submit a performance security along with the application required for a construction permit. City-owned</u> 	SC-UTIL-4 <u>Prior to the issuance of a grading permit.</u>	SC-UTIL-4 <u>Building Division.</u>	SC-UTIL-4 <u>Plan check.</u>	

Impact Category	Impact	Mitigation Measures and/or Standard Conditions	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
		<p><u>projects will not be required to pay the performance security.</u></p> <p>SC-UTIL-5 The Project shall participate in curbside recycling and compliance with Riverside County's IWMP will reduce Project impacts on existing solid waste facilities and mandated AB 939 diversion goals.</p>	<p>SC-UTIL-5 <u>Prior to the issuance of a certificate of occupancy for implementing projects.</u></p>	<p>SC-UTIL-5 <u>Building Division.</u></p>	<p>SC-UTIL-5 <u>Plan check.</u></p>	
	g. Would the Project comply with federal, state, and local statutes, and regulations related to solid waste?	SC-UTIL-4 and SC-UTIL-5				
	h. Would the Project require or result in the construction of new facilities or the expansion of existing facilities; the construction of which could cause significant environmental effects to Electricity?	<p>SC-UTIL-6 The Project shall be consistent with the provisions of California Code of Regulations Title 24, Part 6, California's Energy Efficiency Standards for Residential and Nonresidential Buildings.</p>	<p><u>Prior to the issuance of a building permit for implementing projects.</u></p>	<p><u>Building Division.</u></p>	<p><u>Plan check.</u></p>	

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**Matthew Fagan
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 Incorporated**

Memo

To: Luis Lopez, Community Development Director
 Ron Goldman, Planner

From: Matthew Fagan

CC: N/A

Date: January 21, 2020

Subject: Vista Del Agua – Environmental Impact Report (SCH# 2015031003) Discussion of Alternatives to Shadow View Boulevard as Either Primary or Secondary Access to the Vista Del Agua Project

The purpose of this memo is to further describe access options to the Vista Del Agua project that do not include utilizing Shadow View Boulevard as either primary or secondary access to the Project site and explain why such access options not viable access options to serve the Project given their infeasibility, failure to meet Project objectives, and failure to avoid or reduce significant impacts as compared to the Project. This memo will re-iterate the 3 alternatives discussed in the EIR and will also explore an additional alternative (Alternative 4), not discussed in the EIR, which is being addressed in response to written and verbal comments. The purpose of this Alternative was to explore an option whereby no portion of the Shadow View Specific Plan, including Shadow View Boulevard would be needed for either primary, or secondary access to the Vista Del Agua Project.

The following three (3) alternatives were analyzed in the EIR:

- **Alternative 1: No Project/No Build Alternative** (Draft EIR, pp. 5-3 to 5-13)
- **Alternative 2: Reduced Residential Density Alternative** (Draft EIR, pp. 5-13 to 5-17)
- **Alternative 3: Vista del Sur Access Alternative** (Draft EIR, pp. 5-18 to 5-21)

The following is Alternative 4 (not analyzed in the EIR):

- **Alternative 4: Tyler Street Southerly Extension from Avenue 47 to 800' south of Avenue 49 (Primary Access) and Extension of Vista Del Sur to Dillon Road (Secondary Access)**

Background: Extension of Shadow View Boulevard

The locations of the off-site improvements analyzed in the EIR were developed and coordinated based upon the publicly available information contained in the City's General Plan Circulation Element, as well as the Shadow View Specific Plan. Thus, the EIR reasonably assumes the construction of Shadow View Boulevard, based on that roadway's inclusion in various, long-standing planning documents.

The Shadow View Specific Plan shows Shadow View Boulevard as a proposed street crossing the Shadow View Specific Plan area (see Shadow View Specific Plan, p. 3-11 [Exhibit 3-5]). The Shadow View Specific Plan also includes Shadow View Boulevard cross sections, indicating that Shadow View Boulevard will ultimately be constructed to a 120-foot right of way (see Shadow View Specific Plan, p. 3-12 [Exhibit 3-6]). Finally, the Shadow View Specific Plan shows Shadow View Boulevard as a road to be constructed by the residential developer of Shadow View (see Shadow View Specific Plan, pp. 3-9 and -10). As shown in the Specific Plan, improvements are anticipated to take place on privately owned property of the Shadow View Owners.

Further, the City of Coachella General Plan 2035 shows Shadow View Boulevard as part of the City's Circulation Element, as an arterial street (see General Plan, p. O5-7 [Figure 5-1], and p. O5-3 [Table 5-1, Street Typologies]). General Plan Figure 5-1 illustrates that Shadow View Blvd is designated as a Major Arterial with Bicycle Facility (to be developed to a 118-foot right-of-way with six travel lanes) and is planned to connect Dillon Road easterly to Avenue 48.

City administrative practice allows minor re-alignments of Section-Line streets. Shadow View Boulevard is currently aligned with the Avenue 48 section line and the old section-line street easement will be adjusted to connect northwesterly to Dillon Road, pursuant to the General Plan.

Lastly, Tentative Tract Map 34993, which approved the residential villages subdivision for Shadow View, recorded the street right-of-way through the Shadow View properties. However, the owners let the tentative map expire. (See City Resolution No. 2007-73 for Tentative Tract Map No. 34865 [adopted September 12, 2007].) Shadow View Boulevard is described as running from Dillon Road to the intersection of Tyler Street and Avenue 48 on this Tentative Map.

Construction of Shadow View Boulevard has already been analyzed under the California Environmental Quality Act as part of the Coachella General Plan 2035 Program EIR, which was certified by the City Council on April 22, 2015 via Resolution 2015-03.

Thus, the extension of Shadow View Boulevard, as proposed by the Project, is consistent with the City's plan for its ultimate development. As explained below, each of the four alternatives analyzed in the EIR or developed in response to comments, is not feasible to provide primary access to the Project site.

Alternative 1: No Project/No Build Alternative

Description: Under Alternative 1, the Project would not be constructed, and the Project site would remain in its current undeveloped condition. No new development would occur on the site, and no ground-disturbing activities would be undertaken, although it is likely the site will ultimately be developed in the future since the General Plan Update (2015) envisions change in this area. (Draft EIR, p. 5-12.) ***It should be noted that the No Project/No Build Alternative could continue to utilize Tyler Street and/or Vista Del Sur as primary and/or secondary access and would not require the construction of Shadow View Boulevard.***

Impacts: Alternative 1 would reduce all the significant and unavoidable impacts occurring under the Project to no impact or levels that are less than significant, including with respect to aesthetics, agriculture, operational air quality emissions, and transportation/traffic because the site would not be developed. (Draft EIR, pp. 5-3-5-13.)

Alternative 1 would result in greater impacts to land use/planning than the Project because the existing vacant Project site would remain, which is inconsistent with the General Plan Update (2015) and zoning underlying the Project site. (Draft EIR, p. 5-7.) According to the General Plan Update (2015), the Land Use Designations on the Project site include Neighborhood Center, Suburban Retail District, Urban Neighborhood, General Neighborhood and Suburban Neighborhood (General Plan Update [2015], p. 04-59). The 2013 General Plan Land Use that is used in the Draft EIR has a designation of Entertainment Commercial (Draft EIR, p. 3-12). The current Zoning Classifications are General Commercial, Residential Single-Family, and Manufacturing Service (Draft EIR, p. 3-12). Allowing the site to remain vacant would not achieve development of the land uses envisioned under both the 2013

General Plan and the 2015 General Plan Update, nor would infrastructure be developed consistent with the City's Circulation Element.

Attainment of Project Objectives: Alternative 1 would not meet any of the identified objectives established for the proposed Project. The following are the Project Objectives from Section 3.3 of the Draft EIR (Draft EIR, p. 3-3):

- Create a distinctive “sense of community” unifying areas through high quality design criteria and utilizing the natural surroundings;
- High Connectivity - Implement an aesthetically pleasing and functional community concept by integrating community areas, residential areas, parks and commercial areas through connection of walkways, paseos and trails;
- Provide community focus areas within walking distance between neighborhoods;
- Provide a balanced mix of economically viable commercial and residential land uses that will utilize the Enterprise Zone¹ to promote local job creation;
- Provide a transition blend of rural and suburban lifestyles; and
- Provide a diverse mix of housing options.

No changes would occur to the built environment. Therefore, a distinct “sense of community” would not be created as the site would not be developed. Nor would the community be connected or developed with a balanced mix of economically viable commercial and residential land uses. Housing options would not be provided and there would be no transition between rural and suburban lifestyles, as would be created by the Project. None of these Objectives would be met under Alternative 1.

Findings: The City Council rejects Alternative 1: No Project as (1) failing to meet any of the Project objectives, and (2) the alternative is infeasible. The following provides the grounds which justify the rejection of Alternative 1:

1. Alternative 1 fails to meet most of the basic Project objectives. No changes would occur to the built environment. Therefore, a distinct “sense of community” would not be created as the site would not be developed. Nor would the community be connected or developed with a balanced mix of economically viable commercial and residential land uses. Housing options would not be provided and there would be no transition between rural and suburban lifestyles, as would be created by the Project. None of these Objectives would be met under Alternative 1.
2. Alternative 1 is infeasible for the following specific fact-based reasons:
 - Allowing the site to remain vacant would not achieve development of the land uses envisioned under both the 2013 General Plan and the 2015 General Plan Update, nor would infrastructure be developed consistent with the City's Circulation Element.
 - It will not implement the Goals and Policies of the General Plan. It also will not provide a reasonable development expected, and planned for, by the City (see Impact discussion above as it pertains to the Project site's General Plan Land Use designations and zoning classifications).

Alternative 2: Reduced Residential Density Alternative (RRDA)

Description: A Reduced Density Residential Alternative (RRDA) was chosen to address significant unavoidable impacts associated with implementation of the Project. Unlike the Project that proposes up to 1,640 dwelling units within seven Planning Areas, the RRDA assumes that a total of 909 dwelling units will be developed overall. For purposes of analysis this alternative assumes that all 216.48 acres of residential acreage development will be developed at 4.2 dwelling units per acre under the RRDA. (Draft EIR, p. 5-13.) ***It should be noted that the for the purpose of the analysis in the Draft EIR, the***

¹ The Enterprise Zone is being deleted from the Project Objectives per the Final EIR Errata as it is no longer part of the current General Plan and is, therefore, obsolete.

RRDA would require the construction of Shadow View Boulevard for purposes of primary and/or secondary access. The RRDA would also be possible under Alternative 4 (discussed below).

Impacts: The RRDA will result in similar significant and unavoidable aesthetic and agricultural impacts as that of the Project because the Project development overall footprint will be assumed to remain the same, and the scale and amount of development would be comparable. (Draft EIR, pp. 5-13—5-14.) However, it would reduce the Project's significant and unavoidable air quality and transportation impacts as less units would be constructed, and no commercial development would be constructed. Less operational impacts from vehicular traffic would be the primary reason for these reductions. While air quality and transportation impacts would be reduced as compared to the Project, impacts to land use/planning will be greater under the RRDA, as the Project site would not be developed as the City has planned and anticipated (see Impact discussion above as it pertains to the Project site's General Plan Land Use designations and zoning classifications). (Draft EIR, pp. 5-14, 5-16.)

Attainment of Project Objectives: The reduction of the Project size under the RRDA has a comparable negative effect on the ability of the Project to meet Project costs, i.e. development feasibility and certain Project objectives may not be attained because certain infrastructure improvements may not be feasible.

As stated above, the following are the Project Objectives from Section 3.3 of the Draft EIR (Draft EIR, p. 3-3):

- Create a distinctive “sense of community” unifying areas through high quality design criteria and utilizing the natural surroundings;
- High Connectivity - Implement an aesthetically pleasing and functional community concept by integrating community areas, residential areas, parks and commercial areas through connection of walkways, paseos and trails;
- Provide community focus areas within walking distance between neighborhoods;
- Provide a balanced mix of economically viable commercial and residential land uses that will utilize the Enterprise Zone² to promote local job creation;
- Provide a transition blend of rural and suburban lifestyles; and
- Provide a diverse mix of housing options.

In particular, the RRDA will not meet the following Project objectives:

- High Connectivity - Implement an aesthetically pleasing and functional community concept by integrating community areas, residential areas, parks and commercial areas through connection of walkways, paseos and trails. Alternative 2 would reduce the viability of commercial areas and would have fewer parks, walkways, paseos and trails.
- Provide community focus areas within walking distance between neighborhoods. Due to the reduced residential densities, the Project would have fewer residential density options. This would result in fewer Planning Areas and would in turn create longer walking distances between neighborhoods.
- Provide a balanced mix of economically viable commercial and residential land uses that will promote local job creation. With a reduction of overall number of units, the amount and nature of commercial development that can be supported by the Project would be modified such that the mix would be limited, the viability would be compromised and there will be fewer job opportunities.
- Provide a diverse mix of housing options. The reduction in the overall number of units would limit a diverse mix of housing opportunities when compared to the Project. Alternative 2 would result in a Project that is primarily detached single-family residential. No multi-family residential would be developed on the residential land within the Project area, as Alternative 2 assumes residential uses would be developed at 4.2 dwelling units per acre. (Draft EIR, p. 5-17.)

Furthermore, less fees and funding would be provided through the RRDA to upgrade regional transportation infrastructure, public service and utilities.

² The Enterprise Zone is being deleted from the Project Objectives per the Final EIR Errata as it is no longer part of the current General Plan and is, therefore, obsolete.

Finding: The City Council rejects Alternative 2: Reduced Residential Density Alternative, as (1) failing to avoid or substantially reduce environmental impacts, (2) failure to meet most of the basic Project objectives, and (3) Alternative 2 is infeasible. The following provides the grounds which justify the rejection of Alternative 2:

1. Alternative 2 fails to avoid/substantially reduce significant environmental impacts. Alternative 2 will result in similar significant and unavoidable aesthetic and agricultural impacts as that of the Project because the Project development overall footprint will be assumed to remain the same, and the scale and amount of development would be comparable. (Draft EIR, pp. 5-13—5-14.) However, it would reduce the Project's significant and unavoidable air quality and transportation impacts as less units would be constructed, and no commercial development would be constructed. Less operational impacts from vehicular traffic would be the primary reason for these reductions. Impacts to land use/planning will be greater under the RRDA, as the Project site would not be developed as the City has planned and anticipated (see Impact discussion above as it pertains to the Project site's General Plan Land Use designations and zoning classifications). (Draft EIR, pp. 5-14, 5-16.)
2. Alternative 2 fails to meet most of the basic Project objectives as listed below:
 - High Connectivity - Implement an aesthetically pleasing and functional community concept by integrating community areas, residential areas, parks and commercial areas through connection of walkways, paseos and trails. Alternative 2 would reduce the viability of commercial areas and would have fewer parks, walkways, paseos and trails.
 - Provide community focus areas within walking distance between neighborhoods. Due to the reduced residential densities, the Project would have fewer residential density options. This would result in fewer Planning Areas and would in turn create longer walking distances between neighborhoods.
 - Provide a balanced mix of economically viable commercial and residential land uses that will promote local job creation. With a reduction of overall number of units, the amount and nature of commercial development that can be supported by the Project would be modified such that the mix would be limited, the viability would be compromised and there will be fewer job opportunities.
 - Provide a diverse mix of housing options. The reduction in the overall number of units would limit a diverse mix of housing opportunities when compared to the Project. Alternative 2 would result in a Project that is primarily detached single-family residential. No multi-family residential would be developed on the residential land within the Project area, as Alternative 2 assumes residential uses would be developed at 4.2 dwelling units per acre. (Draft EIR, p. 5-17.)
3. Alternative 2 is infeasible for the following specific fact-based reasons:
 - The RRDA is inconsistent with the land use designations set forth in the General Plan Update 2015. According to the General Plan Update (2015), the Land Use Designations on the Project site include Neighborhood Center, Suburban Retail District, Urban Neighborhood, General Neighborhood and Suburban Neighborhood (General Plan Update [2015], p. 04-59). Development of 216.48 acres of the site with a density of 4.2 dwelling units per acre does not comply with the current land use designations. Of the residential land use designations underlying the Project site, the largest is the General Neighborhood designation, which permits 7-25 dwelling units per acre with an average of 12 dwelling units per acre for new projects. The RRDA is substantially below this average. The Urban Neighborhood designation permits 20-35 dwelling units per acre, with a 30 dwelling unit average. The RRDA's 4.2 dwelling units per acre would be inconsistent with this designation. The Suburban Neighborhood designation, making up a smaller portion of the Project site, allows 2-8 dwelling units per acre with a 5 dwelling unit per acre average for new projects. While the RRDA would comport with this designation, it is still below the average number of dwelling units for new projects.
 - The Project site is located within Subarea 11 – Commercial Entertainment District, as set forth in the General Plan Update 2015. The vision for this subarea provides “a range of residential densities and building types should be encouraged in this subarea, provided they are designed to integrate

with the high intensity commercial uses planned for the area. The subarea must also exhibit strong, fine-grained connections to the surrounding neighborhoods of the subarea and the adjacent subareas, allowing community members easy access to shopping and entertainment.” (General Plan Update [2015], p. 04-76.) The RRDA would provide only one type of residential density, not a range of residential densities. Additionally, as set forth above, the reduced number of units in the RRDA would compromise the viability of the commercial areas, limiting future residents’ access to shopping and entertainment.

- The Policy Direction for Subarea 11 provides for up to 25 percent Suburban Neighborhood in the final designation mix. (General Plan Update [2015], p. 04-76.) Development of 216.48 acres of the Project area as Suburban Neighborhood under the RRDA would compromise the final designation mix set forth in the General Plan Update 2015.
- The RRDA would not comply with the current zoning on site, which consists of General Commercial, Residential Single-Family, and Manufacturing Service (Draft EIR, p. 3-12). The RRDA proposes development of 4.2 dwelling units per acre in the area planned for residential uses under the Project. The majority of this acreage is currently designated General Commercial, which does not permit single-family residential uses. Thus, the RRDA is inconsistent with current zoning.
- The alternative is economically infeasible because the reduced dwelling units planned under the RRDA would not support a viable mix of commercial uses.
- Less fees and funding would be provided through the RRDA to upgrade regional transportation infrastructure, public service and utilities.

Alternative 3: Vista Del Sur Alternative (VDSA)

Description: The Vista del Sur Alternative (VDSA) is being analyzed in the event that the westerly extension of Avenue 48/Shadow View Boulevard cannot be completed due to the need for the Project applicant to acquire the necessary right-of-way to install this roadway. Vista del Sur is a dedicated City roadway which connects to the northerly extension of Street “A.” This alternative would allow for the development of the Project as proposed but with another connection to Dillon Road to the west of the Project site. Under the VDSA scenario, approximately 5,834 linear feet of roadway (at 30’ in width) will be constructed. This is in contrast to the Project’s westerly extension of Avenue 48/Shadow View Boulevard that would involve 11,600 linear feet of roadway improvements. (Draft EIR, p. 5-18.) However, there are intersection geometrics which will only allow Vista del Sur to serve as secondary access to the Project site. No left turning movements will be allowed at the intersection of Dillon Road and Vista Del Sur. Vehicles will be required to drive past this intersection and make a u-turn southerly of this intersection. After the u-turn, Vista Del Sur access will be a right-hand turning movement.

Impacts: The VDSA would not involve the removal of aesthetic resources that would occur under the westerly extension of Avenue 48/Shadow View Boulevard, but all other Project impacts to aesthetic resources would remain the same. Accordingly, aesthetic resource impacts from VDSA would be less than that of the proposed Project but would not completely avoid or reduce the significant and unavoidable aesthetic impacts. (Draft EIR, p. 5-18.) With respect to agricultural resources, the VDSA would have less impacts than the Project because it would not involve the removal of agricultural resources that would otherwise occur under the westerly extension of Avenue 48/Shadow View Boulevard if the proposed Project were to proceed. (Draft EIR, p. 5-18.) However, VDSA would not eliminate or reduce the significant and unavoidable impacts on agricultural resources. Similarly, the VDSA would have reduced air quality impacts than the Project, resulting in a 50% reduction in construction emissions, and less cumulative greenhouse gas emissions, but does not eliminate or reduce the significant and unavoidable air quality/greenhouse gas impacts. (Draft EIR, p. 5-18.)

Finally, VDSA would also have significant and unavoidable transportation/traffic issues. (Draft EIR, p. 5-20.) Thus, implementation of mitigation measures would still be required. The configuration of the intersection of Vista Del Sur and Dillon Road will limit turning movements to and from this intersection, which will further impede traffic circulation and emergency vehicle access. There will be no left-turn movement from southbound Dillon Road to Vista Del Sur. A right-turn movement will be allowed from Dillon Road (northbound) onto Vista Del Sur. Vista Del Sur will only allow for a right-turn movement onto northbound Dillon Road. Under the VDSA, the intersection geometrics will only allow Vista del Sur to serve as secondary access to the Project site. This will actually serve to exacerbate traffic conditions on

Dillon Road and at the intersection of Dillon Road and Vista Del Sur. Traffic impacts would be greater due to the inefficient manner in which this intersection will function and the increased number of u-turns that will be required to access the site. This will negatively affect the AM and PM peak hours of this intersection, as well as the Dillon Road segment in proximity of this intersection.

Attainment of Project Objectives: The following are the Project Objectives from Section 3.3 of the Draft EIR (Draft EIR, p. 3-3):

- Create a distinctive “sense of community” unifying areas through high quality design criteria and utilizing the natural surroundings;
- High Connectivity - Implement an aesthetically pleasing and functional community concept by integrating community areas, residential areas, parks and commercial areas through connection of walkways, paseos and trails;
- Provide community focus areas within walking distance between neighborhoods;
- Provide a balanced mix of economically viable commercial and residential land uses that will utilize the Enterprise Zone³ to promote local job creation;
- Provide a transition blend of rural and suburban lifestyles; and
- Provide a diverse mix of housing options.

The VDSA meets all of the Project objectives. (Draft EIR, p. 5-21.)

Findings: The City Council rejects Alternative 3: Vista del Sur Alternative, as (1) failing to avoid or substantially reduce environmental impacts, and (2) Alternative 3 is infeasible. The following provides the grounds justifying the rejection of Alternative 3.

1. Alternative 3 fails to avoid/substantially reduce significant environmental impacts. Alternative 3 would reduce, but not eliminate, the Project’s significant impacts regarding aesthetics, agricultural resources, and air quality/greenhouse gas. Traffic impacts, however, would be exacerbated under Alternative 3. As discussed above, the configuration of the intersection of Vista Del Sur and Dillon Road will limit turning movements to and from this intersection, which will further impede traffic circulation and emergency vehicle access. There will be no left-turn movement from southbound Dillon Road to Vista Del Sur. A right-turn movement will be allowed from Dillon Road (northbound) onto Vista Del Sur. Vista Del Sur will only allow for a right-turn movement onto northbound Dillon Road. Under the VDSA, there are intersection geometrics which will only allow Vista del Sur to serve as secondary access to the Project site. This will actually serve to exacerbate traffic conditions on Dillon Road and at the intersection of Dillon Road and Vista Del Sur. Traffic impacts would be greater due to the inefficient manner in which this intersection will function and the increased number of u-turns that will be required to access the site. This will negatively affect the AM and PM peak hours of this intersection, as well as the Dillon Road segment in proximity of this intersection.
2. Alternative 3 is infeasible for the following specific fact-based reasons.
 - Alternative 3 does not include Shadowview Boulevard, which is set forth in the City’s Circulation Element, as an arterial street (see General Plan, p. O5-7 [Figure 5-1], and p. O5-3 [Table 5-1, Street Typologies]). General Plan Figure 5-1 illustrates that Shadow View Blvd is designated as a Major Arterial with Bicycle Facility (to be developed to a 118-foot right-of-way with six travel lanes) and is planned to connect Dillon Road easterly to Avenue 48.
 - The intersection geometrics necessary to accommodate Alternative 3 make the alternative infeasible as they lead to an exacerbation of traffic impacts. No left turning movements will be allowed at the intersection of Dillon Road and Vista Del Sur.
 - The increased number of u-turns and inefficient functioning of the intersection will negatively affect the AM and PM peak hours of this intersection, as well as the Dillon Road segment in proximity of this intersection.

³ The Enterprise Zone is being deleted from the Project Objectives per the Final EIR Errata as it is no longer part of the current General Plan and is, therefore, obsolete.

- Emergency vehicle access will also be negatively impacted. Emergency vehicles will also be restricted from accessing the Project site via a left turning movement at the intersection of Dillon Road and Vista Del Sur. This could negatively impact response times in the event of an emergency.
- Restricted access could result in safety issues for motorists and pedestrians at the Dillon Road and Vista Del Sur intersection due to the increased number of u-turns.

The following, additional alternative, not discussed in the EIR will be analyzed below. This alternative shall be analyzed in accordance with Section 15126.6, Consideration and Discussion of Alternatives to the Proposed Project, of the State CEQA Guidelines.

Alternative 4: Tyler Street Southerly Extension from Avenue 47 to 800' south of Avenue 49 (Primary Access) and Extension of Vista Del Sur to Dillon Road (Secondary Access) Alternative (Alternative 4)

Description: Alternative 4 is being analyzed for Project access without the need for the development of Shadow View Boulevard (for either primary or secondary access to the Project site). Under Alternative 4, Avenue 47 will be extended westerly from Street "A" to Tyler Street and Tyler Street will be extended southerly to 800' south of Avenue 49 (which will tie into the Caltrans State Route 86/Avenue 50 New Interchange Project). This would serve as the primary access to the Project. Avenue 47 and Tyler Street are dedicated City roadways. This 4th alternative was developed in response to comments. The purpose of this Alternative was to explore an option whereby no portion of the Shadow View Specific Plan, including Shadow View Boulevard would be needed for either primary, or secondary access to the Vista Del Agua Project. Vista Del Sur would become the secondary access. As discussed above in Alternative 3, No left turning movements will be allowed at the intersection of Dillon Road and Vista Del Sur. Vehicles will be required to drive past this intersection and make a u-turn southerly of this intersection. After the u-turn, Vista Del Sur access will be a right-hand turning movement. Traffic impacts would be greater due to the inefficient manner in which this intersection will function and the increased number of u-turns that will be required to access the site. This will negatively affect the AM and PM peak hours of this intersection, as well as the Dillon Road segment in proximity of this intersection.

Vista Del Sur is a dedicated City roadway which connects to the northerly extension of Street "A." Under the Alternative 4 scenario, approximately 13,721 linear feet of roadway (at 30' in width) will be constructed for Avenue 47, Tyler Street and Vista Del Sur (1,762 feet, 6,125 feet and 5,834 feet, respectively). This is in contrast to the Project's westerly extension of Avenue 48/Shadow View Boulevard that would involve 11,600 linear feet of roadway improvements. (Draft EIR, p. 5-18.)

Impacts: The Project, as well as Alternative 2, involves the westerly extension of Avenue 48/Shadow View Boulevard. Alternative 4 does not. Alternative 3 would not allow the westerly extension of Avenue 48/Shadow View Boulevard but would, instead, rely on Vista Del Sur for primary and secondary access. Alternative 4 would involve the removal of aesthetic resources that would occur under the westerly extension of Avenue 48/Shadow View Boulevard; however, Project impacts to aesthetic resources would remain the same along the Tyler Street extension. Accordingly, aesthetic resource impacts from Alternative 4 would be less than that of the proposed Project but would not completely avoid or reduce the significant and unavoidable aesthetic impacts. (Draft EIR, p. 5-18.) With respect to agricultural resources, Alternative 4 would have less impacts than the Project because it would not involve the removal of agricultural resources that would otherwise occur under the westerly extension of Avenue 48/Shadow View Boulevard if the proposed Project were to proceed. (Draft EIR, p. 5-18.) However, Alternative 4 would not eliminate or reduce the significant and unavoidable impacts on agricultural resources. Alternative 4 would have similar air quality impacts as the Project and does not eliminate or reduce the significant and unavoidable air quality/greenhouse gas impacts. (Draft EIR, p. 5-18.) Finally, Alternative 4 would have similar significant and unavoidable transportation/traffic issues as that of the Project. (Draft EIR, p. 5-20.) Thus, implementation of mitigation measures would still be required.

Attainment of Project Objectives: The following are the Project Objectives from Section 3.3 of the Draft EIR (Draft EIR, p. 3-3):

- Create a distinctive “sense of community” unifying areas through high quality design criteria and utilizing the natural surroundings;
- High Connectivity - Implement an aesthetically pleasing and functional community concept by integrating community areas, residential areas, parks and commercial areas through connection of walkways, paseos and trails;
- Provide community focus areas within walking distance between neighborhoods;
- Provide a balanced mix of economically viable commercial and residential land uses that will utilize the Enterprise Zone⁴ to promote local job creation;
- Provide a transition blend of rural and suburban lifestyles; and
- Provide a diverse mix of housing options.

Similar to the VDSA, Alternative 4 meets all of the Project objectives. (Draft EIR, p. 5-21.)

Findings: The City Council rejects Alternative 4 as(1) failing to avoid or substantially reduce significant environmental impacts, and (2) Alternative 4 is infeasible. The following provides the grounds which justify the rejection of Alternative 4:

1. Alternative 4 fails to avoid/substantially reduce significant environmental impacts. Alternative 4 would not eliminate or reduce the significant and unavoidable impacts on agricultural resources. Alternative 4 would have similar air quality impacts as the Project and does not eliminate or reduce the significant and unavoidable air quality/greenhouse gas impacts. (Draft EIR, p. 5-18.) Finally, Alternative 4 would have similar significant and unavoidable transportation/traffic issues as that of the Project. (Draft EIR, p. 5-20.)
2. Alternative 4 is infeasible for the following specific fact-based reasons:
 - Alternative 4 does not include Shadowview Boulevard, which is set forth in the City’s Circulation Element, as an arterial street (see General Plan, p. O5-7 [Figure 5-1], and p. O5-3 [Table 5-1, Street Typologies]). General Plan Figure 5-1 illustrates that Shadow View Blvd is designated as a Major Arterial with Bicycle Facility (to be developed to a 118-foot right-of-way with six travel lanes) and is planned to connect Dillon Road easterly to Avenue 48.

Conclusion

The extension of Shadow View Boulevard, as proposed by the Project, is consistent with the City’s plan for its ultimate development. Each of the four alternatives analyzed in the EIR or developed in response to comments, is not feasible to provide primary access to the Project site. Alternatives 1 and 2 also fail to meet Project objectives, while Alternative 3 exacerbates significant and unavoidable traffic impacts. Each alternative, including Alternative 4, is also properly rejected due to infeasibility as each involves conflicts with the City’s General Plan.

⁴ The Enterprise Zone is being deleted from the Project Objectives per the Final EIR Errata as it is no longer part of the current General Plan and is, therefore, obsolete.

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**Matthew Fagan
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 Incorporated**

Memo

To: Luis Lopez, Community Development Director
 Ron Goldman, Planner

From: Matthew Fagan

CC: N/A

Date: April 24, 2020

Subject: Vista Del Agua – Environmental Impact Report (SCH# 2015031003) Discussion of Alternatives to Shadow View Boulevard as Either Primary or Secondary Access to the Vista Del Agua Project

The purpose of this memo is to further describe access options to the Vista Del Agua project that do not include utilizing Shadow View Boulevard as either primary or secondary access to the Project site and explain why such access options not viable access options to serve the Project given their infeasibility, failure to meet Project objectives, and failure to avoid or reduce significant impacts as compared to the Project. This memo will reiterate the 3 alternatives discussed in the EIR and will also explore an additional alternative (Alternative 4), not discussed in the EIR, which is being addressed in response to written and verbal comments. The purpose of this Alternative was to explore an option whereby no portion of the Shadow View Specific Plan, including Shadow View Boulevard would be needed for either primary, or secondary access to the Vista Del Agua Project.

The following three (3) alternatives were analyzed in the EIR:

- **Alternative 1: No Project/No Build Alternative** (Draft EIR, pp. 5-3 to 5-13)
- **Alternative 2: Reduced Residential Density Alternative** (Draft EIR, pp. 5-13 to 5-17)
- **Alternative 3: Vista del Sur Access Alternative** (Draft EIR, pp. 5-18 to 5-21)

The following is Alternative 4 (not analyzed in the EIR):

- **Alternative 4: Tyler Street Southerly Extension from Avenue 47 to 800' south of Avenue 49 (Primary Access) and Extension of Vista Del Sur to Dillon Road (Secondary Access)**

Background: Extension of Shadow View Boulevard

The locations of the off-site improvements analyzed in the EIR were developed and coordinated based upon the publicly available information contained in the City's General Plan Circulation Element, as well as the Shadow View Specific Plan. Thus, the EIR reasonably assumes the construction of Shadow View Boulevard, based on that roadway's inclusion in various, long-standing planning documents.

The Shadow View Specific Plan shows Shadow View Boulevard as a proposed street crossing the Shadow View Specific Plan area (see Shadow View Specific Plan, p. 3-11 [Exhibit 3-5]). The Shadow View Specific Plan also includes Shadow View Boulevard cross sections, indicating that Shadow View Boulevard will ultimately be constructed to a 120-foot right of way (see Shadow View Specific Plan, p. 3-12 [Exhibit 3-6]). Finally, the Shadow View Specific Plan shows Shadow View Boulevard as a road to be constructed by the residential developer of Shadow View (see Shadow View Specific Plan, pp. 3-9 and -10). As shown in the Specific Plan, improvements are anticipated to take place on privately owned property of the Shadow View Owners.

Further, the City of Coachella General Plan 2035 shows Shadow View Boulevard as part of the City's Circulation Element, as an arterial street (see General Plan, p. O5-7 [Figure 5-1], and p. O5-3 [Table 5-1, Street Typologies]). General Plan Figure 5-1 illustrates that Shadow View Blvd is designated as a Major Arterial with Bicycle Facility (to be developed to a 118-foot right-of-way with six travel lanes) and is planned to connect Dillon Road easterly to Avenue 48.

City administrative practice allows minor re-alignments of Section-Line streets. Shadow View Boulevard is currently aligned with the Avenue 48 section line and the old section-line street easement will be adjusted to connect northwesterly to Dillon Road, pursuant to the General Plan.

Lastly, Tentative Tract Map 34993, which approved the residential villages subdivision for Shadow View, showed the street alignment through the Shadow View properties but the owners let the tentative map expire. (See City Resolution No. 2007-73 for Tentative Tract Map No. 34865 [adopted September 12, 2007].) Shadow View Boulevard is described as running from Dillon Road to the intersection of Tyler Street and Avenue 48 on this Tentative Map.

Construction of Shadow View Boulevard has already been analyzed under the California Environmental Quality Act as part of the Coachella General Plan 2035 Program EIR, which was certified by the City Council on April 22, 2015 via Resolution 2015-03.

Thus, the extension of Shadow View Boulevard, as proposed by the Project, is consistent with the City's plan for its ultimate development. As explained below, each of the four alternatives analyzed in the EIR or developed in response to comments, is not feasible to provide primary access to the Project site.

Alternative 1: No Project/No Build Alternative

Description: Under Alternative 1, the Project would not be constructed, and the Project site would remain in its current undeveloped condition. No new development would occur on the site, and no ground-disturbing activities would be undertaken, although it is likely the site will ultimately be developed in the future since the General Plan Update (2015) envisions change in this area. (Draft EIR, p. 5-12.) ***It should be noted that the No Project/No Build Alternative could continue to utilize Tyler Street and/or Vista Del Sur as primary and/or secondary access and would not require the construction of Shadow View Boulevard.***

Impacts: Alternative 1 would reduce all the significant and unavoidable impacts occurring under the Project to no impact or levels that are less than significant, including with respect to aesthetics, agriculture, operational air quality emissions, and transportation/traffic because the site would not be developed. (Draft EIR, pp. 5-3-5-13.)

Alternative 1 would result in greater impacts to land use/planning than the Project because the existing vacant Project site would remain, which is inconsistent with the General Plan Update (2015) and zoning underlying the Project site. (Draft EIR, p. 5-7.) According to the General Plan Update (2015), the Land Use Designations on the Project site include Neighborhood Center, Suburban Retail District, Urban Neighborhood, General Neighborhood and Suburban Neighborhood (General Plan Update [2015], p. 04-59). The 2013 General Plan Land Use that is used in the Draft EIR has a designation of Entertainment Commercial (Draft EIR, p. 3-12). The current Zoning Classifications are General Commercial, Residential Single-Family, and Manufacturing Service (Draft EIR, p. 3-12). Allowing the site to remain vacant would not achieve development of the land uses envisioned under both the 2013

General Plan and the 2015 General Plan Update, nor would infrastructure be developed consistent with the City's Circulation Element.

Attainment of Project Objectives: Alternative 1 would not meet any of the identified objectives established for the proposed Project. The following are the Project Objectives from Section 3.3 of the Draft EIR (Draft EIR, p. 3-3):

- Create a distinctive “sense of community” unifying areas through high quality design criteria and utilizing the natural surroundings;
- High Connectivity - Implement an aesthetically pleasing and functional community concept by integrating community areas, residential areas, parks and commercial areas through connection of walkways, paseos and trails;
- Provide community focus areas within walking distance between neighborhoods;
- Provide a balanced mix of economically viable commercial and residential land uses that will utilize the Enterprise Zone¹ to promote local job creation;
- Provide a transition blend of rural and suburban lifestyles; and
- Provide a diverse mix of housing options.

No changes would occur to the built environment. Therefore, a distinct “sense of community” would not be created as the site would not be developed. Nor would the community be connected or developed with a balanced mix of economically viable commercial and residential land uses. Housing options would not be provided and there would be no transition between rural and suburban lifestyles, as would be created by the Project. None of these Objectives would be met under Alternative 1.

Findings: The City Council rejects Alternative 1: No Project as (1) failing to meet any of the Project objectives, and (2) the alternative is infeasible. The following provides the grounds which justify the rejection of Alternative 1:

1. Alternative 1 fails to meet most of the basic Project objectives. No changes would occur to the built environment. Therefore, a distinct “sense of community” would not be created as the site would not be developed. Nor would the community be connected or developed with a balanced mix of economically viable commercial and residential land uses. Housing options would not be provided and there would be no transition between rural and suburban lifestyles, as would be created by the Project. None of these Objectives would be met under Alternative 1.
2. Alternative 1 is infeasible for the following specific fact-based reasons:
 - Allowing the site to remain vacant would not achieve development of the land uses envisioned under both the 2013 General Plan and the 2015 General Plan Update, nor would infrastructure be developed consistent with the City's Circulation Element.
 - It will not implement the Goals and Policies of the General Plan. It also will not provide a reasonable development expected, and planned for, by the City (see Impact discussion above as it pertains to the Project site's General Plan Land Use designations and zoning classifications).

Alternative 2: Reduced Residential Density Alternative (RRDA)

Description: A Reduced Density Residential Alternative (RRDA) was chosen to address significant unavoidable impacts associated with implementation of the Project. Unlike the Project that proposes up to 1,640 dwelling units within seven Planning Areas, the RRDA assumes that a total of 909 dwelling units will be developed overall. For purposes of analysis this alternative assumes that all 216.48 acres of residential acreage development will be developed at 4.2 dwelling units per acre under the RRDA. (Draft EIR, p. 5-13.) ***It should be noted that the for the purpose of the analysis in the Draft EIR, the***

¹ The Enterprise Zone is being deleted from the Project Objectives per the Final EIR Errata as it is no longer part of the current General Plan and is, therefore, obsolete.

RRDA would require the construction of Shadow View Boulevard for purposes of primary and/or secondary access. The RRDA would also be possible under Alternative 4 (discussed below).

Impacts: The RRDA will result in similar significant and unavoidable aesthetic and agricultural impacts as that of the Project because the Project development overall footprint will be assumed to remain the same, and the scale and amount of development would be comparable. (Draft EIR, pp. 5-13—5-14.) However, it would reduce the Project's significant and unavoidable air quality and transportation impacts as less units would be constructed, and no commercial development would be constructed. Less operational impacts from vehicular traffic would be the primary reason for these reductions. While air quality and transportation impacts would be reduced as compared to the Project, impacts to land use/planning will be greater under the RRDA, as the Project site would not be developed as the City has planned and anticipated (see Impact discussion above as it pertains to the Project site's General Plan Land Use designations and zoning classifications). (Draft EIR, pp. 5-14, 5-16.)

Attainment of Project Objectives: The reduction of the Project size under the RRDA has a comparable negative effect on the ability of the Project to meet Project costs, i.e. development feasibility and certain Project objectives may not be attained because certain infrastructure improvements may not be feasible.

As stated above, the following are the Project Objectives from Section 3.3 of the Draft EIR (Draft EIR, p. 3-3):

- Create a distinctive “sense of community” unifying areas through high quality design criteria and utilizing the natural surroundings;
- High Connectivity - Implement an aesthetically pleasing and functional community concept by integrating community areas, residential areas, parks and commercial areas through connection of walkways, paseos and trails;
- Provide community focus areas within walking distance between neighborhoods;
- Provide a balanced mix of economically viable commercial and residential land uses that will utilize the Enterprise Zone² to promote local job creation;
- Provide a transition blend of rural and suburban lifestyles; and
- Provide a diverse mix of housing options.

In particular, the RRDA will not meet the following Project objectives:

- High Connectivity - Implement an aesthetically pleasing and functional community concept by integrating community areas, residential areas, parks and commercial areas through connection of walkways, paseos and trails. Alternative 2 would reduce the viability of commercial areas and would have fewer parks, walkways, paseos and trails.
- Provide community focus areas within walking distance between neighborhoods. Due to the reduced residential densities, the Project would have fewer residential density options. This would result in fewer Planning Areas and would in turn create longer walking distances between neighborhoods.
- Provide a balanced mix of economically viable commercial and residential land uses that will promote local job creation. With a reduction of overall number of units, the amount and nature of commercial development that can be supported by the Project would be modified such that the mix would be limited, the viability would be compromised and there will be fewer job opportunities.
- Provide a diverse mix of housing options. The reduction in the overall number of units would limit a diverse mix of housing opportunities when compared to the Project. Alternative 2 would result in a Project that is primarily detached single-family residential. No multi-family residential would be developed on the residential land within the Project area, as Alternative 2 assumes residential uses would be developed at 4.2 dwelling units per acre. (Draft EIR, p. 5-17.)

Furthermore, less fees and funding would be provided through the RRDA to upgrade regional transportation infrastructure, public service and utilities.

² The Enterprise Zone is being deleted from the Project Objectives per the Final EIR Errata as it is no longer part of the current General Plan and is, therefore, obsolete.

Finding: The City Council rejects Alternative 2: Reduced Residential Density Alternative, as (1) failing to avoid or substantially reduce environmental impacts, (2) failure to meet most of the basic Project objectives, and (3) Alternative 2 is infeasible. The following provides the grounds which justify the rejection of Alternative 2:

1. Alternative 2 fails to avoid/substantially reduce significant environmental impacts. Alternative 2 will result in similar significant and unavoidable aesthetic and agricultural impacts as that of the Project because the Project development overall footprint will be assumed to remain the same, and the scale and amount of development would be comparable. (Draft EIR, pp. 5-13—5-14.) However, it would reduce the Project's significant and unavoidable air quality and transportation impacts as less units would be constructed, and no commercial development would be constructed. Less operational impacts from vehicular traffic would be the primary reason for these reductions. Impacts to land use/planning will be greater under the RRDA, as the Project site would not be developed as the City has planned and anticipated (see Impact discussion above as it pertains to the Project site's General Plan Land Use designations and zoning classifications). (Draft EIR, pp. 5-14, 5-16.)
2. Alternative 2 fails to meet most of the basic Project objectives as listed below:
 - High Connectivity - Implement an aesthetically pleasing and functional community concept by integrating community areas, residential areas, parks and commercial areas through connection of walkways, paseos and trails. Alternative 2 would reduce the viability of commercial areas and would have fewer parks, walkways, paseos and trails.
 - Provide community focus areas within walking distance between neighborhoods. Due to the reduced residential densities, the Project would have fewer residential density options. This would result in fewer Planning Areas and would in turn create longer walking distances between neighborhoods.
 - Provide a balanced mix of economically viable commercial and residential land uses that will promote local job creation. With a reduction of overall number of units, the amount and nature of commercial development that can be supported by the Project would be modified such that the mix would be limited, the viability would be compromised and there will be fewer job opportunities.
 - Provide a diverse mix of housing options. The reduction in the overall number of units would limit a diverse mix of housing opportunities when compared to the Project. Alternative 2 would result in a Project that is primarily detached single-family residential. No multi-family residential would be developed on the residential land within the Project area, as Alternative 2 assumes residential uses would be developed at 4.2 dwelling units per acre. (Draft EIR, p. 5-17.)
3. Alternative 2 is infeasible for the following specific fact-based reasons:
 - The RRDA is inconsistent with the land use designations set forth in the General Plan Update 2015. According to the General Plan Update (2015), the Land Use Designations on the Project site include Neighborhood Center, Suburban Retail District, Urban Neighborhood, General Neighborhood and Suburban Neighborhood (General Plan Update [2015], p. 04-59). Development of 216.48 acres of the site with a density of 4.2 dwelling units per acre does not comply with the current land use designations. Of the residential land use designations underlying the Project site, the largest is the General Neighborhood designation, which permits 7-25 dwelling units per acre with an average of 12 dwelling units per acre for new projects. The RRDA is substantially below this average. The Urban Neighborhood designation permits 20-35 dwelling units per acre, with a 30 dwelling unit average. The RRDA's 4.2 dwelling units per acre would be inconsistent with this designation. The Suburban Neighborhood designation, making up a smaller portion of the Project site, allows 2-8 dwelling units per acre with a 5 dwelling unit per acre average for new projects. While the RRDA would comport with this designation, it is still below the average number of dwelling units for new projects.
 - The Project site is located within Subarea 11 – Commercial Entertainment District, as set forth in the General Plan Update 2015. The vision for this subarea provides “a range of residential densities and building types should be encouraged in this subarea, provided they are designed to integrate

with the high intensity commercial uses planned for the area. The subarea must also exhibit strong, fine-grained connections to the surrounding neighborhoods of the subarea and the adjacent subareas, allowing community members easy access to shopping and entertainment.” (General Plan Update [2015], p. 04-76.) The RRDA would provide only one type of residential density, not a range of residential densities. Additionally, as set forth above, the reduced number of units in the RRDA would compromise the viability of the commercial areas, limiting future residents’ access to shopping and entertainment.

- The Policy Direction for Subarea 11 provides for up to 25 percent Suburban Neighborhood in the final designation mix. (General Plan Update [2015], p. 04-76.) Development of 216.48 acres of the Project area as Suburban Neighborhood under the RRDA would compromise the final designation mix set forth in the General Plan Update 2015.
- The RRDA would not comply with the current zoning on site, which consists of General Commercial, Residential Single-Family, and Manufacturing Service (Draft EIR, p. 3-12). The RRDA proposes development of 4.2 dwelling units per acre in the area planned for residential uses under the Project. The majority of this acreage is currently designated General Commercial, which does not permit single-family residential uses. Thus, the RRDA is inconsistent with current zoning.
- The alternative is economically infeasible because the reduced dwelling units planned under the RRDA would not support a viable mix of commercial uses.
- Less fees and funding would be provided through the RRDA to upgrade regional transportation infrastructure, public service and utilities.

Alternative 3: Vista Del Sur Alternative (VDSA)

Description: The Vista del Sur Alternative (VDSA) is being analyzed in the event that the westerly extension of Avenue 48/Shadow View Boulevard cannot be completed due to the need for the Project applicant to acquire the necessary right-of-way to install this roadway. Vista del Sur is a dedicated City roadway which connects to the northerly extension of Street “A.” This alternative would allow for the development of the Project as proposed but with another connection to Dillon Road to the west of the Project site. Under the VDSA scenario, approximately 5,834 linear feet of roadway (at 34’ in width) will be constructed. This is in contrast to the Project’s westerly extension of Avenue 48/Shadow View Boulevard that would involve 11,600 linear feet of roadway improvements. (Draft EIR, p. 5-18.) However, there are intersection geometrics which will only allow Vista del Sur to serve as secondary access to the Project site. No left turning movements will be allowed at the intersection of Dillon Road and Vista Del Sur. Vehicles will be required to drive past this intersection and make a U-turn southerly of this intersection. After the U-turn, Vista Del Sur access will be a right-hand turning movement. No improvements to Tyler Street would be required under the VDSA Alternative beyond those previously analyzed in the Traffic Impact Study prepared for Vista Del Agua Project.

Impacts: The VDSA would not involve the removal of aesthetic resources that would occur under the westerly extension of Avenue 48/Shadow View Boulevard, but all other Project impacts to aesthetic resources would remain the same. Accordingly, aesthetic resource impacts from VDSA would be less than that of the proposed Project but would not completely avoid or reduce the significant and unavoidable aesthetic impacts. (Draft EIR, p. 5-18.) With respect to agricultural resources, the VDSA would have less impacts than the Project because it would not involve the removal of agricultural resources that would otherwise occur under the westerly extension of Avenue 48/Shadow View Boulevard if the proposed Project were to proceed. (Draft EIR, p. 5-18.) However, VDSA would not eliminate or reduce the significant and unavoidable impacts on agricultural resources. Similarly, the VDSA would have reduced air quality impacts than the Project, resulting in a 50% reduction in construction emissions, and less cumulative greenhouse gas emissions, but does not eliminate or reduce the significant and unavoidable air quality/greenhouse gas impacts. (Draft EIR, p. 5-18.)

Finally, VDSA would also have significant and unavoidable transportation/traffic issues. (Draft EIR, p. 5-20.) Thus, implementation of mitigation measures would still be required. The configuration of the intersection of Vista Del Sur and Dillon Road will limit turning movements to and from this intersection, which will further impede traffic circulation and emergency vehicle access. There will be no left-turn movement from southbound Dillon Road to Vista Del Sur. A right-turn movement will be allowed from Dillon Road (northbound) onto Vista Del Sur. Vista Del Sur will only allow for a right-turn movement onto

northbound Dillon Road. Under the VDSA, the intersection geometrics will only allow Vista del Sur to serve as secondary access to the Project site. This will actually serve to exacerbate traffic conditions on Dillon Road and at the intersection of Dillon Road and Vista Del Sur. Traffic impacts would be greater due to the inefficient manner in which this intersection will function and the increased number of U-turns that will be required to access the site. This will negatively affect the AM and PM peak hours of this intersection, as well as the Dillon Road segment in proximity of this intersection.

Attainment of Project Objectives: The following are the Project Objectives from Section 3.3 of the Draft EIR (Draft EIR, p. 3-3):

- Create a distinctive “sense of community” unifying areas through high quality design criteria and utilizing the natural surroundings;
- High Connectivity - Implement an aesthetically pleasing and functional community concept by integrating community areas, residential areas, parks and commercial areas through connection of walkways, paseos and trails;
- Provide community focus areas within walking distance between neighborhoods;
- Provide a balanced mix of economically viable commercial and residential land uses that will utilize the Enterprise Zone³ to promote local job creation;
- Provide a transition blend of rural and suburban lifestyles; and
- Provide a diverse mix of housing options.

The VDSA meets all of the Project objectives. (Draft EIR, p. 5-21.)

Findings: The City Council rejects Alternative 3: Vista del Sur Alternative, as (1) failing to avoid or substantially reduce environmental impacts, and (2) Alternative 3 is infeasible. The following provides the grounds justifying the rejection of Alternative 3.

1. Alternative 3 fails to avoid/substantially reduce significant environmental impacts. Alternative 3 would reduce, but not eliminate, the Project’s significant impacts regarding aesthetics, agricultural resources, and air quality/greenhouse gas. Traffic impacts, however, would be exacerbated under Alternative 3. As discussed above, the configuration of the intersection of Vista Del Sur and Dillon Road will limit turning movements to and from this intersection, which will further impede traffic circulation and emergency vehicle access. There will be no left-turn movement from southbound Dillon Road to Vista Del Sur. A right-turn movement will be allowed from Dillon Road (northbound) onto Vista Del Sur. Vista Del Sur will only allow for a right-turn movement onto northbound Dillon Road. Under the VDSA, there are intersection geometrics which will only allow Vista del Sur to serve as secondary access to the Project site. This will actually serve to exacerbate traffic conditions on Dillon Road and at the intersection of Dillon Road and Vista Del Sur. Traffic impacts would be greater due to the inefficient manner in which this intersection will function and the increased number of U-turns that will be required to access the site. This will negatively affect the AM and PM peak hours of this intersection, as well as the Dillon Road segment in proximity of this intersection.
2. Alternative 3 is infeasible for the following specific fact-based reasons.
 - Alternative 3 does not include Shadow View Boulevard, which is set forth in the City’s Circulation Element, as an arterial street (see General Plan, p. O5-7 [Figure 5-1], and p. O5-3 [Table 5-1, Street Typologies]). General Plan Figure 5-1 illustrates that Shadow View Blvd is designated as a Major Arterial with Bicycle Facility (to be developed to a 118-foot right-of-way with six travel lanes) and is planned to connect Dillon Road easterly to Avenue 48.
 - The intersection geometrics necessary to accommodate Alternative 3 make the alternative infeasible as they lead to an exacerbation of traffic impacts. No left turning movements will be allowed at the intersection of Dillon Road and Vista Del Sur.

³ The Enterprise Zone is being deleted from the Project Objectives per the Final EIR Errata as it is no longer part of the current General Plan and is, therefore, obsolete.

- The increased number of U-turns and inefficient functioning of the intersection will negatively affect the AM and PM peak hours of this intersection, as well as the Dillon Road segment in proximity of this intersection.
- Emergency vehicle access will also be negatively impacted. Emergency vehicles will also be restricted from accessing the Project site via a left turning movement at the intersection of Dillon Road and Vista Del Sur. This could negatively impact response times in the event of an emergency.
- Restricted access could result in safety issues for motorists and pedestrians at the Dillon Road and Vista Del Sur intersection due to the increased number of U-turns.

The following, additional alternative, not discussed in the EIR will be analyzed below. This alternative shall be analyzed in accordance with Section 15126.6, Consideration and Discussion of Alternatives to the Proposed Project, of the State CEQA Guidelines.

Alternative 4: Tyler Street Southerly Extension from Avenue 47 to 800' south of Avenue 49 (Primary Access) and Extension of Vista Del Sur to Dillon Road (Secondary Access) Alternative (Alternative 4)

Description: Alternative 4 is being analyzed for Project access without the need for the development of Shadow View Boulevard (for either primary or secondary access to the Project site). Under Alternative 4, Avenue 47 will be extended westerly from Street "A" to Tyler Street and Tyler Street will be extended southerly to 800' south of Avenue 49 (which will tie into the Caltrans State Route 86/Avenue 50 New Interchange Project). This would serve as the primary access to the Project. Avenue 47 and Tyler Street are dedicated City roadways. This 4th alternative was developed in response to comments on the DEIR alternatives analysis. The purpose of this Alternative was to explore an option whereby no portion of the Shadow View Specific Plan, including Shadow View Boulevard would be needed for either primary, or secondary access to the Vista Del Agua Project. Vista Del Sur would become the secondary access. As discussed above in Alternative 3, No left turning movements will be allowed at the intersection of Dillon Road and Vista Del Sur. Vehicles will be required to drive past this intersection and make a U-turn southerly of this intersection. After the U-turn, Vista Del Sur access will be a right-hand turning movement. Traffic impacts would be greater due to the inefficient manner in which this intersection will function and the increased number of U-turns that will be required to access the site. This will negatively affect the AM and PM peak hours of this intersection, as well as the Dillon Road segment in proximity of this intersection.

Vista Del Sur is a dedicated City roadway which connects to the northerly extension of Street "A." Under the Alternative 4 scenario, approximately 13,721 linear feet of roadway (at 34' in width) will be constructed for Avenue 47, Tyler Street and Vista Del Sur (1,762 feet, 6,125 feet and 5,834 feet, respectively). This equals a total of 2.59 miles of roadway with 0.33 mile for Avenue 47, 1.16 mile for Tyler Street, and 1.10 mile for Vista Del Sur. This is in contrast to the Project's westerly extension of Avenue 48/Shadow View Boulevard that would involve 11,600 linear feet of roadway improvements. (Draft EIR, p. 5-18.)

Impacts: The Project, as well as Alternative 2, involves the westerly extension of Avenue 48/Shadow View Boulevard. Alternative 3 would not allow the westerly extension of Avenue 48/Shadow View Boulevard but would, instead, rely on Vista Del Sur for primary and secondary access. Alternative 4 also does not allow the westerly extension of Avenue 48/Shadow View Boulevard, but instead provides primary access to the site via Tyler Street and Avenue 50. Alternative 4 would involve the removal of aesthetic resources that would occur under the westerly extension of Avenue 48/Shadow View Boulevard; however, Project impacts to aesthetic resources would remain the same along the Tyler Street extension. Accordingly, aesthetic resource impacts from Alternative 4 would be less than that of the proposed Project but would not completely avoid or reduce the significant and unavoidable aesthetic impacts. (Draft EIR, p. 5-18.) With respect to agricultural resources, Alternative 4 would have less impacts than the Project because it would not involve the removal of agricultural resources that would otherwise occur under the westerly extension of Avenue 48/Shadow View Boulevard if the proposed Project were to proceed. (Draft EIR, p. 5-18.) However, Alternative 4 would not eliminate or reduce the significant and unavoidable impacts on agricultural resources.

Alternative 4 would have similar air quality impacts as the Project and does not eliminate or reduce the significant and unavoidable air quality/greenhouse gas impacts. (Draft EIR, p. 5-18.) In fact, as set forth in a Supplemental VMT, GHG, & NOx analysis for Alternative 4 (Exhibit "A"), RK Engineering has found that by extending the distance that must be traveled to access the project (2.7 miles under Alternative 4 compared to 1.5 miles under the Project), the annual VMT increases by approximately 3,192,134 vehicles miles traveled per year. This correlates to an *increase* in NOx by approximately 5.3 pounds per day. Oxides of Nitrogen (NOx) are the primary criteria air pollutants of concern because the project was found to exceed the SCAQMD regional thresholds for NOx and cause a significant unmitigable impact to air quality resources. The increase in VMT also correlates to an *increase* in GHG emissions by 1,280.1 MTCO2e per year. Therefore, Alternative 4 not only would not reduce significant and unavoidable air quality and greenhouse gas impacts, but it would actually increase these significant impacts as compared to the Project. (Vista Del Agua Specific Plan EIR Alternative 4 Supplemental VMT, GHG & NOx Analysis, City of Coachella, RK Engineering, March 11, 2020.)

Finally, Alternative 4 would have similar significant and unavoidable transportation/traffic issues as that of the Project. (Draft EIR, p. 5-20.) Thus, implementation of mitigation measures would still be required.

Attainment of Project Objectives: The following are the Project Objectives from Section 3.3 of the Draft EIR (Draft EIR, p. 3-3):

- Create a distinctive "sense of community" unifying areas through high quality design criteria and utilizing the natural surroundings;
- High Connectivity - Implement an aesthetically pleasing and functional community concept by integrating community areas, residential areas, parks and commercial areas through connection of walkways, paseos and trails;
- Provide community focus areas within walking distance between neighborhoods;
- Provide a balanced mix of economically viable commercial and residential land uses that will utilize the Enterprise Zone⁴ to promote local job creation;
- Provide a transition blend of rural and suburban lifestyles; and
- Provide a diverse mix of housing options.

Similar to the VDSA, Alternative 4 meets all of the Project objectives. (Draft EIR, p. 5-21.)

Findings: The City Council rejects Alternative 4 as(1) failing to avoid or substantially reduce significant environmental impacts, and (2) Alternative 4 is infeasible. The following provides the grounds which justify the rejection of Alternative 4:

1. Alternative 4 fails to avoid/substantially reduce significant environmental impacts. Alternative 4 would not eliminate or reduce the significant and unavoidable impacts on agricultural resources. Alternative 4 would not eliminate or reduce the significant and unavoidable air quality/greenhouse gas impacts but would actually increase these impacts due to an increase in VMT to access the Project site. (Draft EIR, p. 5-18; Vista Del Agua Specific Plan EIR Alternative 4 Supplemental VMT, GHG & NOx Analysis, City of Coachella, p. 4) Finally, Alternative 4 would have similar significant and unavoidable transportation/traffic issues as that of the Project. (Draft EIR, p. 5-20.)
2. Alternative 4 is infeasible for the following specific fact-based reasons:
 - Alternative 4 does not include Shadow View Boulevard, which is set forth in the City's Circulation Element, as an arterial street (see General Plan, p. O5-7 [Figure 5-1], and p. O5-3 [Table 5-1, Street Typologies]). General Plan Figure 5-1 illustrates that Shadow View Blvd is designated as a Major Arterial with Bicycle Facility (to be developed to a 118-foot right-of-way with six travel lanes) and is planned to connect Dillon Road easterly to Avenue 48.

Conclusion

⁴ The Enterprise Zone is being deleted from the Project Objectives per the Final EIR Errata as it is no longer part of the current General Plan and is, therefore, obsolete.

The extension of Shadow View Boulevard, as proposed by the Project, is consistent with the City's plan for its ultimate development. Each of the four alternatives analyzed in the EIR or developed in response to comments, is not feasible to provide primary access to the Project site. Alternatives 1 and 2 also fail to meet Project objectives, while Alternative 3 exacerbates significant and unavoidable traffic impacts. Each alternative, including Alternative 4, is also properly rejected due to infeasibility as each involves conflicts with the City's General Plan.

Conditions of Approval For Specific Plan No. 14-01:
Vista Del Agua – Master Planned Community

General Conditions

1. The applicant shall defend, indemnify and hold harmless the City of Coachella, its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any project approval or condition of approval of the City concerning this project, including but not limited to any approval or condition of approval or mitigation measure imposed by the City Council or Planning Commission. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the matter. The applicant shall execute an indemnification agreement, in a form acceptable to the City Attorney, within five days of the effective date of this approval.
2. The words identified in the following list appear in capitals in the attached Conditions of Approval for Specific Plan No. 14-01: Vista Del Agua Project ("City Approvals") and shall be henceforth defined as follows:

SPECIFIC PLAN: Specific Plan No. 14-01: Vista Del Agua

CHANGE OF ZONE: Change of Zone No.14-01

GPA: General Plan Amendment No. 14-01

DEVELOPMENT AGREEMENT: Vista Del Agua Development Agreement

EIR: Environmental Impact Report No. 14-04 TPM:

Tentative Parcel Map No. 36872

BUILDER'S TENTATIVE MAP: A Builder's Tentative Map created for the purpose of designing individual residential lots or multi-family units for sale to end-user homeowners.

BUILDING PERMITS: The number of dwelling units constructed within an implementing project Any condition of approval that uses the term "Building Permit" to trigger an event or to cause another action to take place shall be interpreted to mean "Dwelling Units" as enumerated within the TOTAL DWELLING UNIT TRACKING MATRIX.

COMMERCIAL MAP: A Commercial Map is the division of a lot or parcel of land into two or more lots for the purpose of creating a development for commercial or business related purposes. This definition includes, but is not limited to, retail commercial and office commercial uses.

IMPLEMENTING PROJECT: An implementing Project is a subsequent project, located in the Specific Plan area, pursuant to either a Builder's Tentative Map or Commercial Map.

MASTER SUBDIVISION MAP: A Master Subdivision Map is a map that subdivides large tracts of land into smaller parcels for the purpose of later selling or otherwise transferring the parcels for further subdivision together with planning and construction of infrastructure elements, but not for the purpose of creating individual commercial parcels or individual residential lots for sale to end-user homeowners. The purpose and intent of the Master Subdivision Map process is to allow subdivision of land to correspond to Specific Plan Planning Areas, open space, and infrastructure elements without allowing the creation of individual commercial or residential lots. For nonresidential property, while the Master Subdivision Map process may create parcels which may or may not be subdivided further, no building may be undertaken on any master parcel unless and until all other required discretionary entitlements have been lawfully obtained, as required by applicable land use and development regulations of the Specific Plan. The boundary lines on any Master Subdivision Map shall correspond to applicable Planning Area plan land use designations and infrastructure elements.

SPECIFIC PLAN NO. 14-01: The Vista Del Agua Specific Plan dated January 2019 including the following:

- a) The Specific Plan Document shall include the following:
 - 1. City Council General Plan Amendment 14-01 resolution;
 - 2. City Council Specific Plan 14-01 ordinance including the Conditions of Approval;
 - 3. Specific Plan Zoning Ordinance; and
 - 4. Specific Plan text, land use map and supporting exhibits.
- b) Final Environmental Impact Report No.14-04 includes the following:
 - 1. Draft Environmental Impact Report
 - 2. Comments received on DEIR either verbatim or in summary;
 - 3. A list of persons, organizations and public agencies commenting on the DEIR;
 - 4. Responses of the City to significant environmental points raised in the review and consultation process;
 - 5. Errata;
 - 6. Technical Appendices on CD;
 - 7. Mitigation Monitoring and Reporting Program

TOTAL DWELLING UNIT TRACKING MATRIX- A chart for tracking the total build out of the Specific Plan maintained by the City, Development Services Department. The matrix shall differentiate between individual Building Permits and the total number of dwelling units that are represented by the Building Permits that have been issued for the entire Specific Plan.

All other terms not specifically defined herein shall have the same meaning set forth in the Specific Plan.

3. In the event of an inconsistency between these Conditions of Approval and the Specific Plan or Development Agreement, the terms and conditions of the Specific Plan and Development Agreement, as applicable, shall prevail. All implementing actions associated with the City Approvals shall be consistent with the Specific Plan and the Development Agreement.
4. The development of the property shall be in accordance with the mandatory requirements of all City of Coachella ordinances and state laws and shall conform substantially to the adopted Specific Plan and Environmental Impact Report as approved by the City of Coachella.
5. All Planning Area numbers shall be retained throughout the life of the Specific Plan, in accordance with Section 4 of the Specific Plan.
6. Density transfers between Planning Areas are permitted in accordance with Section 8E of the Specific Plan.
7. Prior to the approval of any Implementing Project, the applicant shall provide a Total Dwelling Unit Tracking Matrix. The Matrix Table will track Planning Area entitled units, Tentative Tract Map units, Final Map recorded units, and units actually built within every planning area in the Specific Plan. The purpose of this tracking sheet is to enable the Development Services Department to ensure compliance with the established Planning Area development ranges as outlined in Land Use Table 4-A of the Specific Plan.
8. Mitigation measures included in the project Mitigation Monitoring and Reporting Program are hereby incorporated by reference as project conditions of approval.
9. The Development Services Director or his/her designee may allow minor modifications or adjustments to these Conditions of Approval through an administrative review process, so long as those minor modifications and adjustments are consistent with the City Approvals and the Specific Plan.
10. The applicant has ninety (90) days from the date of the approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees, dedications, reservations and/or exactions imposed on this project as a result of the approval or conditional approval of this project.

Prior to the issuance of a Grading Permit

The following conditions shall be included as conditions of all subsequent Tentative Tract Maps:

11. All grading shall be performed in accordance with the applicable provisions of the California Building Code, project's Mitigation Monitoring and Reporting Program, the Specific Plan and the City General Plan, as amended.

12. Prior to the issuance of a grading permits(s), all certifications affecting grading shall have written clearances, including, but not limited to additional environmental assessments, erosion control plans and geotechnical/soils reports.
13. Grading of the site will be done in substantial conformance with a mass grading plan submitted at the time of the first Master Tentative Tract Map.
14. Per the requirements of CVWD, prior to the issuance of grading permits, the developer shall provide the following for those drainage facilities impacted by the proposed grading:
 - a) Provide flood control plans that incorporate the required mitigation measures to protect existing CVWD facilities, and satisfy all applicable regulations and standards.
 - b) Obtain a Conditional Letter of Map Revision (CLOMR) through the Federal Emergency Management Agency (FEMA).
 - c) Execute an agreement with CVWD, which shall include provisions outlined in CVWD Ordinance No. 1234.1.
 - d) Submit to CVWD a Flood Control Facility Operations and Maintenance Manual for review and approval.
 - e) Grant flooding easements over the flood control facilities in a form and content reasonably acceptable to CVWD.
 - f) Submit final construction plans for the proposed flood control facilities and a detailed hydrologic and hydraulic design report for review and approval.

Prior to or concurrent with the submittal of a Master Tentative Map

15. The first Master Tentative Map must provide for all requisite on-site and off-site easements, rights-of-way and alignments for vehicular access and extension of utility infrastructure, including reclaimed water facilities, to the project site.
16. The Shadow View Blvd. access shall be designed as approved by the City Engineer and the Fire Department. Timing of the ultimate improvement shall be in accordance with the requirements of the Specific Plan and EIR.
17. Plans including, without limitation, financing details, preliminary design plans and a construction-phasing schedule for the project's landscaping in accordance with Exhibits 7-1 thru 7-9 (Landscape Master Plan) of the Specific Plan shall be part of the first Master Tentative Map.
18. Ultimate parkway and median landscaping for all backbone streets including Shadow View Blvd, Avenue 47, Avenue 48, Polk Street, Vista del Sur and "A" Street shall be installed in conjunction with development of the planning area immediately adjacent to the road segment.
19. A recreation and open space concept plan that includes trails, parks, the paseo and the drainage trail connections and provides detail on layout, grading, utilities, plant palette and lighting is

required for each phase of the project. The plan shall be submitted and approved by the City's Development Services Director or his/her designee concurrently with the first Tract Map for the particular phase of development.

20. A transit plan, illustrating the location and spacing of transit facilities, shall be submitted to SunLine Transit Agency in conjunction with the first Master Tentative Map.
21. In accordance with Section 7 of the Specific Plan, a Master Signage Program shall be prepared and approved by the City's Development Services Director or his/her designee to provide for design continuity within the Vista Del Agua Community.
22. In accordance with Figures 7-6 and 7-7 of the Specific Plan, a Master Wall and Fencing Plan shall be prepared and approved by the City's Development Services Director or his/her designee to provide for design continuity within the Vista Del Agua Community.
23. All improvement plans for landscaped elements including, without limitation, parkways, medians, paseos and trails shall conform to the standards contained in Figures 7-1 thru 7-9 of the Specific Plan.
24. All parks shall be constructed in accordance with Figure 8-1 (Phasing Plan) of the Specific Plan.

Prior to or concurrent with submittal of a Builder's Tentative Map or Commercial Map

25. Prior to or concurrent with approval of a Builder's Tentative Map or Commercial Map, traffic related improvements shall be constructed in accordance with Mitigation Measures TR1, TR2, TR 3, TR 4 and TR 5.
26. In accordance with Section 7D, Development Guidelines of the Specific Plan, a detailed Sign Plan in conformance with the Master Signage Program shall be prepared and approved by the City's Development Services Director or his/her designee as part of the design review process.
27. In accordance with Section 7D, Development Guidelines of the Specific Plan, a detailed Wall and Fencing Plan in conformance with the Master Wall and Fencing Plan shall be prepared and approved by the City's Development Director or his/her designee as part of the design review process.
28. All improvement plans for landscaped elements including, without limitation, parkways, medians, paseos and trails shall conform to the standards contained in Section 7D of the Specific Plan.
29. Commercial and residential builders shall design all structures in accordance with the guidelines set forth in the City's Climate Action Plan (CAP), US Green Building Council LEED and GreenPoint Rated standards. LEED certification is not required. All commercial

and residential builders shall comply with or exceed the most current Title 24 energy efficiency and CALGreen building standards.

30. All Final maps may be phased. The number of phased final maps that may be filed shall be determined by the Developer and Development Services Director or his/her designee at the time of the approval or conditional approval of the tentative map.

Prior to Recordation of a Builder's or Commercial Final Map

31. Developer's facilities obligations may be financed through the use of one or more Financing Districts including, without limitation, a Community Facilities Financing District for improvements, public services, including without limitation police and fire services, fees or maintenance costs. Any Vista Del Agua specific Financing District must include a component for police and fire services. In the event that a Vista Del Agua-specific Financing District is not formed, prior to recordation of the first Final Map, the applicant or successor in interest shall annex the subject property into the City's Community Facilities District (CFD 2005-01) for City Police, Fire and Paramedic services.
32. Prior to Map recordation, a permanent master maintenance organization shall be established for the Specific Plan area to assume ownership and maintenance responsibility for all common recreation, open space, circulation systems and landscaped areas. The organization may be public or private.
- a) If the organization is a private organization, then neighborhood associations shall be established for each residential development where required and such associations may assume ownership and maintenance responsibility for neighborhood common areas.
 - b) Common open areas shall be conveyed to the maintenance organization as implementing development is approved or any subdivision is recorded.
 - c) The maintenance organization shall be established prior to or concurrent with recordation of the first land division.
 - d) Covenants, Conditions and Restrictions (CC&Rs) shall be prepared by the applicant, reviewed and approved by the City Attorney in compliance with the following guidelines.
 - i. The CC&Rs shall be consistent with the Community Design Guidelines (Section 4) of the adopted Specific Plan.
 - ii. The CC&Rs shall include a disclosure to residential owners in substantially the same form as: "The Vista Del Agua property is located, partially or wholly, adjacent to land zoned for agricultural purposes by the City of Coachella. No agricultural activity, operation, or facility or appurtenances thereof, conducted or maintained for commercial purposes in the City of Coachella and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality shall be or

become a nuisance, private or public, due to any changed condition in or after the locality, after the same has been in operation for more than three years, if it was not a nuisance at the time it began."

- iii. The CC&Rs shall include a disclosure to residential owners in substantially the same form as; "The easterly portion of the Vista Del Agua project is within an earthquake fault zone that has been designated by the California State Geologist as the San Andreas fault zone under a California law called the Alquist-Priolo Earthquake Fault Zoning Act (California Public Resources Code Sections 2621 through 2630). This Act prohibits the construction of structures for human occupancy over the trace of an active fault line. An active fault trace is the location of an earthquake fault that has broken the ground surface in about the last 11,000 years."
- iv. The CC&Rs shall include a disclosure and provide information to future residential owners and business owners on the benefits of installing and utilizing energy conservation measures and renewable energy resources as a means of reducing dependence on non-renewable energy sources.

Prior to Occupancy Permits of a Builder's Map or Commercial Map

33. Per the requirements of CVWD, prior to the issuance of occupancy permits, the developer shall:

- a) Obtain a Letter of Map Revision (LOMR) through FEMA.
- b) At the completion of the construction of the flood control facilities, submit "as built" topography, construction drawings, and engineering analysis for CVWD review to verify that the design capacity is adequate.

Conditions of Approval for Parcel Map 36872

1. The applicant shall defend, indemnify and hold harmless the City of Coachella, its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any project approval or condition of approval of the City concerning this project, including but not limited to any approval or condition of approval or mitigation measure imposed by the City Council or Planning Commission. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the matter. The applicant shall execute an indemnification agreement, in a form acceptable to the City Attorney, within five days of the effective date of this approval.
2. This map is for financing and conveyance purposes only. No development entitlements are associated with Tentative Parcel Map No. 36872.
3. The following statement must be clearly printed on the face of Tentative Parcel Map No. 36872:

FOR FINANCE AND CONVEYANCE PURPOSES ONLY. THIS MAP DOES NOT CREATE ANY LEGAL BUILDING SITES. FURTHER APPLICATIONS ARE NECESSARY TO DEVELOP THIS PROPERTY.

4. Tentative Parcel Map No. 36872 is approved for 24 months from the final date of City Council approval unless a one-year time extension is requested by the applicant and approved by the Planning Commission unless these timeframes are superseded by the terms of the Vista Del Agua Development Agreement.
5. Tentative Parcel Map No. 36872 and any final maps shall be consistent with the Vista Del Agua Specific Plan.
6. No development or improvement of any portion of this map shall be permitted until a subsequent Builder's Tentative Map or Commercial Map is recorded in accordance with the applicable provisions of the Vista Del Agua Specific Plan Conditions of Approval, Subdivision Map Act, and the City of Coachella Subdivision Ordinance for the subdivision described in this map.
7. The Final Parcel Map shall comply with the Subdivision Map Act and City of Coachella Subdivision Ordinance.
8. In accordance and compliance with the Conditions of Approval for SP 14-01, developer's facilities obligations may be financed through the use of one or more Financing Districts including, without limitation, a Community Facilities Financing District for improvements, public services, including without limitation police and fire services, fees or maintenance costs.

Any Vista Del Agua specific Financing District must include a component for police and fire services. In the event that a Vista Del Agua-specific Financing District is not formed, prior to recordation of the Final Map, the applicant or successor in interest shall annex the subject property into the City's Community Facilities District (CFD 2005-01) for City Police, Fire and Paramedic services. The applicant shall cooperate with the City to include the subject property in CFD 2005-01.

9. Approval of Tentative Parcel Map No. 36872 is contingent upon City Council certification of EIR 14-04 and City Council approval of General Plan Amendment 14-01, Specific Plan No. 14-01 and Change of Zone 14-01.

ATTACHMENT 13
VISTA DEL AGUA SPECIFIC PLAN

The Vista Del Agua Specific Plan is available to download in four parts at the Weblinks Below:

Vista Del Agua SP - Part I <https://www.coachella.org/home/showdocument?id=7845>

Vista Del Agua SP - Part II <https://www.coachella.org/home/showdocument?id=7847>

Vista Del Agua SP - Part III <https://www.coachella.org/home/showdocument?id=7849>

Vista Del Agua SP - Part IV <https://www.coachella.org/home/showdocument?id=7851>

Vista Del Agua Water Supply Assessment FINAL



City of Coachella

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December 2017

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ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ACF	Annual Consumption Factor
AF	Acre Feet
AFY	Acre Feet per Year
APA	Administrative Procedure Act
BDCP	Bay Delta Conservation Plan
BIOps	Biological Opinions
BOR	Bureau of Reclamation
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CIP	Capital Improvement Plan
CR	Colorado River
CRA	Colorado River Aqueduct
CUWCC	California Urban Water Conservation Council
CVAG	Coachella Valley Association of Governments
CVP	Central Valley Project
CVRWVG	Coachella Valley Regional Water Management Group
CVSC	Coachella Valley Stormwater Channel
CVWD	Coachella Valley Water District
CVWMP	Coachella Valley Water Management Plan
CWA	Coachella Water Authority
CWC	California Water Code
DFW	Department of Fish and Wildlife
DMM	Demand Management Measures
DWR	Department of Water Resources
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FWS	Fish and Wildlife Service
GPCD	Gallons per Capita per Day
GPD	Gallons per Day
GPM	Gallons per Minute
GSA	Groundwater Sustainability Agency
GSP	Groundwater Sustainability Plan
HDR	High Density Residential
ID	Improvement District
IID	Imperial Irrigation District
IRWMP	Integrated Regional Water Management Plan
IWA	Indio Water Authority
LAFCO	Local Agency Formation Commission
LDR	Low Density Residential
MCL	Maximum Contaminant Limit
MDR	Medium Density Residential
MG	Million Gallons
MGD	Million Gallons per Day

MOU	Memorandum of Understanding
MU	Mixed Use
MVP	Mid-Valley Pipeline
MWD	Metropolitan Water District
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
PEIR	Programmatic Environmental Impact Report
PPR	Present Perfected Rights
PVID	Palo Verde Irrigation District
PWS	Public Water System
QSA	Quantification Settlement Agreement
RAC	Replenishment Assessment Charge
RCTLMA	Riverside County Transportation and Land Management Agency
RO	Reverse Osmosis
RPA	Reasonable and Prudent Alternative
RUWMP	Regional Urban Water Management Plan
RV	Recreational Vehicle
SB	Senate Bill
SCADA	Supervisory Control and Data Acquisition
SCAG	Southern California Association of Governments
SCH	State Clearinghouse
SDCWA	San Diego County Water Authority
SGMA	Sustainable Groundwater Management Act
SOI	Sphere of Influence
SPEIR	Subsequent Programmatic Environment Impact Report
SWP	State Water Project
SWRCB	State Water Resources Control Board
UWMP	Urban Water Management Plan
VLDR	Very Low Density Residential
VSD	Valley Sanitary District
WRP	Water Reclamation Plant
WSA	Water Supply Assessment
YCWA	Yuba County Water Agency

SECTION 1 INTRODUCTION

1.1 Introduction

In 2002, California Water Code (CWC) Sections 10910 through 10915 were amended by the enactment of Senate Bill 610 (SB 610) to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 provides that when a city or county determines that a “project” as defined in CWC Section 10912 is subject to review under the California Environmental Quality Act (CEQA), the city or county must identify the water supply agency that will provide retail water service to the project and request that water supplier to prepare a Water Supply Assessment (WSA).¹ The proposed Vista Del Agua development project (referred to herein as the “Project” or “Vista Del Agua”) includes 1,640 dwelling units (mixture of single and multi-family residential units), 16.8 acres of mixed-use development with up to 281,400 square feet of retail/commercial floor area, 8.3 acres of neighborhood commercial, 13.8 acres of park land, and 9.5 acres of open trails; and thus qualifies as a “project” under SB 610. Generally, a WSA must evaluate whether the total projected water supplies available to the water supplier during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the water supplier’s existing and planned future uses, including agricultural and manufacturing uses.

This WSA has been prepared in accordance with the requirements of SB 610. Accordingly, the information, analyses, and conclusions contained herein utilize and rely upon, in part, the information, analyses and conclusions set forth in other water supply planning documents that have been prepared and duly adopted by agencies such as the City of Coachella (City), the Coachella Valley Water District (CVWD), and the California Department of Water Resources (DWR). Those documents include, without limitation, the City’s 2015 Urban Water Management Plan (City 2015 UWMP), CVWD’s 2015 Urban Water Management Plan (CVWD 2015 UWMP), CVWD’s 2010 Coachella Valley Water Management Plan Update (2010 CVWMP), the 2011 Subsequent Programmatic Environmental Impact Report for the 2010 CVWMP (2011 SPEIR), the 2014 Water Management Plan Status Report for the 2010 CVWMP (2014 Status Report), and the 2014 Coachella Valley Integrated Regional Water

¹For purposes of CWC Section 10912(a), a “project” includes any of the following: (1) a proposed residential development of more than 500 dwelling units; (2) a proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space; (3) a proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space; (4) a proposed hotel or motel, or both, having more than 500 rooms; (5) a proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area (provided; however, that until January 1, 2017, a photovoltaic or wind energy generation facility is not a “project” that requires a WSA if the facility would demand no more than 75 acre-feet of water annually); (6) a mixed-use project that includes one or more of the above-specified projects; or (7) a project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

Management Plan (2014 IRWMP). Moreover, in relation to the exchange agreements (see **Section 4** below), the ability of the Metropolitan Water District of Southern California (MWD) to carry out its role is supported by MWD's water supply planning documents, including its 2015 Regional Urban Water Management Plan (MWD 2015 RUWMP) and 2015 Integrated Resources Plan.² The environmental review document being prepared pursuant to CEQA for the Vista Del Agua Project is a Programmatic Environmental Impact Report. The water supply analysis provided in this document pursuant to the WSA statute is intended to support that CEQA review.

1.2 Water Supplier

The City of Coachella Water Authority (CWA) was established in 1957 and is administered and managed by the Utilities General Manager under direct supervision of the City Manager. The City is responsible for providing water service to its residents, and will be the water supplier for the Vista Del Agua Project.

As a public water supplier in the Coachella Valley, the City and CWA maintain a close and cooperative relationship with CVWD. CVWD was formed in 1918 to protect and conserve local water sources. Since then, the district has grown into a multi-faceted agency that delivers irrigation and domestic water (including drinking water), collects and recycles wastewater, provides regional storm water protection, replenishes the groundwater basin, and promotes water conservation. CVWD is a special district established by the state legislature and governed by a five-member Board of Directors. While a large part of CVWD's history is in agricultural irrigation, today it meets the water-related needs of more than 107,000 homes and businesses across 1,000 square miles in various areas of service, including: domestic water; groundwater replenishment and imported water; wastewater treatment; recycled water; stormwater protection and flood control; agricultural irrigation and drainage, and water conservation. (Additional information regarding CVWD is provided in **Sections 1.4.2** through **1.4.4** below.)

In September 2009, CVWD and the City signed a Memorandum of Understanding (2009 MOU) to assist in ensuring a sufficient and reliable water supply for development projects within the City and its sphere of influence (SOI) in a manner consistent with CVWD's CVWMP as amended from time to time.³ Under the terms of the 2009 MOU, various means are identified by which the City can provide for the supply of supplemental water to offset the demands associated with development projects approved by the City. For instance, under the 2009 MOU the City can participate in funding CVWD's acquisition of supplemental water supplies to offset demands associated with newly approved projects within the City's SOI.⁴ In February 2013, CVWD and the City signed a Memorandum of Understanding (2013 MOU)

²Copies of these documents are made part of the record in support of this WSA and are incorporated and included herein as Appendix A.

³A copy of the 2009 MOU between the City and CVWD is incorporated and included herein as Appendix B.

⁴ See, e.g., CVWD 2010 CVWMP, p. 3-3.

regarding implementation of the 2009 MOU.⁵ Among other things, the 2013 MOU further specifies the mechanism by which the City can finance and acquire supplemental water supplies from CVWD to meet the projected demands of new development projects, and establishes a process for preparing and adopting Water Supply Assessments and Written Verifications for such projects. As further set forth below, the 2013 MOU applies to the Vista Del Agua Project, and the supplemental water supplies referred to in the 2013 MOU have been considered by CVWD as part of the 2010 CVWMP Update and related 2011 SPEIR.

1.3 Purpose of Document

As mentioned above, this WSA is required under SB 610 because, among other features, the Project includes more than 500 residential dwelling units. Moreover, in accordance with SB 610 and applicable provisions of CEQA, the WSA will be included as part of the CEQA documentation being prepared for the Project. In the following sections, this WSA will evaluate whether the total projected water supplies available to the City during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with Vista Del Agua, in addition to the City's existing and planned future uses, including agricultural and manufacturing uses. Notably, the water demands associated with the Vista Del Agua Project have been accounted for and are part of the projected growth analyzed by CVWD in its recent 2015 UWMP and 2011 SPEIR analyses, which are further discussed below.

1.4 Existing Water Management Plans

In accordance with Water Code Section 19010(c)(1), the City has reviewed whether the projected water demand associated with the Project was included as part of the City's most recently adopted 2015 Urban Water Management Plan. The City's 2015 UWMP did not specifically reflect the demands associated with Vista Del Agua; however, the demand projections do account for growth for new development projects such as Vista Del Agua. In addition, the demands associated with the Project have been accounted for as part of CVWD's regional water supply planning efforts, which specifically include population projections within the City and the City's SOI through the year 2045 in accordance with the Riverside County Center for Demographic Research RCP 06 planning process.⁶ Therefore, and as set forth herein, the projected water demands of Vista Del Agua have already been considered in preparing and adopting the City's 2015 UWMP and CVWD's 2010 CVWMP and 2011 SPEIR. These and other documents are described in more detail in the following sections.

1.4.1 City of Coachella 2015 Urban Water Management Plan

As indicated above, the City has completed its 2015 UWMP and the City's next UWMP is scheduled for mid-2021. Water Code Section 10910(c)(2) provides that if demand

⁵A copy of the 2013 MOU between the City and CVWD is incorporated and included herein as Appendix C.

⁶ See 2010 CVWMP, pp. 3-4 to 3-5

associated with a proposed project is accounted for in the most recently adopted UWMP, the water supplier may incorporate information from the UWMP in preparing certain elements of a WSA for the project. The City's 2015 UWMP did not specifically reflect the demands associated with Vista Del Agua; however, the demand projections do account for growth for new development projects such as Vista Del Agua.

The two primary calculations required by SBx7-7 are (1) the Base Daily Per Capita Water Use Calculation (average gpcd used in past years), and (2) Compliance Water Use Targets (targets for gpcd in 2015 and 2020). The Base Daily Per Capita Water Use Calculation is based on gross water use by an agency in each year and can be based on a ten-year average ending no earlier than 2004 and no later than 2010, or a 15-year average if ten percent of 2008 demand was met by recycled water. An urban retail water supplier must then set a 2020 water use target and a 2015 interim water use target in terms of gpcd. SBx7-7 establishes four alternative methods for water agencies to use in calculating their Compliance Water Use Targets, as follows: (1) 80% of Base Daily Per Capita Use; (2) adherence to specified performance standards; (3) 95% of the applicable state hydrologic region target as set forth in the State's 20x2020 Water Conservation Plan; or (4) the provisional target method and procedures developed by DWR pursuant to SBx7-7.

In accordance with SBx7-7, the City will strictly manage its per capita water use throughout the year 2020 and beyond, and those management activities will substantially enhance the City's ability to ensure sufficient and reliable water supplies and accommodate long-term growth. As set forth in Section 3 below, the City's base daily per capita water use for purposes of SBx7-7 was calculated as 210 gpcd, and its 2015 and 2020 targets were established as 204 gpcd and 200 gpcd respectively. In addition to SBx7-7, the 2009 Comprehensive Water Package also included new laws that require increased monitoring of groundwater basins, the development of agricultural water management plans, and a stricter reporting regime for water diversions and uses in the Delta.

The City's 2015 actual per capita water use was 142 gallons per capita per day (GPCD), which exceeds both the 2015 Interim Water Use Target of 204 GPCD and the 2020 Water Use Target of 200 GPCD, as established in its 2010 UWMP. As such, the City has met the CWC requirements to be eligible for DWR administered water grants or loans.

The City's 2015 UWMP includes various water supply planning data, future projects, and basin management activities that are geared toward meeting the per capita water consumption reductions under SBx7-7. For example, the City is participating in a recycled water feasibility study spearheaded by the CVRWGM as part of the Coachella Valley IRWM Plan in plans to develop a recycled water system in the future. In addition, the City continues to evaluate the use of Canal Water as a source of substitution for drinking water supplies obtained from groundwater. Per CVWD Ordinance No. 1428, the City has the opportunity to receive canal water for additional potable water supply when available. The City also participates in groundwater recharge activities with CVWD through replenishment assessments, and has

implemented a variety of water use efficiency programs, including demand management measures and a Water Shortage Contingency Plan that can be executed by the City Council during water shortages. The purpose of the Plan is to provide procedures with voluntary and mandatory provisions to minimize the effect of a water shortage to the City's service area. The four stage approach to reducing demand ranges from a voluntary 10 percent reduction in water use to a mandatory 50 percent reduction.

The City of Coachella universally acknowledges and embraces the importance of water issues, and as such is managing 12 cost-effective demand management measures (DMMs). These DMMs include technologies and methodologies that have been sufficiently documented in multiple demonstration projects and result in more efficient water use and conservation (e.g., residential plumbing retrofits, system water audits, leak detection, and repair, large landscape conservation programs and incentives, and public information and school education programs).

The City of Coachella adopted a landscape ordinance for single family and multi-family residences and large landscape areas. The new ordinance encourages limited use of turn areas and reduces landscape irrigation consumption by mandating high efficiency irrigation systems and low water use landscaping. The City conducts plan checking for compliance with the landscape ordinance prior to the construction of new and/or rehabilitation landscaped sites. Further, the City continues its adoption and implementation of the Regional Landscape Water Conservation Ordinance as a response to the Water Conservation in Landscaping Act of 2006. The Regional Landscape Water Conservation Ordinance not only meets the state requirements, but also is tailored specifically to the unique climate and water conservation needs of the Coachella Valley, including the City of Coachella. Additionally, the CWA offers three water conservation programs to its residents. These include the Turf Removal Rebate Program, the Smart Controller Rebate Program, and the Toilet Rebate Program.

As further discussed below, the City and CWA have recently implemented additional requirements to achieve extraordinary water conservation in response to (1) the Governor's Executive Order concerning statewide drought conditions and (2) the emergency water conservation regulations promulgated by the State Water Resources Control Board.

Further, the City understands the need to investigate future water projects to meet demands associated with projected growth. As indicated above and as further discussed in this analysis, the City is evaluating and will continue to evaluate various source substitution projects to reduce overall demands on native groundwater supplies, such as the use of treated canal water for municipal purposes. The City's Water Master Plan and Capital Improvement Program (CIP) will continue to be updated to identify and implement future projects as they become needed to serve new demands within the City.

1.4.2 Coachella Valley Water District 2015 Urban Water Management Plan

CVWD has also completed its 2015 UWMP in accordance with the UWMP Act. CVWD's next UWMP is scheduled for mid-2021. The 2015 UWMP shows that CVWD has instituted various planning efforts regarding water supply and infrastructure opportunities. As discussed throughout this analysis, a key component of CVWD's water management strategy is the acquisition of additional imported water supplies to augment existing resources. As further set forth in CVWD's 2015 CVWMP Update, CVWD may seek to acquire up to 50,000 acre-feet per year (AFY) of additional water supplies through either long-term leases or entitlement purchases from willing parties. CVWD may also pursue water transfers and exchanges, and has identified possible ways to develop new sources of water. CVWD also anticipates the future use of local desalinated water as part of its water supply portfolio, whereby CVWD could use treated agricultural drainage water for irrigation purposes. Such projects would either make additional potable supplies available for municipal purposes or help offset groundwater pumping in the basin.⁷

CVWD's 2015 UWMP identifies recycled water as another significant local resource that can be used to supplement the water supply of the Coachella Valley. Wastewater that is highly treated and disinfected can be reused for a variety of landscape irrigation and other purposes. Recycled water has been used for irrigation of golf courses and municipal landscaping in the Coachella Valley since 1968. It is expected that golf course irrigation will remain the largest use of recycled water in the future. Current and projected future uses of recycled water include irrigation of urban landscape and golf course lands. Recycled water use is limited by the lack of urban development in the east valley. As urbanization occurs in the future, a recycled water distribution system will be developed to serve recycled water for urban golf course irrigation and municipal irrigation.⁸

Further, CVWD and DWA operate groundwater recharge programs in the upper Whitewater River and Mission Creek subbasins. As part of the CVWMP, CVWD intends to significantly expand its groundwater recharge program in the Whitewater River subbasin. CVWD completed construction the Thomas E. Levy (Levy) Groundwater Replenishment Facility in the East Whitewater River Subbasin with a capacity to 40,000 AFY. CVWD is also conducting pilot recharge tests in the East Whitewater River subbasin at the Martinez Canyon Pilot Recharge Facility. CVWD is presently recharging approximately 32,500 AFY at this facility. CVWD completed construction of a pilot recharge facility and several monitoring wells in the Martinez Canyon alluvial fan in March 2005. This facility is designed to recharge approximately 3,000 AFY. According to the 2010 CVWMP (see further discussion below), CVWD plans to construct a full-scale facility at Martinez Canyon to recharge 20,000 AFY by 2025.⁹

As set forth throughout CVWD's planning documents, water demands in the Coachella Valley will continue to be met in a sustainable manner by using the groundwater basin as a conjunctive use resource. In practice, that involves the use of groundwater

⁷ CVWD 2015 UWMP, p.6-27.

⁸ CVWD 2015 UWMP, p.6-26.

⁹ CVWD 2015 UWMP, p. 3-4.

wells to produce amounts that are continually supplemented and recharged with Colorado River, State Water Project, and local water supplies. As an overall water supply system, CVWD's service area (including the City and the Vista Del Agua Project) is uniquely insulated from drought conditions and is capable of ensuring sufficient and reliable water supplies to meet demand because of the large storage volume of the basin (about 25 million AF). As noted herein, CVWD is also planning ways to deliver treated Colorado River water directly to the urban distribution system, and untreated Colorado River water directly for landscape irrigation and other non-potable uses, both of which will further reduce the need to rely on the groundwater basin.¹⁰

As with the City, CVWD's water conservation efforts are a critical component of its water management strategy. CVWD has had a water conservation program since the 1960s and recognizes the importance of conserving water to reduce demand on the groundwater supply and decrease reliance on imported supplies. With the enactment of SBx7-7, CVWD's demand management measures (DMMs) have become even more comprehensive. As noted above, SBx7-7 establishes the goal of achieving a 20 percent reduction in statewide urban per capita water use by the year 2020. The interim goal of achieving a 10 percent reduction by 2015 has already been met. As a retail water supplier, CVWD complies with SBx7-7 by establishing and implementing per capita water use reduction targets, and by identifying present and future measures, programs, and policies to help achieve the water use reductions required by SBx7-7. Among various other actions, CVWD carries out the following DMMs:

- Water survey program for single-family and multi-family residential customers;
- Metering with commodity rates for all new connections and retrofit of existing connections program;
- Large landscape conservation programs and incentives program
- Public information program;
- School education program;
- Conservation pricing program;
- Water conservation program coordination and staffing support;
- Rebate programs such as landscape conversion, ultra-low-toilet replacement and high-efficiency washing machine rebate programs

While the City of Coachella and the Vista Del Agua Project are not within CVWD's retail service area, the foregoing discussion of CVWD's 2015 UWMP and the information below regarding the 2015 CVWMP are provided to illustrate the extraordinary water supply planning and demand management efforts that are undertaken by CVWD in its role as an urban water supplier.

1.4.3 2010 Coachella Valley Water Management Plan

The 2010 CVWMP serves as a 35-year blueprint for wise water management and the basis for all CVWD's efforts to preserve the valley's groundwater resources. The basic

¹⁰ CVWD 2015 UWMP, p.6-1.

goal of the CVWMP remains similar to that of previous WMPs: “to reliably meet current and future water demands in a cost-effective and sustainable manner.” New factors facing water resources managers throughout California have led to refined objectives. The programs and projects identified in the 2010 CVWMP Update are based on the following objectives:

- Meet current and future water demands with a 10 percent supply buffer;
- Eliminate long-term groundwater overdraft;
- Manage water quality;
- Comply with state and federal regulations;
- Manage future costs; and
- Minimize potential adverse environmental impacts.

The 2010 CVWMP calls for a multifaceted approach to water management and water conservation, including:

- Increased water conservation by all types of water users;
- Increased imported water supply from the Coachella Canal and State Water Project;
- Increased use of the imported supply and recycled water, instead of groundwater, for irrigation; and
- Expanded groundwater replenishment efforts, especially in the East Valley.

The 2010 CVWMP Update identifies several water conservation measures with the goal to reduce overall water consumption by 20 percent by 2020, and the goal to maintain this level of reduction through 2045. These measures include water efficient landscaping and irrigation controls, water efficient plumbing, tiered or seasonal water pricing, public information and education programs, alternative water supplies, water restrictive municipal development policies, appointing a CVWD conservation coordinator, and refining the maximum water allowance budgets for landscaped and recreational areas. The 2010 CVWMP Update shows reduced reliance on groundwater sources over the long term by utilizing more Colorado River water, SWP water and recycled water, by expanding source substitution, and through increased water conservation.¹¹

The 2010 CVWMP Update emphasizes cooperation with municipalities, local water agencies, and tribes in regional planning and implementation. The following are among some of the recommended activities outlined in the update for the board of directors to consider over the next 35 years:¹²

- Provide incentives and support to agricultural customers to conserve water, such as through converting from flood/sprinkler irrigation to more efficient micro-sprinkler/drip systems;

¹¹2010 CVWMP, pp. 6-3 to 6-13.

¹²Coachella Valley Water District, *2010 Coachella Valley Water Management Plan Update* (January 2012).

- Encourage existing golf courses to convert landscaping to meet the 2007 Landscape Ordinance, requiring no more than 4 acres of grass per hole and 10 acres of grass per practice area;
- Expand landscape conversion rebates for domestic customers to encourage less grass and more desert appropriate landscaping;
- Complete construction on subsequent phases of the Mid-Valley Pipeline system to provide a blend of recycled and Colorado River water to up to 50 golf courses in lieu of groundwater;
- Turn the pilot Martinez Canyon replenishment facility into a full-scale facility with a capacity of up to 40,000 acre-feet of replenishment annually;
- Implement East Valley source substitution projects such as expansion of the Canal water distribution system in the Oasis area to serve agricultural operations that are not currently served with Canal water, this system is expected to deliver about 27,000 AFY of Canal water to offset groundwater pumping.

The 2010 CVWMP Update shows that CVWD has many current and future programs that are designed to maximize the water resources available to the region, such as recharge of its Colorado River and SWP supplies, expanded use of recycled water, desalinated agricultural drain water, conversion of groundwater uses to Canal water and water conservation measures, including tiered water rates, landscaping ordinance, outreach and education. The 2010 CVWMP Update and CVWD's Replenishment Assessment Programs establish a comprehensive and managed effort to eliminate overuse of local groundwater while ensuring a sufficient and sustainable water supply to meet projected demands. These programs allow CVWD to maintain the groundwater basin as its primary urban water supply and to recharge the groundwater basin as its other supplies are available.

The 2010 CVWMP Update presented a number of recommended programs and features to enhance water supply development and reduce groundwater overdraft. The continuation and expansion of existing projects and programs is summarized below.¹³

- An agricultural conservation program including elements such as: training, system upgrades and retrofits, economic incentives, and regulatory programs that can achieve up to a 14 percent reduction in consumptive use by 2020.
- An urban conservation program including elements such as: installing automated meters, extending landscape ordinances, implementing water budget-based tiered water rates, and various rebate programs, all of which are aimed at achieving the State's requirement for a 20 percent reduction in per capita use by 2020.
- Continue and expand the golf course conservation program that is expected to achieve a savings of 11,600 AFY by 2045.
- Additional water supply development programs such as: acquisition of additional imported supplies, increased recycled water use, and development

¹³2010 CVWMP Section 8.

of desalinated drain water. Groundwater recharge will increase over time at the existing Whitewater and Thomas E. Levy Groundwater Replenishment Facilities, and the construction of the proposed Martinez Canyon Recharge Facility.

- Source substitution will continue to be an important element for offsetting groundwater use. Examples of new projects and programs include: using canal water for urban irrigation, implementing groundwater recharge in the Indio area, investigating groundwater storage opportunities with IID, pursuing additional groundwater treatment for arsenic, developing a salt/nutrient management plan, improved brine disposal, mitigation of canal water losses, maintaining and developing improved drainage control, increasing stormwater capture and recharge, and developing local groundwater supplies for non-potable use.

As further set forth below, the 2010 CVWMP serves as a blueprint for ensuring a sufficient and sustainable water supply to meet the needs of projected growth throughout the Coachella Valley, including the City and the City's sphere of influence, for the next 30 years and beyond.

In 2014, CVWD performed a review of the 2010 CVWMP to evaluate changes in the planning environment that impact water demand projections, review the effectiveness of the 2010 CVWMP Update, and evaluate implementation progress of the 2010 CVWMP Update programs and recommend new implementation targets. The 2014 Water Management Plan Status Report (2014 Status Report) concluded that the 2010 CVWMP Update is working and with continued implementation, overdraft will be eliminated by 2021 with increased groundwater levels in the Palm Springs area and the East Valley. In addition, the 2014 Status Report found that population increase is lower than the projections used in the 2010 CVWMP. Therefore, new population projections, through 2045, were used and reflect an 18 percent reduction in overall growth. This also resulted in a reduction of 2045 total water demand by 14 percent. Of note, this is not an elimination of demand, but a deferral of demand to later years.

1.4.4 2011 Coachella Valley Water Management Plan Subsequent Program Environmental Impact Report and 2012 Final Subsequent Program Environmental Impact Report

As noted above, CVWD first adopted the Coachella Valley Water Management Plan and the related Program Environmental Impact Report (PEIR) in September 2002. The CVWMP is a multi-faceted plan to allow CVWD to meet its responsibilities for securing and protecting Coachella Valley water supplies into the future. The CVWD Board of Directors recognizes the need to update the Plan periodically to respond to changing external and internal conditions. The 2010 CVWMP Update has been prepared to meet that need. The 2010 CVWMP defines how the project goals will be met given changing conditions and new factors affecting water supply reliability, water demands and evolving federal and state regulations. The planning time horizon for the 2010 CVWMP Update is 35 years, from 2010 to 2045. As with the 2002 CVWMP, CVWD analyzed the potential environmental impacts associated with

implementing the 2010 CVWMP pursuant to the California Environmental Quality Act (CEQA). That document is the 2011 Subsequent Program EIR (2011 SPEIR) (State Clearinghouse (SCH) No. 1999041032, SCH No. 2000031027).¹⁴

As shown in Table 1-2 of the 2011 SPEIR, it has been determined that, overall, the 2010 CVWMP will have less than significant environmental impacts, and in certain key respects will have beneficial effects. For example, in addressing regional groundwater overdraft issues, the 2010 CVWMP will result in decreasing annual overdraft conditions in the West and East Valley areas, and water levels will change at a slower rate than under current condition and will increase in some areas.¹⁵

The goal of the 2010 CVWMP is to allow CVWD and other water agencies in the Valley to reliably meet current and future water demands within their service areas in a cost effective and sustainable manner for the period 2010 to 2045. As noted above, the programs and projects identified in the 2010 CVWMP fulfill this goal by meeting the following objectives: meet current and future water demands with a 10 percent supply buffer; reduce/eliminate long-term groundwater overdraft; manage and protect water quality; comply with state and federal laws and regulations; manage future costs; and minimize adverse environmental impacts. The 2010 CVWMP differs from the 2002 CVWMP in that a 10 percent supply buffer is applied to the projected water demands while eliminating overdraft. This buffer compensates for potential uncertainties such as demands higher than forecast or supplies that cannot be implemented or do not deliver as much water as planned. The supply buffer would be established through a combination of additional supplies and water conservation measures.¹⁶

The 2011 SPEIR identifies various external factors that have affected or may affect water supplies available to the Coachella Valley. Key factors include: annual fluctuation in imported State Water Project (SWP) supplies due to drought and environmental needs in the Sacramento-San Joaquin Delta (Delta); recent environmental rulings to protect sensitive fish species in the Delta that restrict the State's ability to move water through the Delta to the SWP; preparation of the Bay-Delta Conservation Plan, which is intended to restore the Delta's ecosystem and improve water supply reliability; the Quantification Settlement Agreement (QSA), signed in 2003 to allocate California's allotment of Colorado River water and meet its contractual limitation; litigation concerning the QSA; and effects of climate change on the long term availability and reliability of SWP and Colorado River water supplies.¹⁷ These factors are fully addressed in the 2011 SPEIR and are further described in this WSA.

The 2010 CVWMP Update identifies approaches for meeting future water needs in the study area in light of changing environmental conditions and other water supply factors. To meet revised future needs, the CVWMP includes new features in the areas

¹⁴2011 SPEIR, pp. 1-1 and 2-1.

¹⁵2011 SPEIR, p. 1-25.

¹⁶2011 SPEIR, pp. 1-2 and 2-12.

¹⁷2011 SPEIR, p. 1-2.

of water conservation, source substitution, new supplies and groundwater recharge.¹⁸ The 2010 CVWMP incorporates both a “bookends” approach and “building block” approach to deal with potential uncertainties in future demands and supplies. The Plan also incorporates enhanced cooperation and implementation among cities, local water agencies, and tribes in the Coachella Valley.¹⁹ For example, the 2010 CVWMP Update includes an aggressive program of water conservation for urban, golf course and agricultural water users. However, there are limits in terms of cost, effectiveness and acceptability of water conservation activities. As those limits are reached, other Plan elements for meeting future needs also can be adjusted. One source of supply is desalination of drain water, the most expensive alternative for providing new supplies. This approach only will be implemented as other sources of supplies reach practical limits. Therefore, the Plan includes a range of 55,000 to 80,000 acre-feet per year (AFY) for desalination of drain water. The actual amount of water from this source will depend upon how much can be obtained first from other, lower cost sources.²⁰

The 2010 CVWMP Update has the same five major elements as the 2002 CVWMP, but with a building block approach of implementing elements to better respond to changes in the planning environment. As indicated above, a key element is water conservation (urban, agricultural and golf, but at higher rates than in the 2002 Plan). Urban measures are water efficient plumbing and landscape water use audit programs. For golf, measures are scientific irrigation scheduling, water audits and monitoring of maximum water allowance compliance, turf limitations for new course as well as water audits. Agricultural water conservation methods include scientific irrigation scheduling, salinity management, salinity field mapping, conversion to micro-irrigation, distribution uniformity evaluations, grower training and engineering evaluations of irrigation efficiency. Another element is additional water sources, including increasing surface supplies for the Valley from outside sources (Colorado River and SWP transfers and leases), exchanges, dry-year purchases, water development projects, stormwater capture, and desalination. A third element is source substitution of surface water supplies for groundwater. This may involve providing recycled water or Canal water or other sources to additional urban, golf and agricultural users to reduce groundwater pumping. Source substitution can also involve additional use of the Mid-Valley Pipeline Project, Phase I of which was completed in 2009. The fourth element is groundwater recharge, including: constructing and operating recharge basins to augment stored groundwater; continued and increased recharge at the Whitewater Recharge Facility; construction and operation of a new facility at Martinez Canyon; increased recharge at the Levy facility; and a possible new City of Indio recharge facility at Posse Park. The fifth element is monitoring and data management, which includes monitoring and evaluation of subsidence and groundwater levels and quality to provide the information needed to manage the Valley’s groundwater resources.²¹

¹⁸2011 SPEIR, p. 1-7.

¹⁹2011 SPEIR, p. 1-7.

²⁰2011 SPEIR, p. 1-8.

²¹2011 SPEIR, p. 1-8.

In developing the 2010 CVWMP, CVWD utilized the latest population projections developed by Riverside County and adopted by the Southern California Association of Governments (SCAG) in 2008. CVWD does not develop population growth projections for use in water management planning. The 2008 SCAG projections could not have taken into account the recent recession, which had slowed growth and continued to have negative effects on growth in the near term. Over the long term, growth will continue; however, population projections will need to be adjusted in terms of the timing of growth. These realities necessitate adjustment of Plan implementation to meet actual near term needs and continued updates of the CVWMP in the future to reflect revised population projections.²²

Riverside County embarked on major revisions to the County's General Plan and General Plan EIR (Riverside County, 2009). In the absence of these completed documents, CVWD has been required to make assumptions in the 2010 CVWMP Update regarding the effects of projected growth on land use, particularly the conversion of agricultural land to urban use in the East Valley. Consequently, the 2010 CVWMP Update projects a reduction in agricultural water demand combined with a significant increase in urban water demand. Increased urbanization also increases domestic wastewater generation in the East Valley. Expansion of the CVWMP planning area to include land annexed or within the spheres of influence of the cities of Coachella and Indio also adds to the potential for growth in the Valley. Although the 2007 Riverside County/CVAG growth forecasts did not anticipate significant growth in this area, the potential for development could result in additional population growth and water demand during the 2010 CVWMP Update planning period. While there had been an economic slowdown in the late 2000's and early 2010's, these projected population and land use changes are anticipated to be fulfilled in the long term, but at a slower pace.²³

Agricultural water demands are projected to decrease, while urban demands will increase in response to anticipated population growth. Factoring potential variations in future land use and growth forecasts into these demand projections, water demands in 2045 could range from 793,600 acre-feet per year (AFY) to 971,500 AFY with a mid-range planning value of 885,400 AFY. These projections incorporate reduced outdoor water use for new development as required by the CVWD-CVAG water efficient Landscape Ordinance. In the absence of this ordinance and other ongoing conservation measures, water demands in the Valley would be nearly 1,040,000 AFY by 2045.²⁴

Implementation of the 2010 CVWMP Update has been divided into near-term elements and long-term elements. Even with the recent recession and lack of growth, continuation of existing elements and some new elements are needed to reduce overdraft and its adverse effects. Ongoing elements that will continue are: recharge at Whitewater Recharge Facility with SWP Exchange water and SWP purchases; implementation of the QSA; levy facility recharge at current levels of 32,000 AFY;

²²2011 SPEIR, pp. 1-8 to 1-9; see also Table 1-1, Summary of the 2010 Water Management Plan Update and Implementation Plan, pp. 1-9 to 1-13.

²³2011 SPEIR, p. 3-2.

²⁴2011 SPEIR, pp. 3-3 to 3-4.

Martinez Canyon recharge at current Pilot Facility Level of 3,000 AFY; water conservation programs at current levels, including implementation of the Landscape Ordinance; effluent recycling in the West Valley; increased use of Canal water by golf courses with existing Canal water connections to reduce groundwater pumping; conversion of East Valley agriculture to Canal water, as opportunities arise, to reduce groundwater pumping; groundwater level/quality monitoring; and subsidence monitoring.²⁵

Assuming that the Coachella Valley study area growth rate remains relatively low, during the next five years CVWD will focus on three new or expanded activities to preserve and protect groundwater resources, such as: increased use of the Mid-Valley Pipeline project to reduce overdraft in the West Valley by connecting golf courses and reducing groundwater pumping by those courses; implementation of additional water conservation measures, including the Landscape Ordinance, to meet the State's requirement of 20 percent conservation by 2020; and preparation of a salt/nutrient management plan for the Valley by 2014 to meet SWRCB Recycled Water Policy requirements to improve implementation of wastewater effluent recycling. Of these three elements, only the increased use of the Mid-Valley Pipeline would have a second tier CEQA document. Implementation of Proposed Project elements, such as a desalination plant or additional water transfers, which would trigger second tier CEQA documents, are anticipated after 2015.²⁶

Due to potential variability associated with imported water supplies from the Colorado River and the SWP, which are further discussed below in this WSA, the 2010 CVWMP Update evaluates an array of water supply scenarios to determine a likely range of future supply needs. These scenarios assume different combinations of a Delta conveyance solution and QSA validity to determine the future amount of imported water available to the Valley.²⁷ Based upon the scenarios, additional water supplies and conservation would be required to meet projected demands in 2045 while providing 10 percent supply buffer, eliminating groundwater overdraft and improving the salt balance of the basin.²⁸ The 2010 CVWMP Update evaluates a wide range of water conservation and supply options based on potential yield, reliability, cost, water quality and other feasibility factors. Based on this evaluation, a range of water supply mixes was established for each planning scenario. Each scenario maximizes the use of local sources and recycled water. Water conservation and drain water desalination are variable, based on the availability of existing and future imported water supplies including potential water transfers and acquisitions.²⁹

Water conservation is a major component of water management in the Coachella Valley. As a desert community heavily reliant upon imported water supplies, the Coachella Valley must use its water resources as efficiently as possible to meet California Water Code requirements and State legislation such as "20x2020" (requiring 20 percent per capita water use reduction by the year 2020), as well as to

²⁵2011 SPEIR, p. 1-14.

²⁶2011 SPEIR, p. 1-14.

²⁷2011 SPEIR, p. 3-7.

²⁸2011 SPEIR, p. 3-7.

²⁹2011 SPEIR, pp. 3-8 to 3-9.

maintain eligibility for State funding opportunities through compliance with Assembly Bill (AB) 1420 demand management measures (DMMs) required in Urban Water Management Plans.³⁰ According to the 2010 CVWMP, agricultural water conservation remains the most cost-effective approach for extending the existing water supplies of the Valley. Under the 2010 CVWMP, an agricultural conservation program will be implemented that achieves up to a 14 percent reduction in consumptive use by 2020. The savings would be achieved using a staged approach. Initially, low cost, voluntary programs would be initiated followed by increasingly more expensive and mandatory programs.³¹

The following building blocks have been identified for implementation: grower education and training (grower meetings and training programs combined with confidential grower audits funded by the District); District-provided services (including scientific irrigation scheduling, scientific salinity management, moisture monitoring and farm water distribution evaluations funded by the District); irrigation system upgrades/retrofits (partial or full funding and/or financial support of growers that convert from flood/sprinkler to micro-sprinkler/drip irrigation systems); economic incentives (such as tiered pricing, water budget pricing, or seasonal pricing); and regulatory programs (regulations that support and provide for agriculture conservation, including farm management plans, mandatory drip/micro-spray systems for new permanent crops, and conversion of existing crops over time).³²

These program features will be incrementally expanded until the target reduction is achieved. To achieve the maximum return on investment from conservation activities, initial emphasis will be placed on those agricultural operations with the lowest irrigation efficiency. The agricultural conservation program is anticipated to save about 39,500 AFY of water by 2020. The savings are projected to decrease to approximately 23,300 AFY by 2045 as agricultural land transitions to urban uses. CVWD is developing methods for tracking the effectiveness of agricultural water conservation. These methods will include determining average water use per acre of farmed land and average irrigation efficiency. The methods will reflect variations in annual/seasonal evapotranspiration and cropping patterns. Progress toward meeting agricultural conservation goals will be evaluated and reported annually.³³

Urban conservation is also critical. Under the 2010 CVWMP, the urban water conservation program will be expanded and enhanced to meet the State's requirement of a 20 percent reduction in per capita use by 2020 (SBx7-7). The baseline for this reduction is the 10-year average per capita usage for the period of 1995 through 2004. This will be accomplished by: continued public education and outreach programs promoting water conservation; improved landscape irrigation scheduling and efficiency; implementation of irrigation system retrofit rebates; implementation of appropriate water rate structures that provide the economic incentives needed to encourage efficient water use; coordinated regional water

³⁰2011 SPEIR, p. 3-9.

³¹2011 SPEIR, pp. 3-9 to 3-10.

³²2011 SPEIR, pp. 3-9 to 3-10.

³³2011 SPEIR, p. 3-10.

conservation programs involving Valley water purveyors, cities and Riverside County; continued implementation of the CVWD Valley-wide Landscape Ordinance (Ordinance 1302-1; revised Ordinance 1374); installation of automated or “smart” water meters; extension of the Landscape Ordinance to include all landscaping regardless of size (current limit is 5,000 square feet or larger for homeowner furnished landscaping); further decreases in the water allocations for landscape irrigation consistent with good irrigation practices and desert landscaping; landscape retrofit rebates (i.e., economic incentives for replacing high water use landscaping, also known as “cash for grass”); restrictions on the total amount of turf allowed; audits of new development to assure continued compliance with the Landscape Ordinance; plumbing retrofits for existing properties including mandatory retrofit (ultra low flush toilets, showerhead replacement, etc.) prior to sale of property; conservation rebates for high-efficiency clothes washers; compliance with California Green Building Code Standards (California Code of Regulations Title 24, Part 11, 2010); and water distribution system audits and loss reduction programs.³⁴

Once the conservation targets are achieved, continued implementation of those measures will result in even greater savings per capita as new growth occurs. Projections indicate that continued implementation of these measures in conjunction with the State’s 2010 CALGREEN Building Code requirements will result in per capita water use reduction of nearly 40 percent compared to the baseline per capita use defined in SBx7-7. This could potentially result in additional water savings of 55,000 AFY by 2045 if growth occurs as projected. To provide the water supply buffer, this target is increased to 73,500 AFY by 2045. Additional water conservation beyond this amount will be implemented if needed to offset unanticipated reductions in other water supplies during the planning period. Pursuant to SBx7-7, Valley water agencies will track the effectiveness of urban water conservation. Progress toward achieving the urban water conservation goals will be evaluated annually and reported in UWMPs prepared on five-year intervals. If progress shows that additional conservation is being achieved, then the water supply needs will be reassessed.³⁵

The 2011 SPEIR identifies golf course conservation as another key component of the management plan. Under the 2010 CVWMP, Valley water agencies are expected to do the following: implement a water conservation program to achieve a 10 percent reduction in water use by existing golf courses (built prior to 2007) by 2020 (this would be accomplished through golf course irrigation system audits and soil moisture monitoring services); encourage existing golf courses to reduce water use by reducing their acreage of turf; implement the 2009 CVWD/CVAG Landscape Ordinance objectives for all new golf courses (built in 2007 and later); conduct landscaping and irrigation system plan checks to verify compliance; and develop and implement methods to evaluate the effectiveness of golf course water conservation such as measuring water use per irrigated acre. These measures are expected to achieve a savings of 11,600 AFY by 2045. Conservation by future courses has been incorporated into the water demand projections. Progress toward meeting golf course conservation goals will be evaluated and reported annually.³⁶

³⁴2011 SPEIR, p. 3-10 to 3-11.

³⁵2011 SPEIR, p. 3-11.

³⁶2011 SPEIR, pp. 3-11 to 3-12.

The 2010 CVWMP Update strategy for water supply development consists of a balanced portfolio that retains flexibility to adapt to future changes in supply reliability. Sufficient water supplies are planned to provide a 10 percent buffer on an average basis to meet unanticipated reductions in existing supplies or difficulties in developing new supplies. The additional supplies needed to provide the buffer would be implemented when required based on an on-going analysis of projected demands and supplies.³⁷ A summary of the water supply development efforts of the 2010 CVWMP is set forth below.

Acquisition of Additional Imported Supplies

Additional imported water supplies will be used to replenish and manage the groundwater basins and meet the future demands of the Valley. The 2002 CVWMP established an average water supply target of 140,000 AFY from the SWP, of which about 103,000 AFY would be used for recharge at Whitewater and 35,000 AFY would supply the Mid-Valley Pipeline (MVP) project. CVWD and DWA have made significant progress since 2002 toward achieving these targets with the acquisition of SWP Table A entitlement water from Metropolitan (100,000 AFY), Tulare Lake Basin Water Storage District (16,900 AFY) and Berrenda Mesa Water District (16,000 AFY).

This has increased the Valley's SWP Table A Amounts from 61,200 AFY to 194,100 AFY. In addition, periodic one-time purchases of water totaling 50,200 AF have been made after 2002. As described in the 2011 SPEIR, given recent factors affecting the California water supply picture, the average amount of additional imported supply required is in the range of 45,000 to 80,000 AFY. The higher value assumes successful implementation of the BDCP and Delta conveyance facilities while the lower value is based on reduced future SWP reliability (to 50 percent).³⁸

Additional supplies will be obtained through the following actions: acquire additional imported water supplies through long-term lease or purchase where cost effective; continue to purchase SWP Turnback Pool and SWP Article 21 (Interruptible) waters; continue to purchase supplemental SWP water under the Yuba River Accord Dry Year Water Purchase Program as available; work with Metropolitan to define the frequency and magnitude for SWP Table A call-back under the 2003 Water Transfer Agreement, and continue to play an active role with U.S. Bureau of Reclamation (Reclamation), DWR, the State Water Contractors and other agencies in developing the BDCP and Delta Habitat Conservation and Conveyance Program.³⁹

Increased Recycled Water Use

The 2002 CVWMP had a recycled water use target of 30,000 AFY for the West Valley and 8,000AFY for the East Valley in 2035. Essentially all available recycled water in the West Valley is currently being put to beneficial use either through direct non-potable uses like urban and golf course irrigation or through percolation. As urban

³⁷2011 SPEIR, p. 3-12.

³⁸2011 SPEIR, p. 3-12.

³⁹2011 SPEIR, p. 3-13.

growth occurs, the following activities will be implemented under the 2010 CVWMP Update: in the West Valley, implement a joint agency goal to increase recycling of all generated wastewater for non-potable irrigation from 60 percent to at least 90 percent where feasible; in the East Valley, maximize the use of recycled water generated by future growth for irrigation as development occurs and customers become available by constructing tertiary treatment and distribution facilities at the CVWD Water Reclamation Plant No. 4 (WRP-4), City of Coachella and Valley Sanitary District (VSD) facilities; evaluate the feasibility of delivering recycled water in the existing Coachella Canal water distribution system while avoiding potential conflicts with future urban water treatment and use of Canal water; determine the minimum amount of recycled and other water flow that must be maintained in the CVSC to support riparian and wetland habitat; and fully utilize all wastewater generated by development east of the San Andreas Fault for irrigation uses to meet demands in that area and reduce the need for additional imported water supplies.⁴⁰

Based on these recommendations, up to 34,500 AFY of recycled water would be used in the West Valley, up to 33,000 AFY of recycled water would be used in the East Valley and up to 10,800 AFY of recycled water would be used in the area east of the San Andreas fault for direct non potable uses by 2045, for a total of 78,300 AFY.⁴¹

Develop Desalinated Drain Water

The 2002 CVWMP had a planning target of 11,000 AFY of desalinated drain water usage by 2035. Measures will include: developing a program to recover, treat and distribute desalinated drain water and shallow (semi-perched) groundwater for non-potable and potable uses in the East Valley; developing a disposal system to dispose of brine generated by the desalination process; and constructing a demonstration facility to gain operational experience in drain water desalination and brine disposal. Under the 2010 CVWMP Update, the amount of water recovered through drain water desalination may range from 55,000 to 85,000 AFY by 2045, depending on the effectiveness of water conservation measures and the availability of other supplies. The lower end of the range reflects the successful implementation of the BDCP and Delta conveyance facilities. The high end of the range is close to the maximum amount of drain water expected to be generated in the Valley and would be implemented if SWP Exchange water reliability remains low. The desalination program will be phased so that it can be expanded in response to future water supply conditions and needs of the Valley.⁴²

Groundwater Recharge Programs

The 2002 CVWMP had a planning target of 103,000 AFY of SWP water at the Whitewater Recharge Facility and 80,000 AFY of Canal water recharge at East Valley recharge facilities by 2035. Whitewater recharge varies annually, but the SWP Exchange supply can currently provide about 77,700 for recharge. Canal water recharge is currently 32,000 AFY at the Levy Facility and 3,000 AFY at the Martinez

⁴⁰2011 SPEIR, p. 3-13.

⁴¹2011 SPEIR, p. 3-14.

⁴²2011 SPEIR, p. 3-14.

Canyon Pilot facility. Groundwater recharge continues to be a significant component of water management in the Coachella Valley. Existing and proposed recharge activities identified in the 2002 CVWMP will continue with the modifications identified below.⁴³

Whitewater Recharge Facility

The Whitewater Recharge Facility is a series of earthen recharge basins and distribution channels fed by the Whitewater River, into which CVWD and DWA recharge SWP Exchange water (see discussion below). The 2010 CVWMP Update includes the following elements regarding the Whitewater Recharge Facility: continued operation of the Whitewater Recharge Facility to recharge SWP Exchange water, at least 100,000 AFY over a long-term (20-year) average; transfer and exchange any unused desalinated drain water and SWP water obtained through the QSA for CRA water delivered to Whitewater for recharge; and use of additional acquired water transfers or leases to supplement the existing SWP Exchange water.⁴⁴

Thomas E. Levy Groundwater Replenishment Facility

CVWD operated a pilot recharge facility at Dike 4 near Avenue 62 and Madison in the City of La Quinta beginning in 1997. Construction of the 180-acre, full scale Levy facility was completed in mid-2009 and has an estimated average recharge capacity of 40,000 AFY. Currently the capacity is limited by hydraulic and water delivery constraints within the Canal water distribution system to a long-term average of about 32,000 AFY. Consequently, construction of an additional pipeline and pumping station from Lake Cahuilla may be required in the future. The 2010 CVWMP Update includes the following elements regarding the Levy Replenishment Facility: continued operation of the Levy Facility and recharge 40,000 AFY on a long-term basis as system conveyance capacity allows; monitoring groundwater levels in shallow and deep aquifers for signs of rising shallow groundwater; develop operating criteria to minimize chances for shallow groundwater mounding; and if the existing conveyance system is not capable of sustaining 40,000 AFY of deliveries for recharge at the Levy facility, constructing a second pumping station and pipeline from Lake Cahuilla to provide a supplemental supply.⁴⁵

Martinez Canyon Recharge

The Martinez Canyon recharge facility is a pilot project underway since 2005. Upon completion of a full-scale facility, estimated to be 240 acres in area, this project is expected to recharge 20,000 to 40,000 AFY on average. The recharge facility would be located adjacent to the pilot facility west of the community of Valerie Jean in the East Valley, at the Martinez Canyon alluvial fan between Avenues 74 and 76.⁴⁶

⁴³2011 SPEIR, p. 3-14.

⁴⁴2011 SPEIR, p. 3-15.

⁴⁵2011 SPEIR, p. 3-15.

⁴⁶2011 SPEIR, p. 3-15.

The 2010 CVWMP Update includes the following elements regarding the Martinez Canyon Recharge Facility: conducting sitting and environmental studies, land acquisition and design for the full-scale Martinez Canyon facility with a design capacity of up to 40,000 AFY; completing construction of the Martinez Canyon facilities in phases such that the facility can be initially operated at 20,000 AFY, with potential future expansion to as much as 40,000 AFY based on groundwater overdraft conditions and implementation of East Valley source substitution projects; and coordinating pipeline and pumping station construction with expansion of the Canal distribution system in the Oasis area.⁴⁷

Source Substitution Programs

Source substitution also continues to be an important means to reducing groundwater overdraft. Due to the expected changes in water use patterns in the Valley as a result of continued development, source substitution will receive increased emphasis in the future. The following source substitution actions are proposed in the 2010 CVWMP Update.⁴⁸

Mid-Valley Pipeline

The MVP is a pipeline distribution system to deliver Canal water to the Mid-Valley area for use with CVWD's recycled water for golf courses and open space irrigation in lieu of groundwater pumping for these uses. Construction of the first phase of the MVP from the Coachella Canal in Indio to WRP-10 (6.6 miles in length) was completed in 2009. MVP Canal water is blended with WRP-10 recycled water for golf course irrigation. Implementation of later phases will expand the MVP to serve approximately 50 golf courses in the Rancho Mirage/Palm Desert/Indian Wells area that currently use groundwater as their primary source of supply with a mixture of Colorado River water and recycled water as anticipated in the 2002 CVWMP.⁴⁹

The 2010 CVWMP Update continues to include the MVP project, which will serve about 37,000 AFY of imported water and 15,000 AFY of WRP-10 recycled water on average by 2045. The MVP will meet approximately 72 percent of the West Valley golf course demand by 2045. Under the 2010 CVWMP Update, it is proposed to: prepare a MVP system master plan to lay out the future pipeline systems; implement near-term (next five years) project expansions to connect 14 golf courses along the MVP alignment and extensions of the existing non-potable distribution system; and complete the construction of the remaining phases of the MVP system to provide up to 37,000 AFY of Canal water and 15,000 AFY of WRP-10 recycled water on average to West Valley golf courses.⁵⁰

Conversion of Agricultural and Golf Course Uses to Canal Water

⁴⁷2011 SPEIR, p. 3-16.

⁴⁸2011 SPEIR, p. 3-16.

⁴⁹2011 SPEIR, p. 3-16.

⁵⁰2011 SPEIR, pp. 3-16 to 3-17.

The 2010 CVWMP Update includes the following elements regarding conversion of agricultural and golf course uses to Canal water: working with existing East Valley golf courses to increase Canal water use to 90 percent of demand; connecting new East and West Valley golf courses having access to Canal water and meet 80 to 90 percent of demand; working with large agricultural groundwater pumpers to provide access to Canal water and encourage them to reduce their groundwater pumping; revising and update the Oasis distribution system feasibility study, considering possible future conversion to urban use; and upon completion of cost-effectiveness feasibility analyses, designing and constructing the Oasis distribution system to deliver up to 27,000 AFY of Canal and desalinated drain water by 2020. These projects will deliver up to 71,000 AFY of additional Canal water to reduce groundwater pumping.⁵¹

Treatment of Colorado River Water for Urban Use

The Plan includes treatment of Canal water for urban uses: CVWD, the City of Coachella and Indio Water Authority (IWA) will develop coordinated plans to treat Canal water for urban use in the East Valley; conduct a feasibility study to determine the economic tradeoffs between large-scale centralized treatment facilities and small scale satellite treatment facilities including potential delivery from the MVP system; evaluate opportunities for regional water treatment projects among CVWD, the City of Coachella and IWA to capture economies of scale, and determine the amount of Canal water desalination needed to minimize taste, odor and corrosion. These projects will deliver up to 90,000 AFY of treated Canal water for urban use by 2045 to reduce existing and future groundwater pumping.⁵²

New Projects and Programs

In addition to those programs identified in the 2002 CVWMP that will continue or be expanded, the following projects and programs are elements of the 2010 CVWMP: Canal water use for urban irrigation; groundwater recharge in the Indio area; investigation of groundwater storage opportunities with IID; additional groundwater treatment for arsenic; development of a salt/nutrient management plan; desalination brine disposal; evaluation of Canal water loss reduction; drainage control; evaluation of stormwater capture feasibility; and development of local groundwater supplies for non-potable use.⁵³

Canal Water Use for Urban Irrigation

As development proceeds in the East Valley, CVWD and the other Valley water purveyors will require new development to install dual piping systems for distribution of non-potable water (Canal or recycled water) for landscape irrigation. This program will offset the reduced Canal water use by agriculture as land use transitions to urban development. It will also reduce groundwater pumping for urban use. From at least two-thirds to as much as 80 percent of the landscape demand of new development

⁵¹2011 SPEIR, p. 3-17.

⁵²2011 SPEIR, pp. 3-17 to 3-18.

⁵³2011 SPEIR, p. 3-18.

will be connected to non-potable water delivery systems. This will result in the utilization of 91,000 to 108,000 AFY of non-potable water by 2045. This program is essential to continued full use of the Valley's Colorado River water supplies as agricultural land use declines.⁵⁴

Groundwater Recharge in the Indio Area

The City of Indio is evaluating the feasibility of constructing a groundwater recharge project within its service area. Pursuant to the Indio-CVWD settlement agreement (2009), CVWD will work with the City of Indio to evaluate the feasibility of developing a groundwater recharge project that reduces groundwater overdraft in the Indio area. Indio has no water rights, so the supply will be Canal water, either purchased from CVWD or purchased from another rights holder and exchanged for Canal water. The 2010 CVWMP Update assumes that an Indio area groundwater recharge project could offset pumping by 10,000 AFY. The actual amount will depend on the feasibility study results.⁵⁵

Investigation of Groundwater Storage Opportunities with IID

As part of the QSA, CVWD and IID signed an agreement that allows IID to store surplus Colorado River water in the Coachella Valley groundwater basin. Under the agreement, CVWD will store water for IID, subject to available storage space, delivery and recharge capacity and the prior storage rights of CVWD, DWA and Metropolitan. Stored water would incur a 5 percent recharge loss and a 5 percent per year storage loss. IID may also request CVWD to investigate and construct additional locations for direct or in-lieu recharge facilities and possible water extraction facilities. IID is currently investigating several sites in the East Valley near the Coachella Canal. Because of the uncertain nature of the facilities, the potential impacts of this water storage program are not evaluated in the 2010 CVWMP and SPEIR but would be considered in a separate, project-level document if a storage program is determined to be feasible.⁵⁶

Additional Groundwater Treatment for Arsenic

The quality of Coachella Valley groundwater generally is high and most of the groundwater delivered to urban customers receives only disinfection. Currently, the only other groundwater treatment is for arsenic removal in a portion of the East Valley. Naturally-occurring arsenic is found in the eastern Coachella Valley groundwater from Mecca to Oasis and appears to be associated with local faults and geothermal activity. CVWD identified six of its domestic water wells with arsenic levels above the revised federal maximum contaminant limit (MCL) of 0.01 mg/L. In early 2006, CVWD completed construction of three groundwater treatment facilities that use an ion-exchange process with a brine minimization and treatment process to remove arsenic. The facilities can be expanded to treat additional wells in the future. In response to elevated arsenic levels in private wells (chiefly serving mobile

⁵⁴2011 SPEIR, p. 3-18.

⁵⁵2011 SPEIR, pp. 3-18 to 3-19.

⁵⁶2011 SPEIR, p. 3-19.

home and recreational vehicle (RV) parks and certain tribal wells), CVWD is pursuing federal grants to fund a portion of the cost to extend the potable water system to serve these affected communities. CVWD is also assisting the communities in connecting to the potable water system to the extent feasible. CVWD is evaluating the feasibility of treating Colorado River water (Coachella Canal water) for delivery to urban water users. To the extent Canal water is used for urban indoor use, additional arsenic removal will not be needed for those areas. However, as required to meet future demands and provide adequate redundancy, CVWD may need to expand its existing arsenic treatment facilities or construct new facilities to treat water from additional wells.⁵⁷

Development of Salt/Nutrient Management Plan

The State Water Resources Control Board (SWRCB) Recycled Water Policy (adopted February 11, 2009) requires every region in the State to develop a salt/nutrient management plan by 2014. The goal of the plans is to responsibly increase the use of recycled water. The salt/nutrient management plans are intended for management of all sources contributing salt/nutrients on a basin-wide basis to ensure that ground and surface water quality objectives are achieved. The Coachella Valley plan will assess the salt contributions of imported water, including that used for groundwater recharge and evaluate the feasibility of reducing salt in recharge water. The Coachella Valley Regional Water Management Group (CVRWMG), of which the City of Coachella and CVWD are a member, will take the lead in developing a salt/nutrient management plan with participation from interested Tribes and other parties that meets the SWRCB requirements to increase cost-effective recycling of municipal wastewater in the Valley.⁵⁸ However, CVWD, Coachella Water Authority (CWA), Desert Water Agency, and Indio Water Authority are working collaboratively on completion of a salt/nutrient management plan for the Coachella Valley via a transparent stakeholder process separate from the CVRWMG.

Brine Disposal

The 2010 CVWMP Update proposes desalination of agricultural drain water from the CVSC for use in the East Valley. Desalination of Canal water may also be required for East Valley potable water delivery. Treatment to potable levels would produce large volumes of brine, which would need to be disposed of in a cost-effective and environmentally sound manner and in compliance with State and Federal regulations. At the same time, groundwater treatment for arsenic and for nitrate removal, if pursued, requires a salt brine to regenerate the treatment resins, a potential use for the desalination brine. In addition, creation of salt or brackish water wetlands near the Salton Sea may also use the brine on a pass-through basis. Consequently, a brine disposal system is required to safely convey salts to an acceptable point of disposal. Concepts for brine conveyance and disposal and their feasibility will be evaluated in conjunction with the salt/nutrient management plan described above.⁵⁹

⁵⁷2011 SPEIR, p. 3-19.

⁵⁸2011 SPEIR, pp. 3-19 to 3-20.

⁵⁹2011 SPEIR, p. 3-20.

Canal Water Loss Reduction

Allocated losses and unaccounted-for water in the All-American Canal, the Coachella Canal and the distribution system are due to seepage, leakage and evaporation and may be as high as 31,000AFY. Under the 2010 CVWMP Update, to increase the amount of water delivered to the Coachella Valley, CVWD will conduct a study to determine the amount of water lost to leakage in the first 49 miles of the Coachella Canal and evaluate the feasibility of corrective actions to capture the lost water. This may require the installation of additional flow metering locations along the Canal. If feasible, CVWD will implement the recommendations of this study and work with IID to develop a transparent system for allocating losses along the All-American Canal.⁶⁰

Drainage Control

Both basin management (shallow groundwater level control and salt export) and the prevention of adverse impacts to shallow groundwater require that CVWD's existing agricultural drainage system be maintained in some form or replaced as urban development proceeds to prevent water logging of clayey soils. Funding will be needed to replace, expand, enhance and maintain the drainage system for urban development in the future. CVWD is evaluating alternative methods for funding the drainage system and will undertake a study of the improvements needed to continue system operation in the future.⁶¹

Stormwater Capture

Stormwater capture has been identified in the 2010 CVWMP Update as a viable method for increasing the amount of local water available for either groundwater recharge or direct use. The amount of additional stormwater that could be captured and used has not been documented. Based on this, CVWD will undertake the following measures: conduct a feasibility study to investigate the potential for additional stormwater capture in the East Valley; and if cost effective, implement stormwater capture projects in conjunction with flood control facilities as development occurs in the East Valley.

Proposals to capture stormwater will only be considered to offset groundwater pumping or provide replenishment if they can clearly demonstrate that the water captured is "new water" that otherwise would have been lost to the Salton Sea or evapotranspiration, rather than water already considered in the Valley water balance.⁶²

Development of Local Groundwater Supplies for Non-Potable Use

An investigation of groundwater development in the Fargo Canyon Subarea of the Desert Hot Springs Subbasin will be conducted to determine the available supply and

⁶⁰2011 SPEIR, p. 3-20.

⁶¹2011 SPEIR, p. 3-20.

⁶²2011 SPEIR, pp. 3-20 to 3-21.

suitability for use in meeting non-potable demands of future development east of the San Andreas Fault. CVWD will propose that a study be performed jointly with the cities of Coachella and Indio. Preliminary estimates prepared for the 2010 CVWMP Update indicate that up to 10,000 AFY of local groundwater supply, which includes returns (excess) from irrigation use, might be developed, depending upon the ultimate level of development in this area.⁶³

Potential Future CVWMP Elements

Several programs and projects have been identified for possible inclusion in future updates to the CVWMP, pending the results of feasibility studies and environmental compliance documents. These include: SWP Extension (Construction of a pipeline to convey SWP water directly to the Coachella Valley); Desalination of Recharge Water (Construction of desalination facilities to reduce the salt load of imported water used for groundwater recharge); Nitrate Treatment (Pumping and treatment of high nitrate groundwater to reduce the potential for basin contamination); and Seawater Desalination (Participation in a future coastal seawater desalination project and delivery of water to the Coachella Valley through water exchanges or transfers.) Although feasibility studies of some of these projects are underway, none of the projects have advanced sufficiently through the implementation process to be included in the 2010 CVWMP Update. Consequently, they were not specifically evaluated in the SPEIR.⁶⁴

Other Programs

Other water management programs in the Coachella Valley are monitoring and data management activities, well management programs, and stakeholder input. These are presented in CVWD's 2010 CVWMP for information purposes, but were not subject to CEQA review.⁶⁵

Monitoring and Data Management

According to the 2010 CVWMP, the following new programs/projects should be implemented to improve monitoring and data management in the Valley: develop water resources database to facilitate data sharing among participating agencies and Tribes; construct additional monitoring wells in conjunction with new recharge facilities; develop a water quality assessment that identifies on-going monitoring activities in the basin; update and recalibrate Coachella Valley groundwater model based on current data and conduct a peer review of updated model; develop a new planning interface and database that can be linked with land use plans and agricultural activities to better distribute pumping and return flows to the model; develop and calibrate a water quality model capable of simulating the changes in salinity and possibly other conservative water quality parameters in conjunction with

⁶³2011 SPEIR, p. 3-21.

⁶⁴2011 SPEIR, p. 3-21.

⁶⁵2011 SPEIR, p. 3-22.

the salt/nutrient management plan; and develop a coordinated approach among the water purveyors and CVAG for calculating urban per capita water usage.⁶⁶

Implementation Plan

The implementation strategy for the 2010 CVWMP is a function of water needs and the feasibility of specific programs. CVWD, in conjunction with the Tribes and the other Valley water districts as appropriate, will implement new Plan elements on an established schedule.⁶⁷

In developing the 2010 CVWMP, CVWD relies on the latest population projections developed by Riverside County. The 2008 SCAG projections, generated in 2007, did not account for the recent and/or current recession, which had slowed growth and continued to have downward effects on growth in the near term. Over the long term, growth will continue; however, population projections will need to be adjusted in terms of the timing of growth. These factors will require adjustment of Plan implementation to reflect revised population projections.⁶⁸

Near Term Projects to Meet Water Management Needs

Even with recessionary forces and slowed growth, existing and planned CVWMP projects will continue to be implemented. Ongoing actions that will continue include: Whitewater recharge with SWP Exchange water and SWP purchases; implementation of the QSA; Levy Facility recharge at current levels of 32,000 AFY; Martinez Canyon recharge at current pilot level of 3,000 AFY; water conservation programs at current levels, including implementation of the adopted Landscape Ordinance and recycling in the West Valley; increased use of Canal water by golf courses with Canal water connections; conversion of East Valley agriculture to Canal water as opportunities arise; groundwater level/quality monitoring; and subsidence monitoring.⁶⁹

⁶⁶2011 SPEIR, pp. 3-22 to 3-23.

⁶⁷2011 SPEIR, p. 3-23.

⁶⁸2011 SPEIR, p. 3-23.

⁶⁹2011 SPEIR, p. 3-23.

SECTION 2

VISTA DEL AGUA DEVELOPMENT

2.1 Project Description

The proposed Vista Del Agua Project includes 1,640 dwelling units on approximately 275 acres of vacant land located within the northern section of the City of Coachella, adjacent to the Interstate 10 and west of Tyler Street. The Project is located within the City limits and sphere of influence. The CWA, which is part of the City's Utilities Department, will serve as the public water system for the Project. **Figure 2-1** shows the general Project location within the Coachella Valley region.

2.2 Project Land Use Summary

The Project includes a mixture of single family residential uses (with densities ranging from 4.5 to 6.5 units per acre), multi-family residential uses (with densities of 12.0 and 20.0 units per acre), commercial uses, parks, open space, and backbone streets (right-of-way). **Table 2-1** outlines the land uses proposed for the Project. Additionally, **Figure 2-2** illustrates the land uses proposed for the Project. Of note, once the Project is fully entitled and project features (e.g. local roads, open space, trails, etc.) are incorporated into each Plan Area, the density will be slightly lower than those presented herein, and thus are anticipated to have a lower water use.

Table 2-1
Proposed Vista Del Agua Land Use Summary^[1]

Plan Area	Land Use	Area (Acres)	Units
6	Single Family Residential (6.5 DU/ac)	71.65	466
5 / 7	Single Family Residential (5.5 DU/ac)	89.84	494
8	Single Family Residential (4.5 DU/ac)	14.78	67
2 / 3	Multi-Family Residential (20 DU/ac)	17.44	349
4	Multi-Family Residential (12 DU/ac)	22.05	265
1	General Commercial	16.80	-
10	Neighborhood Commercial ^[2]	8.27	-
-	Schools/Institutional	-	-
-	Industrial	-	-
9	Landscape Irrigation (Parks)	13.82	-
1	Open Space	0.81	-
-	Backbone Streets ^[3]	19.92	-
Total:		275.38	1,640

^[1] Based on the Vista Del Agua Specific Plan, January 2017.

^[2] Certificate of Occupancy the developer will have the option to exercise the residential overlay and develop Planning Area 10 under the same guidelines that regulate Planning Area 8.

^[3] Right of Way dedications for Avenue 48, Avenue 47, Street A and Polk Street.

City of Coachella & Project Site

Figure 1-3



Vista Del Agua - Specific Plan September 2014

Introduction 1-6

Figure 2-1 Vista Del Agua Location Map

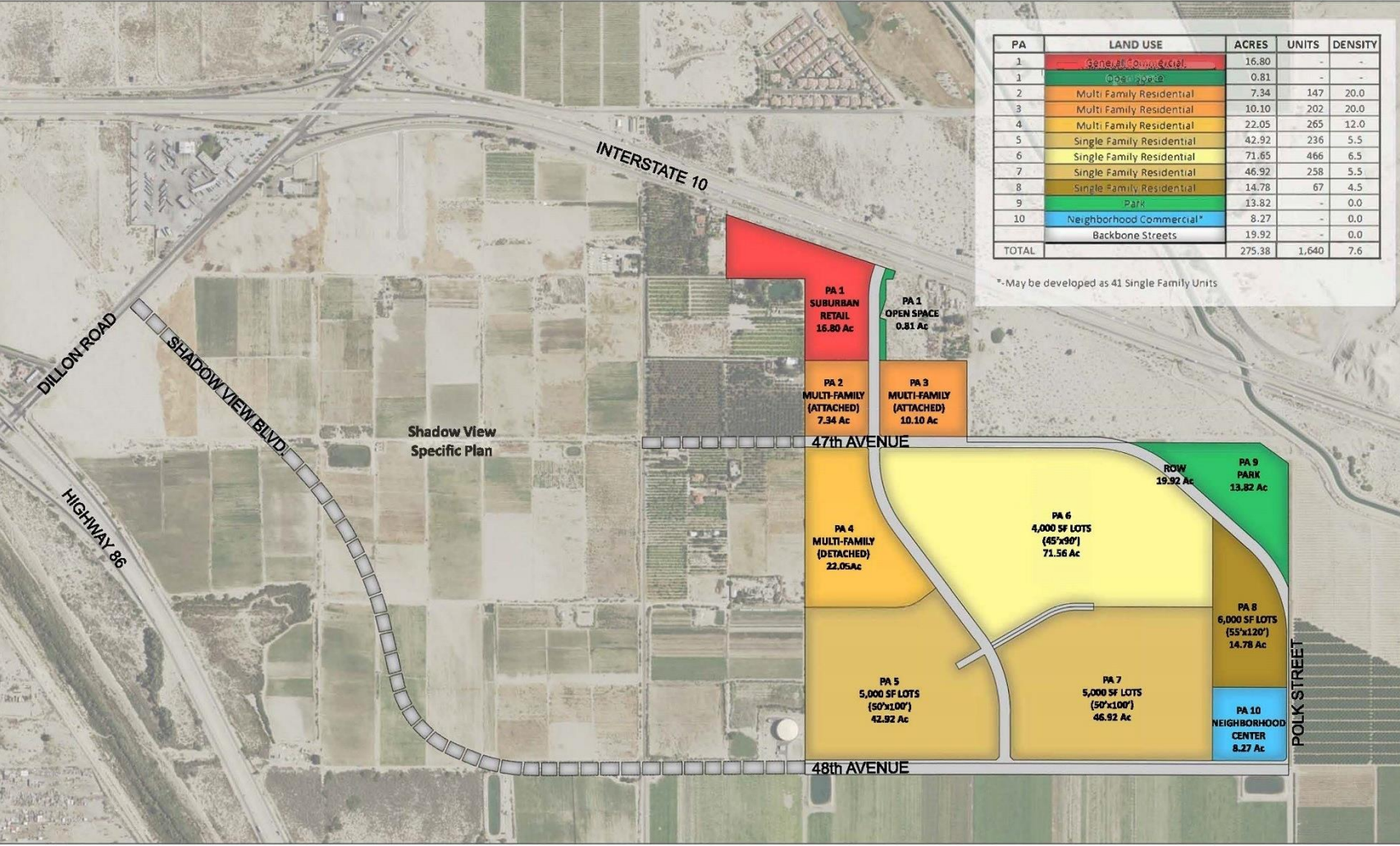


Figure 2-2 Vista Del Agua Land Use Plan

2.3 Project Water Demand

As indicated in **Table 2-1** above, the Vista Del Agua Project includes a mixture of single family residential uses, multi-family residential uses, commercial uses, parks, open space, and backbone streets (right-of-way). With the enactment of SBx7-7 and the requirements of that law to achieve a statewide reduction in per capita water use of 20 percent by the year 2020, the City's overall water use had declined approximately 28 percent over the last 5 years. As such, the City's existing water use factors, developed prior to these water conservation efforts, were outdated. Additionally, the 2009 and 2013 MOUs between the City and CVWD illustrate that projects relying on CVWD's Supplemental Water Supply program, such as this one, must strive to achieve consistency with the conservation programs identified in CVWD's 2010 CVWMP and the water use factors developed by CVWD for the use of supplemental water. In response, the City recently completed a Supplemental Water Supply Program and Fee Study (SWS Study).

The SWS Study provides an analysis and update to the City's annual water consumption factors (ACF), by land use. The ACFs were calculated using actual historical consumption by customers in each land use classification. After which, the most representative customers for future growth were selected for each land use classification. These selections considered future land use densities and water conservation measures (e.g. limited use of turf areas, desert-friendly landscaping, high efficiency irrigation system, water efficient household fixtures, etc.). Further, the ACFs developed in the SWS Study are consistent with the per capita water use reduction goals of SBx7-7, ongoing conservation efforts, and water use factors developed by CVWD for the use of supplemental water.⁷⁰ These ACF's are used to estimate total water demands for a project according to its land uses and size (in acres). **Table 2-2** below summarizes anticipated the total water demands of the Project based on these ACF's. The following ACF's were applied to this project:

- Single Family Residential ACF of 2.85 acre-feet per acre per year
- Multi-Family Residential ACF of 2.69 acre-feet per acre per year
- Commercial ACF of 1.78 acre-feet per acre per year
- Landscape Irrigation ACF of 1.80 acre-feet per acre per year

The Vista Del Agua Specific Plan states that the design and layout of the land plan, infrastructure, development standards, and design guidelines will emphasize the integration of the City's Vision Plan with complementary land uses; and it was prepared in accordance with the City's General Plan. Therefore, the City has determined that these ACF's can be applied to the Project. Furthermore, and as further illustrated in **Section 2.4** below, the project applicant has committed to ensuring that buildout of the Vista Del Agua Project will occur in a manner consistent with CVWD's efficient landscape ordinance.

⁷⁰ See City of Coachella Supplemental Water Supply Program and Fee Study, November 2016

**Table 2-2
Vista Del Agua Average Water Demands**

Land Use	Units	Area (Acres)	City Consumption Factor (ac-ft/ac/yr)	Demand w/ City Factors (gpd)	Demand w/ City Factors (AFY)
Single Family Residential (6.5 DU/ac)	466	71.65	2.85	182,288	204.2
Single Family Residential (5.5 DU/ac)	494	89.84	2.85	228,566	256.0
Single Family Residential (4.5 DU/ac)	67	14.78	2.85	37,602	42.1
Multi-Family Residential (20 DU/ac)	349	17.44	2.69	41,879	46.9
Multi-Family Residential (12 DU/ac)	265	22.05	2.69	52,949	59.3
General Commercial	-	16.80	1.78	26,695	29.9
Neighborhood Commercial	-	8.27	1.78	13,141	14.7
Schools/Institutional	-	-	1.32	-	-
Industrial	-	-	0.96	-	-
Landscape Irrigation (Parks)	-	13.82	1.80	22,206	24.9
Open Space	-	0.81	0.00	-	-
Backbone Streets	-	19.92	0.00	-	-
Total:	1,640	275.38	-	605,326	678.1

As shown in **Tables 2-2**, the anticipated water demand for the Project is 678 AFY, which is dependent on conservation measures implemented by the project, as discussed in the following section. Additionally, as described, once the Project is fully entitled and project features are incorporated into each Plan Area, the land use density will be slightly lower and are anticipated to have a lower water use.

2.4 Project-Specific Water Conservation and Groundwater Reduction Measures

As a general matter, new development projects within the City are required to implement water conservation measures to ensure the efficient use of water resources and to meet and maintain the goals of the 2010 CVWMP. The Project applicant has committed to ensuring that buildout of the Vista Del Agua Project will occur in a manner consistent with the following efficient landscape ordinance:

1. To the greatest extent practicable, native plant materials and other drought-tolerant plants will be used in all non-turf areas of Project landscaping. Large expanses of lawn and other water-intensive landscaped areas shall be kept to the minimum necessary and consistent with the functional and aesthetic needs of the Project, while providing soil stability to resist erosion;

2. Potential use of the Coachella Canal for construction water and Project landscaping may further reduce Project demand for potable water. This will be reviewed for feasibility and subject to agreements between the City and CVWD since the Project lies outside of the ID-1 boundary;
3. In the event recycled water becomes available to the Project, the potential use of tertiary treated water will be reviewed to determine feasibility of its use for on-site landscaped areas to reduce the use of groundwater for irrigation;
4. The installation and maintenance of efficient on-site irrigation systems will minimize runoff and evaporation, and maximize effective watering of plant roots. Drip irrigation and moisture detectors will be used to the greatest extent practicable to increase irrigation efficiency;
5. The use of low-flush toilets and water-conserving showerheads and faucets shall be required in conformance with Section 17921.3 of the Health and Safety Code, Title 20, California Code of Regulations Section 1601(b), and applicable sections of Title 24 of the State Code.

Consistent with these general requirements, the Project applicant has demonstrated its commitment to meeting and maintaining the water conservation goals of the 2010 CVWMP, as further provided below and in the Vista Del Agua Specific Plan.

The Vista Del Agua Specific Plan proposes an all-around approach to water efficiency. The proposed land use plan identifies trail corridors (paseos) that are intended to accommodate stormwater conveyance facilities that link to water quality treatment facilities designed to improve water quality on-site and limit downstream water quality impairments from the proposed development. Additionally, the Vista Del Agua Specific Plan proposes the efficient use of potable water through mandated building and site design requirements. Vista Del Agua design strategies for water efficiency include:

- Reduce potable water demand through landscaping, non-potable reclaimed, well or canal water for irrigation purposes (when available), and high efficiency plumbing fixtures and appliances;
- Utilize high efficiency plumbing and fixtures;
- Utilize efficient irrigation controls to reduce water;
- Reduce the amount of irrigated turf in parks;
- Minimum of 75% of all front yard landscaping shall be limited to desert-scape or xeriscape materials;
- Implement an integrated stormwater collection and conveyance system designed to treat and convey development-related runoff; provide 100-year flood protection to flood prone areas; increase groundwater recharge (where practical) through on-site retention basins, and improve water quality on-site and downstream through on-site water quality basins;
- Support the development of reclaimed water supplies in the City of Coachella and the Vista Del Agua Specific Plan.

Landscaping within Vista Del Agua Specific Plan will complement the existing desert setting as well as provide parks and paseos for outdoor enjoyment and activity. The

plant palette proposed in the Specific Plan contains drought tolerant plants approved for use by the City of Coachella. This palette serves as a guide and varieties may be substituted within each species if they are more appropriate for the Coachella Valley climate and/or Project design. Vista Del Agua landscape design strategies include:

- Utilize native plant choices to the greatest extent possible;
- Develop a plant palette that focuses on shading of pedestrian activity areas will promote use of non-motorized transportation and reduce the urban heat island effect;
- Promote the development of tree-lined streets to encourage walking, biking, and transit use, and reduce urban heat island effects;
- Minimum of 75% of all front yard landscaping shall be limited to desert-scape or xeriscape materials.
- Incorporate natural site elements (significant rock outcroppings, drainage corridors, bio-swales) as design features;
- Use Low Impact Development (LID) techniques to control stormwater flows on-site;
- Incorporate stormwater and/or water quality facilities close to the source within each planning area, protecting site and regional water quality by reducing sediment and nutrient loads to water bodies on-site and downstream; and
- Mimic the predevelopment site hydrology by using site design techniques that store, infiltrate, evaporate, and retain runoff to reduce off-site runoff and facilitate groundwater recharge.

The following guiding principles set the general direction for design of the landscaped places if the Vista Del Agua community:

- Implementation of landscape concepts that use drought tolerant plant palettes that are low-water use and well adapted to the desert climates;
- Incorporate eco-friendly designs, such as optimizing building orientation, reducing potable water use for irrigation and implementing shade strategies;
- Alley-loaded design concepts, which maximize streetscapes with emphasis on pedestrians by providing shade, amenities and connectivity throughout the project site;
- Incorporate the latest design principles of environmental sensitivity, conservation, and sustainability into the landscape planning and design;
- Promote design concepts that create lots fronting to open space areas, creating community-gathering places for local residents;
- Provide structures, pedestrian friendly streets, bicycle lanes, sidewalks and public gathering places that facilitate local, non-vehicular transportation;
- Planting areas and medians will be irrigated with high efficiency automatic irrigation system;
- Collection and treatment of urban runoff using multiple water quality basins throughout the project;
- Utilize high-efficiency plumbing fixtures that meet or exceed the CALGREEN code.

SECTION 3 WATER DEMANDS

3.1 General

The City of Coachella is a desert community of approximately 44,000 people located at the eastern end of the Coachella Valley, in Riverside County, California. The City is located southeast of the San Geronio Pass, east of the San Jacinto and Santa Rosa Mountains, north of the Salton Sea 68 feet below sea level.⁷¹ The current City limits encompass over 20,000 acres and the sphere of influence encompasses approximately 13,000 additional acres around the City. The City's regional setting and water service area are described in detail below.

3.1.1 Service Area Description

The City, incorporated in 1946, encompasses approximately 30 square miles in Riverside County. The area is known as the East Coachella Valley. Existing land uses within the City consists primarily of single and multi-family homes. There is a commercial/light industrial zone along the freeway corridor, agricultural zone east of Highway 86/111, and a heavier industrial zone in the southern part of the City. The population of the small, stable community has a young median age. Full build-out of the City's sphere of influence (SOI), for a total service area of approximately 53 square miles, is not anticipated until sometime after 2050. The City's water supply service area is shown in **Figure 3-1**, which includes the service area outside the City limits, but within the SOI.

3.1.2 Facilities

Water is currently supplied for the City of Coachella entirely by the Coachella Valley Groundwater Basin, Indio Subbasin; Basin Number 7-21.01 (also referred to as the Whitewater River Subbasin). As discussed throughout this WSA, the Basin includes native supplies, and recycled water and imported supplies that are recharged to the Basin to replenish native supplies. The Basin is not adjudicated. The City supplies 100 percent of its potable water from City owned and operated wells. The City presently operates six (6) active groundwater wells, Well Nos. 11, 12, 16, 17, 18, and 19, with a total production capacity of approximately 11,400 gallons per minute (gpm) or 16.5 million gallons per day (MDG). In 2015, annual production was approximately 2,128 million gallons or 6,530 acre-feet. Water provided by these wells is of excellent quality and requires no treatment, other than chlorination, to maintain quality requirements of the California Department of Public Health.

The City is intersected by the Coachella Branch of the All-American Canal (Coachella Canal) and the Colorado River Aqueduct. The Coachella Canal is owned by the United States Bureau of Reclamation and is operated and maintained by the Coachella Valley Water District (CVWD). The Colorado River Aqueduct is owned, operated and

⁷¹ Coachella General Plan Update, 2015, p. 01-3

maintained by the Metropolitan Water District of Southern California (MWD). The Coachella Canal bisects the City starting in the south and moving in a northwesterly direction. The Colorado River Aqueduct passes through the northeastern portion of the City's service area through a closed conduit to prevent losses during conveyance. These waters are used for irrigation and groundwater recharge, respectively.

The City operates a secondary-treatment wastewater facility with a 4.5 MGD capacity and currently processes approximately 2.7 MGD of wastewater. Wastewater effluent is conveyed to the Salton Sea via the storm water channel. The existing treatment plant can be upgraded to a tertiary treatment plant in the future which would permit recycled water to be used for non-potable purposes, further discussed in **Section 4.8** below.

3.1.3 Climate

The City is located in the Coachella Valley. The climate is arid with the majority of precipitation occurring as rainfall in the winter months between November and March. The average rainfall for the Coachella area is approximately 4 inches per year. The only known measurable snowfall occurred on January 31, 1979.

Winter temperatures are generally between the low 40's and the mid 70's. Summer temperatures are generally between mid 70's and the low 100's. **Table 3-1** shows the average monthly ETo, rainfall, and temperature for the City of Coachella area.

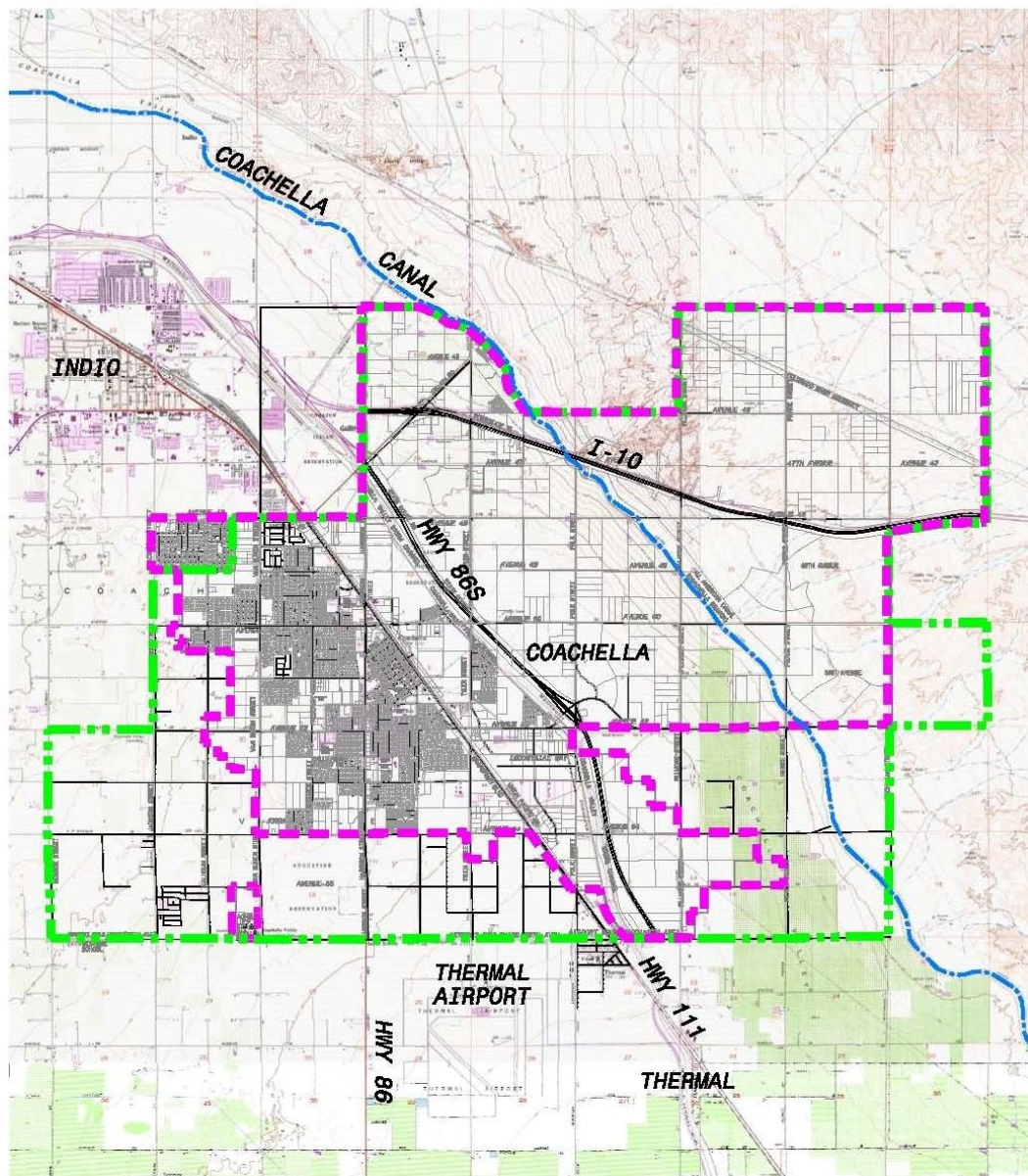
Table 3-1
City of Coachella Area Climate

Month	Monthly Average ETo ^[a] (inches)	Average Temperature ^(b) (degrees F)		Average Rainfall ^[b] (inches)
		Max	Min	
January	2.98	70.6	39.2	0.64
February	3.53	74.9	44.3	0.51
March	6.28	80.0	50.4	0.31
April	8.39	87.0	57.4	0.11
May	10.55	93.7	64.4	0.05
June	10.95	102.3	71.9	0.01
July	10.78	106.9	77.8	0.012
August	9.66	105.7	76.9	0.25
September	8.25	101.5	70.3	0.31
October	5.85	91.9	59.4	0.20
November	3.63	80.2	46.7	0.26
December	2.62	71.7	39.4	0.54
Average:	6.96	88.9	58.2	0.27

NOTES:

^[a] California Irrigation Management Information System, Department of Water Resources, Office of Water Use Efficiency, Monthly Average ETo Report for Station 200, Indio 2, Imperial/Coachella Valley – all other nearby stations are inactive or too new; [on-line] <http://www.cimis.water.ca.gov/UserControls/Reports/MonthlyEtoReportViewer.aspx>

^[b] Western Regional Climate Center (WRCC), Desert Research Institute, Reno, Nevada [on-line] <http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca4259> (WRCC program administered by the National Oceanic and Atmospheric Administration (NOAA); data extracted from monitoring Station 044259 at Palm Springs, CA, Average 3/01/1894 through 06/10/16)

**LEGEND:**

- CITY LIMIT BOUNDARY
- CITY SPHERE BOUNDARY



Figure 3-1 City of Coachella Water Service Area

3.1.4 Service Area Population

The population of the small, stable community has a young median age. While development carried a rapid pace in the Coachella Valley in the early to mid-2000s, it has slowed significantly since the beginning of the economic recession. Total water demand had increased by over 50 percent up to 2007, but has since generally been on the decline. The City has several planned development projects; however, those are expected to stay in the planning stages until local economies begin to show recovery.

The City's water service area population is expected to increase substantially in the future. Currently, the WSA lies within the City's boundaries, serving the more densely populated areas to the west and commercial/resort areas to the north. The water service area covers approximately 32 percent of the City Limits with a total of area of 6,057 acres or 9.5 square miles. In order to calculate the current water service area population, the DWR population tool was used by uploading electronic maps that reflected the boundaries for the 2010 census year, the total number of past and current service connections, and SBx7-7 baseline information. With this information, the DWR population tool calculated the 2015 water service area population as 40,208.

To calculate the projected water service area population, the percent changes across given time periods from the City's 2015 General Plan Update were used. According to the City's 2015 General Plan Update, the 2010 population was 40,704 and is expected to grow to an estimated 70,200 by 2020 and 128,700 by 2035. Using these projected population estimates, the percent change was calculated as 7.25 percent between 2010 and 2020 and 5.56 percent between 2020 and 2035. These percent changes in growth were then applied to project future populations up to 2035, see **Table 3-2** below.

Table 3-2
City of Coachella Population Projections

	2015	2020	2025	2030	2035
Service Area Population	40,947	55,783	71,278	91,078	116,377

3.2 Water Demands

3.2.1 City Past and Current Water Use

The City tracks the following water use sectors: single family, multi-family, commercial/institutional, industrial, and landscape irrigation. As previously stated, the City of Coachella service area population growth was trending upward. However, between 2010 and 2015, the increase was only 1.8 percent, likely a result of the recent economic downturn.

The City's historic water uses by sector, are shown in **Table 3-3**. Overall, water use has declined from 7,105 AFY in 2005 to 6,531 AFY in 2015 or by 8.1 percent. A more significant reduction in water use occurred from 2010 to 2015, decreasing water use by 21 percent overall; attributable to continued implementation of Demand Management Measures (DMMs) and State water reduction mandates. In 2015, single family water use accounts for 57.3 percent of total water use and commercial/institutional water use accounts for 13.9 percent of total water use.

**Table 3-3
Past and Current Water Use**

Use Type	2005	2010	% Change from 2005 to 2010	2015	% Change from 2010 to 2015	% Change from 2005 to 2015
Single family	2,904	4,375	50.7%	3,744	-14.4%	29.0%
Multi-family	681	943	38.4%	640	-32.1%	-5.9%
Commercial/Institutional	549	1,155	110.4%	907	-21.5%	65.2%
Industrial	421	133	-68.3%	10	-92.6%	-97.7%
Landscape Irrigation	426	957	124.4%	546	-42.9%	28.1%
Other	0	0	-	63	-	-
Losses	2,124	697	-67.2%	620	-11.0%	-70.8%
Total:	7,105	8,260	16.3%	6,531	-20.9%	-8.1%

NOTES: Units are Acre-Feet per Year (AFY)

3.2.2 City Water Demand Projections

The projected (next 20 years) water use for the City of Coachella is generally expected to increase at a similar rate to that of the projected population increase within the City and its SOI; provided, however, that per capita water use reductions achieved pursuant to SBx7-7 (see Chapter 1 above) may be expected to affect the relationship between increased population and increases in total water use. The City Development Services Department show active processing for several proposed and recently approved development projects, ranging in size from 10 residential units to mixed-use developments with over 7,800 residential units. The total number of proposed residential units associated with these entitlement applications is approximately 20,000, including Vista Del Agua. These units are included in the City's SOI, which is not anticipated for full build out until after 2050. Thus, many of these development projects are either in the preliminary planning stages or may have been put on hold by applicants for various reasons. Projected water use for 2015 through

2035 in five-year increments is provided in **Table 3-4**. These demand projections are based on projected population and per capita water use, as shown in **Table 3-5**. The population projections are based on CGPU data as presented in the previous section. Per capita water use was calculated in the City's 2010 UWMP. As presented in the City's 2010 UWMP, the water use is currently 210 gallons per capita per day (gpcd), with a reduction to 205 gpcd by 2015 and 200 gpcd by 2020 and beyond.

Table 3-4
Future per Capita Water Use

Year	Total Service Area Population	Per Capita Water Use (GPCD) ^[a]	Total Water Use per Day (MGD)	Total Annual Water Use (AFY)	% Increase
2010 ^[b]	40,208	210	8.55	9,575	-
2015 ^[b]	40,947	205	8.39	9,403	-2%
2020	55,783	200	11.16	12,498	33%
2025	71,278	200	14.26	15,969	28%
2030	91,078	200	18.22	20,405	28%
2035	116,377	200	23.28	26,074	28%

NOTES:

^[a] As presented in the City's 2010 UWMP, Table 3.2-3, and in Sections 5-6 and 5-7 herein, the base daily per capita water use 5-year average is 210 gpcd.

^[b] Note that both 2010 and 2015 Total Annual Water Use are planning number based on a 5-year average per capita water use baselines and targets and vary from actual metered sales presented in Table 4-1B, providing a more conservative outlook.

As indicated above, Riverside County was hit particularly hard by the recent economic downturn. The County experienced some of the highest rates of foreclosures and unemployment in the country. Due to this economic downturn, growth in the County had significantly decreased for several years around the late 2000's. The slowdown in the housing market was one of the primary components of the recession. The timing and extent of this reduced growth rate cannot be accurately predicted. Because the planning period for the City's 2015 UWMP is through 2035, it is expected that the effect of the recent recession on growth in the Valley will attenuate over the long term. Additionally, as shown in **Table 3-4**, actual water demand has declined significantly since 2010 and the City's current GPCD water use is 40.8 percent lower than the SBx7-7 2015 interim target (2015 Interim Target = 204 GPCD v. 2015 Actual Water Use = 142 GPCD). These factors result in a particularly conservative analysis in the City's 2015 UWMP because the actual growth and the actual increases in water demand associated with growth are likely to be much lower than the forecasts that have been used for long term water supply planning purposes.

Table 3-5
Projected 2020, 2025, 2030, and 2035 Water Demands

Use Type	Projected Water Use			
	2020	2025	2030	2035
Single Family	7,166	9,156	11,700	14,949
Multi-Family	1,226	1,566	2,001	2,557
Commercial	1,735	2,217	2,833	3,620
Industrial	19	24	31	39
Landscape	1,046	1,336	1,707	2,181
Other	121	155	198	253
Losses	1,185	1,515	1,935	2,473
Total:	12,498	15,969	20,405	26,074

NOTES: Units are Acre-Feet per Year (AFY)

Certain other aspects of the water demand projections above and water supply reliability discussion in **Section 4** below are noteworthy for purposes of this WSA. First, the City's 2015 UWMP, CVWD's 2015 UWMP, and CVWD's 2010 CVWMP demonstrate that the total projected water supplies available to CVWD and the City are sufficient to meet the water demands of Vista Del Agua and other demands throughout the City and CVWD service areas during normal, single-dry and multiple-dry periods throughout the year 2035 and beyond. More importantly, those conclusions are made in the context of water demands associated with *projected population growth* in the City and CVWD service areas for the next 20 years – the standard established under the UWMP Act. Yet the UWMP Act standard is much more inclusive than the standards set forth by SB 610 and CEQA. Indeed, the water supply sufficiency standard established under SB 610 and CEQA is whether the total projected water supplies available to the City and CVWD over the next 20-year period is sufficient to meet the projected demand associated with the Project in addition to existing and planned future uses.⁷² Future water demands associated with the Project and "planned future uses" within the City and CVWD are considerably less than future water demands associated with projected population growth within the City and CVWD, and neither SB 610 nor CEQA requires a WSA to determine water supply sufficiency in the context of projected population growth. Accordingly, this WSA provides an ultra-conservative approach to water supply sufficiency.

Several sources of authority are instructive in this regard. Under the UWMP Act, an UWMP must quantify historic, existing, and projected demand of various water users over 5-year increments for the ensuing 20-year period or as far as data is available.⁷³ Notably, the Act expressly requires such water demand forecasts associated with projected population increases to be based upon data produced by state, regional, or

⁷² Water Code §§ 10910(c)(3); 10911(c); Pub. Res. Code § 21151.9; 14 Cal. Code Regs. § 15155.

⁷³ Water Code § 10631(a), (e)(1).

local service agency population projections.⁷⁴ The Act further instructs that demand should account for particular land use sectors, including but not limited to, single-family residential, multifamily, commercial, industrial, institutional and government, landscape, sales to other agencies, conjunctive use, groundwater recharge, seawater intrusion barriers, and agriculture.⁷⁵

The standard for assessing demand under SB 610, however, is conspicuously different. Again, the general standard for evaluating demand in a WSA is expressed as “the projected water demand associated with the proposed project, in addition to the public water system’s existing and planned future uses, including agricultural and manufacturing uses.”⁷⁶ The DWR Guidebook supports the idea that demand calculations for purposes of preparing a WSA are much more tailored and limited than the demand analyzed in an UWMP. The DWR Guidebook states: “Planned future uses – the lead agency, as the land-use agency, has information on planned development. Regular communication between the water supplier and lead agency will be essential to ensuring an accurate determination of sufficiency of water supply for future demand. Planned future uses may include: projects that are expected to be completed during the same time frame as the proposed project. These include all new demands ranging from all individual single-family homes to large-scale developments. Proposed developments that have a reserved (or entitlement to) future water supply and are considered to be moving towards construction. Proposed projects that are included in a general or specific plan need not be included if the agency determines that they are not likely to begin construction during the period under consideration. ... [I]t would be a reasonable interpretation that planned future uses are those that would be undertaken within the same time frame as the project under consideration.”⁷⁷

Thus, a WSA arguably should not be required to consider water demands associated with all development that might conceivably occur over the 20-year planning horizon, such as development or projected water demands associated with forecasted population increases in a general plan or UWMP. Rather, a WSA should only be required to contemplate development that is planned and reasonably likely to occur. This approach is consistent with project review conducted under CEQA. In general, CEQA requires some degree of forecasting of future events. For instance, CEQA Guidelines section 15144 provides: “While forecasting the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.”⁷⁸ In this regard, even a cumulative impacts analysis under CEQA is only required to encompass “past, present, and reasonably anticipated future projects.”⁷⁹

In *Laurel Heights Improvement Association of San Francisco v. The Regents of the University of California* (1988) 47 Cal. 3d 376, the California Supreme Court endorsed

⁷⁴ Water Code § 10631(a).

⁷⁵ Water Code § 10631(e).

⁷⁶ See Water Code §§ 10910(c); 10911(c).

⁷⁷ DWR Guidebook, p. 23.

⁷⁸ Cal. Code Regs, tit. 14, § 15144.

⁷⁹ Pub. Res. Code § 21083(b); Cal. Code Regs, tit. 14, § 15130(b)(1)(A).

this view, explaining that “an EIR must address the impacts of ‘reasonably foreseeable’ future activities related to the proposed project.” (*Id.* at 398-399; see also *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 428.) In *Laurel Heights*, the lead agency had detailed information about potential future uses for a property (details that had been published in a newsletter, for example), but did not address those future uses in its EIR because they had not yet been officially proposed. Though the Court did not require detailed analysis of every possible future use, it found that at least a general analysis of probable future uses was required. In explaining what may fall within the scope of such probable future uses, the Court held that an EIR does not require discussion of possible future action “that is merely contemplated or a gleam in a planner’s eye.”⁸⁰ Pursuant to this CEQA standard, it is reasonable for a WSA’s evaluation of projected water demand associated with the “planned future uses” in the water provider’s service area to be tied to the more limited set of projects that are “reasonably foreseeable probable future projects.”

Not only is this approach reasonable and consistent with CEQA, in most cases it would produce a lower total forecasted water demand figure which a WSA then compares to total projected supplies. In the case of Vista Del Agua, for instance, “planned future uses” within the City and CVWD over the next 20-year period have decreased due to economic slowdown and related market factors. Thus, the water demand associated with those uses is much less than the forecasted demand associated with projected population increases as set forth in CGPU, CVWD’s 2010 planning documents, and in regional and county forecasts. Nevertheless, this WSA provides the most conservative analysis of water supply sufficiency by comparing the City and CVWD’s total projected water supplies to possible water demands associated with State and SCAG-based growth projections. The result of this conservative analysis is that the WSA has evaluated potential water supply impacts of the Project against a greater long-term water demand than is required by SB 610 and CEQA. Yet even according to this extra-conservative approach, the record evidence and analyses herein demonstrate that the total projected water supplies available to the City and CVWD over the next 20-year period (and beyond) during normal, single-dry and multiple-dry year periods are sufficient to serve the projected water demand associated with Vista Del Agua in addition to existing and future demands, and that the potential impacts of supplying water to the Project are less than significant on both a project-level and cumulative basis.

3.3 Water Use Reduction Plan

The City and CVWD recognize that water is a limited resource and that water conservation and water use efficiency should be actively pursued throughout the Coachella Valley. Both the City and CVWD have implemented and will continue to expand and implement water conservation programs to achieve the goal of realizing a 20 percent reduction in per capita water use by the year 2020. The interim goal of realizing a 10 percent per capita reduction by 2015, pursuant to SBx7-7, has already been met.

⁸⁰*Laurel Heights, supra*, 47 Cal.3d at 398.

The California Urban Water Conservation Council (CUWCC) Memorandum of Understanding (MOU) regarding Urban Water Conservation in California sets guidelines to achieve a baseline level of water conservation in given water service areas (CUWCC, 2004). Signers of the MOU agree to set goals to meet the standards outlined in the MOU. On November 2, 2000, the City of Coachella became a signatory to the MOU, and the City has remained committed to demand management throughout its service area. For example, the City applies a tiered water rate schedule that is conducive to voluntary conservation, water conservation rebate programs such as the turf removal rebate program, and the City adopting the latest version of the Uniform Building Code (UBC), which requires the installation of water efficient fixtures. The City has also adopted a model landscape irrigation policy as part of the City's "Landscape Guidelines" that address all landscaping for public parkways, median islands, and common area landscaping improvements for residential and commercial developments in the City. The City worked with the Coachella Valley Association of Governments and adopted the Coachella Valley "Model Landscape Ordinance" as a policy document. The guidelines used by the City encourage minimal turf areas, use of native plant materials reminiscent of the "desert wash" plant palette which are used in all of the newer residential common areas including retention basins, parkways and perimeter landscaped planters.

Additionally, the City has implemented a model of sustainability in landscaping its largest public parks with smart irrigation systems and permeable pavers. The recently constructed Rancho Las Flores Park, the expanded Bagdouma Park, and the re-designed De Oro Park all incorporate a blend of native and drought-tolerant plants, trees and ground covers into an attractive, low-maintenance, water-saving resource for the community. Further, the CWA offers three water conservation programs to its residents. These include the Turf Removal Rebate Program, the Indoor/Outdoor Water Fixture Kits, and the Toilet Rebate Program. The City also promotes water conservation and other resources in coordination with CVWD, Imperial Irrigation District (IID), and other energy utilities. The City distributes public information through bill inserts, brochures, and community events.⁸¹ CVWD is not a signatory to the MOU; however, as presented in **Section 1**, CVWD participates in a number of demand management programs similar to those provided by the CUWCC.

3.4 Statewide Drought Conditions

On April 1, 2015, Governor Brown issued Executive Order B-29-15 calling for a 25 percent reduction in consumer water use in response to the historically dry conditions throughout California. The Executive Order also included mandatory actions aimed at reducing water demands, with a particular focus on outdoor water use. In addition to requiring urban water use reductions, the Executive Order called for the following:

- remove and replace turf with drought tolerant landscape options,
- support rebate program for water efficient devices,

⁸¹ Coachella Valley Integrated Regional Water Management Plan, December 2010

- restrict water use on commercial, industrial, and institutional properties in order to achieve 25 percent reduction in potable water use,
- prohibit irrigation of ornamental turf on street medians with potable water supplies,
- prohibit irrigation of new construction with potable water unless drip or micro spray systems are used, and
- direct water supplies to develop rate structures and pricing mechanisms to maximize water conservation consistent with statewide restrictions.

3.4.1 State Board Emergency Water Conservation Regulations

In May 2015, pursuant to the Governor's Executive Order, the State Water Resources Control Board adopted emergency regulations designed to achieve an overall 25 percent reduction in potable urban water use across the state. The regulations were in response to the four-year drought and marked the first time in the State's history for such action. Under the regulations, the State's urban water suppliers (i.e., those serving more than 3,000 customers or delivering more than 3,000 AF of water per year, but not including suppliers functioning solely in a wholesale capacity) were required to achieve assigned water-saving targets that collectively would result in a 25 percent reduction in potable urban water production across the state. The original and extended regulations were effective through May 2016. During that time, the City reduced water use by 24 percent compared to 2013 water use.

On May 9, 2016, Governor Brown issued Executive Order B-37-16 calling on the State Board to adjust emergency water conservation regulations through the end of January 2017 in recognition of differing water supply conditions across the state. On May 18, 2016, the State Board adopted a new emergency conservation regulation to allow urban water providers to calculate an alternative water conservation standard based on a "stress test" approach that assumes three additional dry years. These standards require local water agencies to ensure a three-year supply assuming three more dry years like the ones the state experienced from 2012 to 2015. Water agencies that would face shortages under three additional dry years are required to meet a conservation standard equal to the amount of shortage. As directed by Governor Brown in Executive Order B-37-16, the Board will separately take action to make some of the requirements of the regulation permanent. Of note, the emergency regulations do not impede the City's ability to grow and approve new developments. Rather, it guides water use in a conservative direction while eliminating gross water waste, as shown in the City's water use activity restrictions.

On April 7, 2017, Governor Brown ended the drought emergency in most of California through Executive Order B-40-17, while maintaining water reporting requirements and prohibitions against wasteful practices such as watering during or right after rainfall. The Order also rescinded two emergency proclamations from January and April 2014 and four drought-related Executive Orders issued in 2014 and 2015. Executive Order B-40-17 builds on actions taken in Executive Order B-37-16, which remains in effect, to continue making water conservation a way of life in California. The Board will separately take action to make reporting and wasteful water practices permanent.

The City reports its monthly water use and progress in meeting the mandated water use reduction to the State through its online monthly monitoring report system. Additionally, the City and CWA will continue to work with the Department of Water Resources and the State Board to develop a long-term framework to "Make Water Conservation a California Way of Life." This framework will help to improve the resiliency of California supplies in times of drought.

SECTION 4

WATER SUPPLY ASSESSMENT

4.1 Existing Water Supplies

As explained herein, CWA produces all of its water supplies from the Coachella Valley Groundwater Basin, specifically, the East Whitewater River Subbasin, which is continuously replenished at the local and regional level pursuant to a variety of water supply projects and programs.

The Coachella Valley relies on a combination of local groundwater, Colorado River (CR) water, surface water, and recycled water to meet demand. As explained throughout this WSA, the City produces all of its water supplies from the Coachella Valley Groundwater Basin, specifically, the East Whitewater River Subbasin, which is continuously replenished at the local and regional level pursuant to a variety of water supply projects and programs. The East Whitewater River Subbasin is regionally managed by CVWD, CWA, and IWA. CVWD has statutory authority to replenish local groundwater supplies and collect assessments necessary to support a groundwater replenishment program as provided in the County Water District Law. As indicated in CVWD's 2015 UWMP and various other Coachella Valley water supply planning documents (e.g. CVWD 2010 Coachella Valley WMP and CVWD 2011 Subsequent Program Environmental Impact Report (SPEIR)), the Coachella Valley groundwater basin area serves as an expansive conjunctive use resource that is capable of ensuring a sufficient and sustainable water supply to serve existing uses and projected growth during normal, single-dry and multiple-dry years over an extended planning horizon, currently established as the year 2045. Not only does the basin contain vast reserves of local groundwater (approximately 30 million AF at 1,000 foot depth), it has substantial available storage space that has been utilized and will continue to be utilized to store millions of acre-feet of supplemental supplies that become available during normal and above-normal years. Those surplus supplies are recharged to the basin for later use during dry periods.

In 2002, CVWD prepared a Water Management Plan to provide a road map for meeting future water demands throughout the Lower Coachella Valley, including the City. It includes recommendations for water conservation, additional imported supplies, source substitution, and groundwater recharge elements. CVWD successfully implemented an urban water conservation program, acquired additional SWP supplies, constructed the initial phase of the Mid-Valley Pipeline, and constructed the Thomas E. Levy Groundwater Replenishment Facility. CVWD updated the Plan in 2010. The new 2010 CVWMP recommends greater conservation (agricultural conservation, additional urban conservation, and golf course conservation), supply development (acquisition of additional imported water supplies, recycled water use, and desalinated drain water), groundwater recharge program enhancements, and source substitution programs. A number of new projects and programs are recommended and presented in Section 8 of the 2010 CVWMP.⁸²

⁸²See also: CVWD 2010 CVWMP, Section 4, Existing Water Supplies.

(See **Section 1** above for an overview discussion of the 2010 CVWMP and related 2011 SPEIR that has been adopted and certified pursuant to CEQA.)

4.2 Groundwater

Groundwater⁸³ is the principal source of municipal water supply in the Coachella Valley. The main groundwater source for the entire valley is the Coachella Valley Groundwater Basin, Indio Subbasin, Basin Number 7-21-01, also known as the Whitewater River Subbasin, as shown in **Figure 4-1**. The east portion of the Whitewater River Subbasin is shared by CVWD, Indio Water Authority, Coachella Water Authority (City), and numerous private groundwater producers.

Water Code Section 10910(f) requires additional information when a groundwater basin is included as a source of water supply for a proposed project. The additional information includes a description of the basin, the rights of the public water system (PWS) to use the basin, the overdraft status of the basin, any past or planned overdraft mitigation efforts, historical use of the basin by the PWS, projected use of the basin by the project, and a sufficiency analysis of the basin that is to be utilized to supply the project. In addition to the information and analyses provided in other sections of this WSA, each of the statutory elements of Section 10910(f) are discussed in the following paragraphs.

4.2.1 Basin Description

The Whitewater River Subbasin underlies a major portion of the valley floor and encompasses approximately 400 square miles. Beginning approximately one mile west of the junction of State Highway 111 and Interstate 10, the Subbasin extends southeast approximately 70 miles to the Salton Sea. It is bordered on the southwest by the Santa Rosa and San Jacinto Mountains and is separated from other basins by the Garnet Hill and San Andreas faults. The 2010 CVWMP provides a more comprehensive description and discussion of the Subbasin, which is incorporated herein.⁸⁴

4.2.2 Public Water System Use Rights

As noted by DWR Bulletin 118, the basin is not adjudicated. As such, there are no specifically established limitations on the rights of the City to withdraw water. DWR Bulletin 118 notes that groundwater management in the basin is a local responsibility, and therefore decisions regarding basin conditions and controlled overdraft and groundwater management are the responsibility of local agencies. With specific regard to the Whitewater River Subbasin and surrounding areas, CVWD, one of the region's SWP contractors, developed the 2002 CVWMP and 2010 CVWMP Update for the long-term management of groundwater resources. As detailed in those Plans and discussed in this WSA, CVWD has determined that the total projected water supplies

⁸³As indicated throughout this WSA, the term groundwater refers to local groundwater and imported, recycled and other supplies that are continuously recharged to the basin and extracted from groundwater wells.

⁸⁴See 2010 CVWMP, Section 4.1.1, Whitewater River Subbasin.

available to the basin area, including the City and its SOI, during normal, single-dry and multiple-dry periods throughout the year 2045 are sufficient to meet the needs of existing uses and projected growth.⁸⁵ Moreover, the potential environmental effects of implementing the projects and programs contained in the 2010 CVWMP have been analyzed in accordance with CEQA, and the determination has been made that implementation of the 2010 CVWMP will have a beneficial effect on groundwater resources.⁸⁶ CVWD, with assistance from other water agencies including the City's Coachella Water Authority, have been implementing water supply projects, programs and related management actions of the CVWMPs since 2002. A notable requirement under the CVWMP is that the City (and other agency producers) must pay a replenishment assessment charge (RAC) for each acre-foot of groundwater produced. The FY 2015 RAC was \$52 per acre-foot (AF) of groundwater pumped, the FY 2016 RAC was \$59 per AF, and beginning July 1, 2016 the FY 2017 RAS is \$66/AF.⁸⁷ In 2015, CWA produced approximately 2,128 MG, or 6,531 AF, of groundwater and paid approximately \$339,612 in RAC. In addition to the CVWMP process, in December 2010 the Coachella Valley Integrated Regional Water Management Plan (IRWMP) was developed to promote a regional approach for addressing water management issues and to enhance the region's eligibility for state funding opportunities for water resource projects. The IRWMP was created by the Coachella Valley Regional Water Management Group (CVRWMG), which is a partnership of CWA, CVWD, DWA, Indio Water Agency, and the Mission Springs Water District.

4.2.3 Status of Groundwater Basin

As noted above, the 2010 CVWMP Update and 2011 SPEIR conclude that the total projected water supplies available to the basin area, including the City and its SOI, during normal, single-dry and multiple-dry periods throughout the year 2045 are sufficient to meet the needs of existing uses and projected growth.⁸⁸ Along with those conclusions, the 2010 CVWMP states that the demand for groundwater in the Basin has annually exceeded the natural recharge of the groundwater basin and that condition has caused groundwater levels to decrease in portions of the East Valley and has raised concerns about water quality degradation and land subsidence. If left unaddressed and unmanaged, such groundwater conditions could result in increased groundwater pumping costs, continued decline of groundwater levels, and water quality degradation in the Basin. Because of the difficult nature of quantifying overdraft, CVWD has based its assessment of the issue on the change in freshwater storage in the Basin. For 2015, the latest report available, the annual water balance in storage was a gain of 26,900 AF, which is a positive change in the loss trends of previous years.⁸⁹ Importantly, and as noted throughout this WSA and the water supply planning and CEQA documents that support its analysis, Basin conditions have been and will continue to be fully addressed and comprehensively managed.

⁸⁵ See, e.g., 2010 CVWMP, pp. 7-2 to 7-12; 2011 SPEIR, pp. 3-4 to 3-9.

⁸⁶ See, e.g., 2010 CVWMP, pp. 7-18 to 7-31; 2011 SPEIR, pp. 3-23 to 3-33.

⁸⁷ CVWD Engineer's Report on Water Supply and Replenishment Assessment 2016-2017 Mission Creek, West Whitewater River, and East Whitewater River Subbasin Areas of Benefit, Table VII-4, Appendix A.

⁸⁸ See, e.g., 2010 CVWMP, pp. 7-18 to 7-31; 2011 SPEIR, pp. 3-23 to 3-33.

⁸⁹ CVWD Engineer's Report on Water Supply and Replenishment Assessment 2016-2017 Mission Creek, West Whitewater River, and East Whitewater River Subbasin Areas of Benefit, Table VII-3, Appendix A.

Consistent with the conclusions of CVWD’s 2010 CVWMP Update and 2011 SPEIR, it is expected that continued implementation of CVWMP recommendations will improve overdraft conditions and have a beneficial effect on the groundwater basin.

4.2.4 Groundwater Management and Mitigation Efforts

As presented in **Section 1**, CVWD is successfully implementing an urban water conservation program, has acquired additional SWP supplies, and has constructed the Thomas E. Levy Groundwater Replenishment Facility, among a host of other water management programs and actions. The 2010 CVWMP Update recommends greater conservation (agricultural conservation, additional urban conservation, and golf course conservation), supply development (acquisition of additional imported water supplies, recycled water use, and desalinated drain water), groundwater recharge program enhancements, and source substitution programs as means of improving basin conditions while ensuring a sufficient and sustainable source of water supply for existing and projected uses throughout the region. In addition to the information and analyses presented in this WSA, other descriptions of the projects and programs within the City and CVWD service areas are set forth in the City 2015 UWMP, CVWD 2015 UWMP, CVWD 2010 CVWMP and 2011 SPEIR, which discussions are incorporated herein by reference.⁹⁰

4.2.5 Historical Use of the Basin

The City of Coachella currently operates six (6) groundwater wells. In 2016, the City produced approximately 2,096 MG (6,434 AF) of groundwater. The operating conditions and controls for the wells vary, with some wells operating year-round and some turned on only seasonally. The system is controlled by a Supervisory Control and Data Acquisition (SCADA) system to ensure maximum efficiency of groundwater resources. The City presently uses approximately five percent of the total volume of water withdrawn from the East Whitewater River Subbasin each year. **Table 4-1** shows the City’s annual groundwater production in the Subbasin over the past 5 years. **Table 4-2** shows Coachella Valley Water District’s total groundwater production both the Whitewater River and the Mission Creek Subbasins over the past 5 years.

**Table 4-1
Groundwater Volume Pumped**

Groundwater Type	Location or Basin Name	2012	2013	2014	2015	2016
Alluvial Basin	East Whitewater River Subbasin	7,993	7,939	7,716	6,531	6,434
Total:		7,993	7,393	7,716	6,531	6,434
NOTES: Units are in Acre-Feet (AF)						

⁹⁰See Chapter 1 above regarding management efforts to ensure water supply sufficiency and improved groundwater conditions.

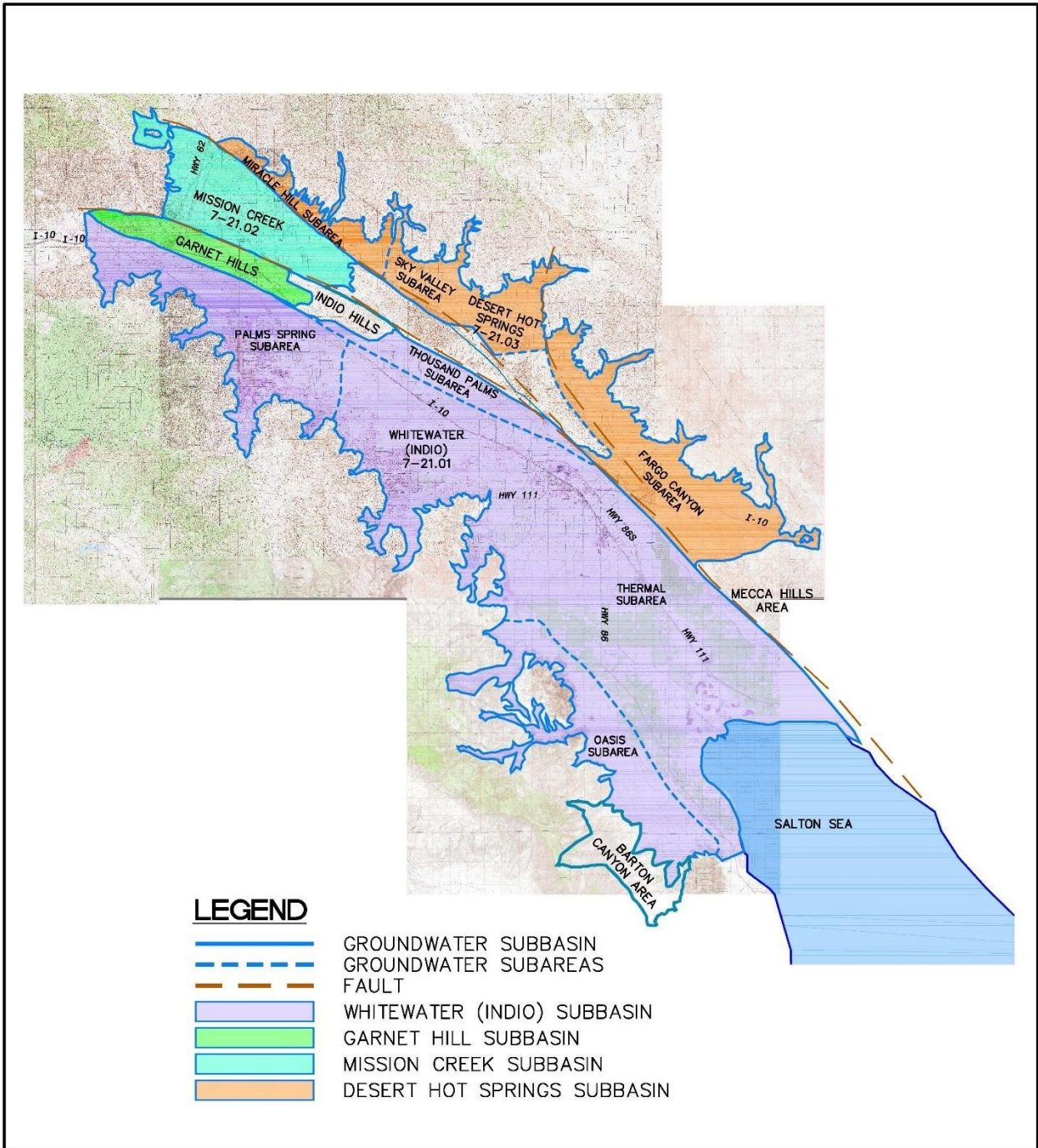


Figure 4-1 Groundwater Subbasins

Table 4-2
Retail Groundwater Volume Pumped

Groundwater Type	Location or Basin Name	Volume Pumped (AF)				
		2012	2013	2014	2015	2016
Alluvial Basin	West Whitewater River Subbasin	141,379	143,108	136,027	115,588	115,706
Alluvial Basin	East Whitewater River Subbasin	120,064	119,194	123,465	113,706	111,925
Alluvial Basin	Mission Creek Subbasin	4,582	4,415	4,154	4,090	4,175
Total:		266,025	266,717	263,646	233,384	231,806

As indicated herein, substantial regional efforts are ongoing, led by CVWD, to recharge the Whitewater River Subbasin with imported water and other supplies. Those efforts are made possible in large part because CVWD is a SWP contractor. Notably, however, the Coachella Valley does not have a direct physical connection to the SWP system. Therefore, CVWD has entered an agreement with the Metropolitan Water District of Southern California (MWD), whereby MWD delivers Colorado River supplies to CVWD in exchange for like amounts of CVWD's SWP supplies. The Colorado River deliveries are made through MWD's Colorado River Aqueduct, which crosses the Coachella Valley near Whitewater. Among other things, the exchange agreement allows for advanced delivery and storage of Colorado River water in the Coachella Basin, thereby providing flexible and efficient water management opportunities. The large storage capacity of the Basin and the large volume of water in storage allow CVWD and other local water providers, such as the City, to pump needed supplies from the Basin during dry years, where large amounts of water can be recharged in normal and above normal years.

4.2.6 Projected Groundwater Use

As presented in **Section 2** above, total projected water demand for the Vista Del Agua Project is estimated at approximately 678 acre-feet per year (AFY), using the City's recently developed demand factors. For additional information regarding estimated water use for the Project, please refer to **Section 3** above. A detailed description and analysis of the amount and location of groundwater and recharged groundwater that is projected to be produced by the City from the East Whitewater Subbasin of the Coachella Groundwater Basin are provided in **Sections 1, 3.2, 4.1** and **4.2** above. For purposes of this analysis, the facilities to be used by the City are described in **Section 3.1.2**.

4.2.7 Sufficiency of the Groundwater Basin

As detailed and analyzed throughout this WSA and in the City's 2015 UWMP, CVWD's 2015 CVWMP Update and CVWD's 2011 SPEIR, substantial evidence demonstrates that the groundwater and recharged groundwater supplies of the Coachella Valley

Groundwater Basin are and will continue to be sufficient during normal, single-dry and multiple dry years over the 20-year projection and beyond to meet the projected demand associated with the Vista Del Agua Project, in addition to other existing and planned future uses within the City and CVWD service areas.

4.2.8 Other Factors Related to the Groundwater Basin

On or about May 14, 2013, the Agua Caliente Band of Cahuilla Indians filed a federal court lawsuit against CVWD and DWA, requesting the court to “judicially recognize, declare, quantify and decree” the Tribe’s right to sufficient water underlying the Coachella Valley as necessary to fulfill the purposes of the Tribe. The lawsuit contends that the development of groundwater by CVWD and DWA has adversely affected the quantity and quality of groundwater supplies underlying the Coachella Valley and the Agua Caliente Reservation, and thus has injured and infringes upon the rights of the Tribe and its members. Among other things, the lawsuit seeks the following: an injunction to prevent CVWD and DWA from withdrawing groundwater from the Upper Whitewater and Garnet Hill subbasins of the Coachella Valley Groundwater Basin underlying the Agua Caliente Reservation; an injunction to prevent CVWD and DWA from overdrafting the Upper Whitewater and Garnet Hill subbasins; an injunction to prevent CVWD and DWA from recharging the Upper Whitewater and Garnet Hill subbasins with imported water of lesser quality than pre-existing groundwater without first treating the imported water; and an injunction preventing CVWD and DWA from infringing on the Tribe’s “ownership interest” in the storage space underlying the Reservation that is used to store the Tribe’s water rights.

The potential for the Agua Caliente lawsuit to affect the water supplies available to the City of Coachella to serve the Vista Del Agua Project cannot be determined at this time and are too speculative to evaluate in relation to the Project and for purposes of this WSA. However, several factors suggest that the lawsuit will not affect the availability, reliability or overall sufficiency of water supplies available to the City to serve the Project. For example, the rights that the Tribe alleges to hold have not been quantified, defined, substantiated or proven from an engineering or legal standpoint, and thus the potential impacts to CVWD and DWA operations are very speculative at this preliminary stage of the lawsuit. Second, as noted above, the City is not a party to the lawsuit and no injunctions are sought against the City’s water production or any other water related activities conducted by the City. Third, the lawsuit concerns groundwater production and storage activities in the Upper Whitewater and Garnet Hill subbasins, whereas the City and the Vista Del Agua Project are located in the East Whitewater subbasin, which is far south of the Agua Caliente Reservation and separate from the Upper Whitewater and Garnet Hill subbasins.⁹¹ Fourth, assuming only for the sake of argument that the lawsuit was successful, it does not seek to prohibit the recharge of imported and supplemental water in the West Whitewater and Garnet subbasins (which, again, the Project does not utilize). Rather, the lawsuit demands that imported water of “inferior quality” be treated before it is recharged to the West Whitewater or Garnet Hill subbasins. For these and other reasons, it does not appear likely that the Agua Caliente lawsuit has the potential to affect the

⁹¹ See Figure 4-1 above.

availability, reliability or overall sufficiency of water supplies available to the City of Coachella to serve the Project as set forth in this WSA.

On September 16, 2014, the Sustainable Groundwater Management Act (SGMA) was signed into law. SGMA declares that groundwater is a critical natural resource for the state and must be sustainably managed. SGMA defines “sustainable groundwater management” as the management and use of groundwater in a manner that can be maintained during a 50-year planning and implementation horizon without causing “undesirable results,” such as “significant and unreasonable” lowering of water levels, reduction in storage capacity, seawater intrusion, degraded water quality, land subsidence, or depletions of interconnected surface water. SGMA also states that sustainable management best occurs at the local level, but provides authority for state management when local agencies are unwilling or unable to implement the new requirements. For purposes of SGMA, groundwater does not include subsurface water that flows in known and definite channels, which in large part is already subject to the permitting jurisdiction of the State Board.

SGMA required DWR to categorize each groundwater basin in the state, as identified and defined in DWR’s Bulletin 118, as high, medium, low, or very low priority by January 31, 2015. All basins designated as high or medium priority and also designated in Bulletin 118 as being subject to critical conditions of overdraft must be managed under a groundwater sustainability plan (GSP) or plans (GSPs) in accordance with SGMA by January 31, 2020. All basins designated as high or medium priority but not also designated in Bulletin 118 as being subject to critical conditions of overdraft must be managed under SGMA by January 31, 2022. SGMA also permits alternative plans in lieu of GSPs if approved by DWR. Basins designated by DWR as low and very low priority are not subject to the requirements of SGMA, but are “encouraged” to be managed under GSPs.

Certain adjudicated areas, and local agencies that conform to the requirements of those adjudications, are expressly exempt from SGMA, subject to ongoing reporting requirements. To the extent authorized under federal or tribal law, SGMA applies to Indian tribes and the federal government, but SGMA provides that federally reserved water rights to groundwater “shall be respected in full.” SGMA authorizes a groundwater sustainability agency (GSA) to regulate, limit or suspend groundwater extractions from individual wells, but it does not authorize such agencies to make a binding determination of the water rights of any person or entity. SGMA authorizes any local agency or a combination of local agencies overlying a basin to become a GSA for that basin. A local agency is defined as a public agency having water supply, water management or land use responsibilities within the basin. Where a combination of local agencies seeks to form a single GSA, it must be done pursuant to a joint powers agreement or other legal agreement. For some areas of the state, specific agencies that already have been created by statute to manage groundwater are deemed by SGMA to be the exclusive groundwater sustainability agencies within their respective boundaries, although such agencies may opt out of that role by providing notice to DWR. In that case, any other local agency or agencies may notify DWR of an election to be the GSA in accordance with required procedures.

Any local agency or agencies electing to be a GSA must first hold a noticed public hearing in the county or counties overlying the basin, and must submit a notice of intent to DWR describing the proposed boundaries of the basin (or portion thereof) that the agency or combination of agencies intends to manage. Within 30 days of electing to be or forming a GSA, the agency must notify DWR, and provide a list of "interested persons" and an explanation of how their interests will be considered in the development and implementation of the agency's sustainability plan. Under SGMA, interested persons include: agricultural water users; domestic well owners; municipal well owners; public water systems; local land use planning agencies; environmental users of groundwater; users of surface water with a hydrologic connection to groundwater; federal agencies; affected California Native American Tribes; disadvantaged communities; and entities monitoring and reporting groundwater elevations under the CASGEM program.

SGMA expresses clear legislative intent that the entirety of each high and medium priority groundwater basin must be covered by one or more GSPs. In other words, there can be no unmanaged areas. In this regard, SGMA provides that a basin plan may be: (1) a single plan covering the entire basin developed and implemented by one GSA; (2) a single plan covering the entire basin developed and implemented by multiple groundwater sustainability agencies; or (3) multiple plans implemented by multiple groundwater sustainability agencies and coordinated pursuant to a single coordination agreement that covers the entire basin. If multiple coordinated plans are prepared to cover a basin, the groundwater sustainability agencies must ensure that the plans utilize the same data and methodologies for developing assumptions regarding groundwater elevations, groundwater extractions, surface water supplies, total water use, changes in groundwater storage, water budget, and sustainable yield.

SGMA mandates that by June 30, 2017, every portion of a high or medium priority basin must be covered by the boundaries of at least one GSA. If an area within a basin is not within the management area of a GSA, the county within which the unmanaged area lies is presumed to be the sustainability agency for that area, unless the county opts out of that role by notifying DWR. If an entire basin is not covered by one or more groundwater sustainable agencies by the June 30, 2017 deadline, groundwater extractions in that area become subject to specific reporting requirements, and the State Board may designate the basin as a "probationary basin" and step in to adopt an interim plan for the basin. GSPs must include the following components:

- The physical setting and characteristics of the aquifer system underlying the basin;
- Measurable objectives, and interim milestones in five-year increments to achieve the sustainability goal in the basin within 20 years of implementation;
- A planning and implementation horizon, defined by SGMA as a 50-year time period over which a GSA determines that plans and measures will be implemented in a basin to ensure it is operated within its sustainable yield;
- Components relating to the monitoring and management of groundwater levels; groundwater quality, inelastic land surface subsidence, and changes in

surface flow and surface water quality that directly affect groundwater levels or quality or are caused by groundwater extraction in the basin; mitigation of overdraft; how recharge areas contribute to basin replenishment; and surface water supplies used or available for groundwater recharge or in lieu use;

- A summary of monitoring sites, type of measurements, and frequency of monitoring various factors;
- Monitoring protocols designed to detect changes in groundwater levels, groundwater quality, inelastic surface subsidence, and flow and quality of surface waters that directly affect groundwater levels or quality or are caused by groundwater extractions in the basin; and
- A description of how applicable county and city general plans have been considered and a description of the various adopted water resource-related plans and programs within the basin and an assessment of how the GSP may affect such other plans and programs.

In addition, GSPs must include basin-specific measures where appropriate, such as:

- Control of saline water intrusion;
- Wellhead protection and recharge areas;
- Migration of contaminated groundwater;
- Well construction, abandonment and destruction programs and policies;
- Activities and opportunities for conjunctive use;
- Measures addressing cleanup of groundwater contamination, groundwater recharge, diversions to storage, conservation, water recycling, conveyance, and extraction projects;
- Efficient water management practices;
- Efforts to develop relationships with state and federal regulatory agencies;
- Processes to review land use plans and efforts to coordinate with land use planning agencies to assess activities that potentially create risks to groundwater quality or quantity; and
- Impacts to groundwater dependent ecosystems.

Prior to initiating the development of a GSP, the sustainability agency or agencies must notify the public, DWR, and any city or county located within the area to be covered by the plan about how interested parties may participate in the plan's development and implementation. The sustainability agency must also encourage the active involvement of diverse social, cultural, and economic communities within the groundwater basin prior to and during the development and implementation of the plan. A GSP plan may only be adopted after a public hearing held at least 90 days after notice was provided to any city or county within the area affected by a GSP. Upon adoption of a plan, the GSA must submit the plan to DWR for review. DWR must post the plan on its website and provide a 60-day public comment period. In addition, DWR must evaluate and issue an assessment of the plan within two years of submission and may include corrective actions to any perceived deficiencies in the plan. SGMA also allows an adopting agency to file a validation action on its plan 180 days after the plan is adopted.

Groundwater sustainability agencies that adopt sustainability plans will have broad new powers under SGMA, includes the authority to:

- Adopt rules, regulations, ordinances, and resolutions;
- Conduct investigations to determine the need for groundwater management, including investigations of surface waters, groundwater, and surface and groundwater rights, and inspections of property or facilities by consent or through an inspection warrant;
- Propose, update, and impose fees, and levy groundwater charges;
- Require registration of and impose requirements on wells and other groundwater extraction facilities;
- Require water measuring devices (i.e., meters) on all groundwater wells within the agency's boundaries;
- Acquire, use, and dispose of real and personal property, such as land, rights-of-way, water rights, structures and infrastructure;
- Import surface and/or groundwater into the agency, conserve and store water within or outside the agency, and purchase, transfer, deliver or exchange water or water rights of any type with any person to carry out any purposes of SGMA;
- Transport, reclaim, purify, desalinate, treat, or otherwise manage and control polluted water, wastewater, or other waters for subsequent use;
- Control groundwater extractions by regulating, limiting, or suspending extractions from individual groundwater wells or wells in the aggregate;
- Authorize temporary and permanent transfers of groundwater extraction allocations within the agency boundaries; and
- Enforce violations of SGMA or agency rules, regulations, ordinances or resolutions, including the ability to impose civil penalties and bring legal actions.

SGMA also provides groundwater sustainability agencies with broad financial powers. For example, sustainable agencies will be authorized to impose a wide variety of fees covering matters such as: permitting; groundwater extractions; preparation, adoption, and amendment of GSPs; investigations; inspections; compliance; enforcement; program administration; reserves; acquisition of lands or other property, facilities or services; and water supply, production, treatment or distribution. While SGMA clearly acknowledges that sustainable groundwater management occurs best at the local level, if local agencies are either unwilling or unable to implement the new requirements of SGMA, the state may step in. To this end, SGMA provides the State Board with broad discretion to determine that a high or medium priority basin should be designated as a "probationary basin" and thereby trigger State Board management authority. When state action is required, SGMA provides various mechanisms to return local control whenever feasible.

In mid-2016, CVWD, CWA, DWA, and IWA entered into a memorandum of understanding (MOU) to develop a common understanding regarding the governance structures applicable to implementation of SGMA for the Indio (Whitewater River) Subbasin. The MOU memorialized the intent of the four agencies to coordinate and cooperate regarding SGMA implementation within their respective jurisdictions to

ensure that the sustainability goals of SGMA are met within the Indio Subbasin. Additionally, the MOU acknowledged that existing and approved water management plans (WMP) managing the Indio Sub-Basin have been prepared and adopted. The MOU set forth the parties' intent to submit the WMP as a potential alternative plan in lieu of a GSP or to prepare a new alternative GSP. In December 2016, CVWD, CWA, DWA, and IWA prepared the SGMA Alternative Groundwater Sustainability Plan Bridge Document for the Indio Subbasin (Bridge Document). The Bridge Document is intended to demonstrate that the 2010 CVWMP is functionally equivalent to the requirements for a GSP and to describes how the 2010 CVWMP meets the requirements of SGMA in lieu of adopting a GSP. The Bridge Document is included in Appendix A.

As of June 30, 2017, CVWD, CWA, DWA, Imperial County, IWA, and Mission Springs Water District (MSWD) have filed Notices of Election to form GSAs within their respective boundaries in the Indio Subbasin.

4.3 Colorado River Water

Colorado River supplies are important to the Coachella Valley for two primary reasons. First, and as further discussed below, a substantial portion of California's share of Colorado River water is allocated directly to CVWD. Second, much of the replenishment supplies used in the Valley come from MWD's allocation of Colorado River water, via the exchange agreement for SWP supplies as discussed above.

Colorado River water has been a major source of supply for the Coachella Valley since 1949 with the completion of the Coachella Canal.⁹² The Colorado River is managed and operated in accordance with the *Law of the River*, the collection of interstate compacts, federal and state legislation, various agreements and contracts, an international treaty, a U.S. Supreme Court decree, and federal administrative actions that govern the rights to use of Colorado River water within the seven Colorado River Basin states. The *Colorado River Compact*, signed in 1922, apportioned the waters of the Colorado River Basin between the Upper Colorado River Basin (Colorado, Wyoming, Utah, and New Mexico) and the Lower Basin (Nevada, Arizona, and California). The Colorado River Compact allocates 15 million AFY of Colorado River water: 7.5 million AFY to the Upper Basin and 7.5 million AFY to the Lower Basin, plus up to 1 million AFY of surplus supplies. The Lower Basin's water was further apportioned among the three Lower Basin states by the *Boulder Canyon Project Act* in 1928 and the 1964 U.S. Supreme Court decree in *Arizona v. California*. Arizona's basic annual apportionment is 2.8 million AFY, California's is 4.4 million AFY, and Nevada's is 0.3 million AFY. California has been diverting up to 5.3 million AFY in recent years, using the unused portions of the Arizona and Nevada entitlements. Mexico is entitled to 1.5 million AFY of the Colorado River under the *1944 United States-Mexico Treaty for Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande*. However, this treaty did not specify a required quality for water entering Mexico. In 1973, the United States and Mexico signed Minute No. 242 of the

⁹² 2010 CVWMP, p. 4-13.

International Boundary and Water Commission requiring certain water quality standards for water entering Mexico.⁹³

California's apportionment of Colorado River water is allocated by the 1931 *Seven Party Agreement* among Palo Verde Irrigation District (PVID), Imperial Irrigation District (IID), CVWD and Metropolitan. The three remaining parties, the City and the County of San Diego and the City of Los Angeles, are now part of Metropolitan. The allocations defined in the *Seven Party Agreement* are shown in **Table 4-3** below. In its 1979 supplemental decree in the *Arizona v. California* case, the United States Supreme Court also assigned "present perfected rights" to the use of river water to a number of individuals, water districts, towns and Indian tribes along the river. These rights, which total approximately 2,875,000 AFY, are charged against California's 4.4 million AFY allocation and must be satisfied first in times of shortage. Under the 1970 *Criteria for Coordinated Long-Range Operation of the Colorado River Reservoirs* (Operating Criteria), the Secretary of the Interior determines how much water is to be allocated for use in Arizona, California and Nevada and whether a surplus, normal or shortage condition exists. The Secretary may allocate additional water if surplus conditions exist on the River (see additional discussion below).⁹⁴

Table 4-3
Priorities and Water Delivery Contracts
California Seven Party Agreement of 1931

Priority	Description	Acre-ft/year
1	Palo Verde Irrigation District gross area of 104,500 acres of Coachella Valley lands	3,850,000
2	Yuma Project (Reservation Division) not exceeding a gross area of 25,000 acres within California	
3(a)	IID, CVWD and lands in Imperial and Coachella Valley's to be served by the All American Canal	
3(b)	Palo Verde Irrigation District – 16,000 acres of mesa lands	
4	Metropolitan Water District of Southern California for use on coastal plain	550,000
	Subtotal – California Basic Apportionment	4,400,000
5(a)	Metropolitan Water District of Southern California for use on coastal plain	550,000
5(b)	Metropolitan Water District of Southern California for use on coastal plain	112,000
6(a)	IID and lands in the Imperial and Coachella Valley's to be served by the All American Canal	300,000
6(b)	Palo Verde Irrigation District – 16,000 acres of mesa lands	
Total		5,362,000

Sources: United States Bureau of Reclamation, <http://www.usbr.gov>; Coachella Valley Water Management Plan Update, January 2012, p. 4-14, Table 4-2.

⁹³2010 CVWMP, p. 4-13.

⁹⁴2010 CVWMP, p. 4-13.

California's Colorado River supply is protected by the 1968 Colorado River Basin Project Act, which provides that in years of insufficient supply on the main stream of the Colorado River, supplies to the Central Arizona Project shall be reduced to zero before California will be reduced below 4.4 million AF in any year. This assures full supplies to the Coachella Valley except in periods of extreme drought. As further described below, delivery analyses performed for the Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lakes Powell and Mead indicated that that California would only experience shortages if the total shortage in the Lower Basin exceeds 1.7 million AFY.⁹⁵

The Coachella Canal (Canal) is a branch of the All-American Canal that brings Colorado River water into the Imperial and Coachella Valleys. Historically, CVWD received approximately 330,000 AFY of Priority 3A Colorado River water delivered via the Coachella Canal. The Canal originates at Drop 1 on the All-American Canal and extends approximately 122 miles, terminating in CVWD's Lake Cahuilla. The service area for Colorado River water delivery under CVWD's contract with Reclamation is defined as Improvement District No. 1 (ID-1) which encompasses most of the East Valley and a portion of the West Valley north of Interstate 10. Under the 1931 California Seven Party Agreement, CVWD has water rights to Colorado River water as part of the first 3.85 million AFY allocated to California. CVWD is in the third priority position along with IID.⁹⁶

4.3.1 Quantification Settlement Agreement

Although the rights and relative priorities to Colorado River supplies as discussed above remain established under the *Law of the River*, an additional framework applies in California. In 2003, CVWD, IID and Metropolitan successfully completed negotiation of the Quantification Settlement Agreement (QSA). The QSA quantifies the Colorado River water allocations of California's agricultural water contractors for the next 75 years and provides for the transfer of water between agencies.

Specific programs under the QSA include lining portions of the All-American and Coachella Canals, which conserve approximately 96,000 acre-feet annually. As a result, about 80,000 acre-feet of conserved water is delivered to the San Diego County Water Authority ("SDCWA") by exchange with Metropolitan. Metropolitan also takes delivery of 16,000 acre-feet annually that will be made available for the benefit of the La Jolla, Pala, Pauma, Rincon and San Pasqual Bands of Mission Indians, the San Luis Rey River Indian Water Authority, the City of Escondido and the Vista Irrigation District, upon completion of a water rights settlement, expected in 2013. An amendment to the 1988 Conservation Agreement between Metropolitan and IID and an associated 1989 Approval Agreement among Metropolitan, IID, CVWD and PVID, extended the term of the 1988 Conservation Agreement and limited the single year amount of water used by CVWD to 20,000 acre-feet. Also included under the QSA is the Delivery and Exchange Agreement between Metropolitan and CVWD that provides for Metropolitan to deliver annually up to 35,000 acre-feet of Metropolitan's

⁹⁵ 2010 CVWMP, p. 4-14.

⁹⁶ 2010 CVWMP, p. 4-14.

State Water Project contractual water to CVWD by exchange with Metropolitan's available Colorado River supplies. In calendar year 2011, under a supplemental agreement with CVWD, Metropolitan delivered 105,000 acre-feet, which consisted of the full 35,000 acre-feet for 2011 plus advance delivery of the full contractual amounts for 2012 and 2013.⁹⁷

Under the QSA, CVWD has a base allotment of 330,000 AFY. In accordance with the QSA, CVWD has entered into water transfer agreements with Metropolitan and IID that increase CVWD supplies by an additional 129,000 AFY as shown in **Table 4-4** below.⁹⁸

Table 4-4
CVWD Deliveries under the QSA

Component	2010 Amount (AFY)	2045 Amount (AFY)
Base Allotment	330,000	330,000
1988 MWD/IID Approval Agreement	20,000	20,000
Coachella Canal Lining (to SDCWA)	-26,000	-26,000
To Miscellaneous/Indian PPRs	-3,000	-3,000
IID/CVWD First Transfer	12,000	50,000
IID/CVWD Second Transfer	0	53,000
MWD/SWP Transfer	35,000	35,000
Total Diversion at Imperial Dam	368,000	459,000
Less Conveyance Losses ^[1]	-31,000	-31,000
Total Deliveries to CVWD	337,000	428,000

^[1] Assumed losses after completion of canal lining projects.

Source: Coachella Valley Water Management Plan Update, January 2012, p. 4-15, Table 4-3

As of 2010, CVWD receives 368,000 AFY of Colorado River water deliveries under the QSA (See **Table 4-6** above). This includes the base entitlement of 330,000 AFY, Metropolitan/IID Approval of 20,000 AFY, 12,000 AFY of IID/CVWD First transfer, and 35,000 AFY of Metropolitan/SWP transfer. It also includes the 26,000 AFY transferred to San Diego County Water Authority (SDCWA) as part of the Coachella Canal lining project and the 3,000 AFY transfer to Indian Present Perfected Rights (PPRs). CVWD's allocation will increase to 459,000 ac-ft/yr of Colorado River water by 2026 and remain at that level for the 75 year term of the QSA. After deducting conveyance and distribution losses, approximately 428,000 AFY will be available for CVWD use.⁹⁹ As further discussed below, legal challenges were filed against the QSA in 2003.

⁹⁷ MWDSC 2013 Preliminary Official Statement, Water Revenue Refunding Bonds, Appendix A, p. A-16.

⁹⁸ 2010 CVWMP, p. 4-15.

⁹⁹ 2010 CVWMP, p. 4-15.

4.3.2 Factors Affecting Colorado River Supplies

Several important factors have the potential to affect the long-term availability and reliability of Colorado River supplies in the Coachella Valley. Among those factors are drought conditions in the Colorado River Basin; water requirements for endangered species and habitat protection; climate change; and lawsuits challenging the validity of the QSA. A detailed discussion of these factors is presented below.

4.3.2.1 Drought Conditions and Interim Guidelines

Drought conditions in the Colorado River Basin are well documented. The period from 2000 through 2007 was the driest eight-year period in the 100-year historical record of the Colorado River. This drought in the Colorado River Basin reduced Colorado River system storage, while demands for Colorado River water supplies continued to increase. From October 1, 1999 through September 30, 2007, storage in Colorado River reservoirs decreased from 55.8 million AF (approximately 94 percent of capacity) to 32.1 million AF (approximately 54 percent of capacity), and was as low as 29.7 million AF (approximately 52 percent of capacity) in 2004. In November 2010, Lake Powell and Lake Mead were at 62 percent and 38 percent of their storage capacities, respectively (Reclamation, 2010b). Although slightly above normal snowpack conditions existed in the Colorado River basin in 2008, the years 2009 and 2010 saw a return of below normal runoff conditions. Drought conditions continued from 2011 to 2015 but began to reverse course in early 2016 with an increase in northern pacific storms arriving into the northern and central part of the State. As of September 2017, Lake Powell and Lake Mead were at 60 percent and 39 percent of their respective storage capacities, with total system storage reported at 55 percent capacity.¹⁰⁰

In January 2001, the Secretary of the Interior adopted guidelines (the "Interim Surplus Guidelines") for use through 2016 in determining if there is surplus Colorado River water available for use in California, Arizona and Nevada. The Interim Surplus Guidelines were amended in 2007, with the new Guidelines extending through 2026. The Interim Surplus Guidelines contain a series of benchmarks for reductions in agricultural use of Colorado River water within California by set dates.¹⁰¹ At the conclusion of the effective period of the interim guidelines, the operating criteria for Lake Powell and Lake Mead are assumed to revert to the operating criteria used to model baseline conditions in the Final Environmental Impact Statement for the Interim Surplus Guidelines dated December 2000 (i.e., modeling assumptions are based upon a Quantified Surplus Strategy for the period commencing January 1, 2026 (for preparation of the 2027 Annual Operating Plan for the Colorado System Reservoirs)).

¹⁰⁰ Lower Colorado Region Available Reservoir Elevations and Contents. Available at: <http://www.usbr.gov/lc/region/g4000/hourly/rivops.html>
<http://www.usbr.gov/lc/region/g4000/hourly/rivops.html>

¹⁰¹ 2010 CVWMP, p. 4-28.

The purposes of the Guidelines are to: (1) improve Reclamation's management of the Colorado River by considering trade-offs between the frequency and magnitude of reductions of water deliveries, and considering the effects on water storage in Lake Powell and Lake Mead, where Reclamation will also consider the effects on water supply, power production, recreation, and other environmental resources; (2) provide mainstream United States users of Colorado River water, particularly those in the Lower Division states, a greater degree of predictability with respect to the amount of annual water deliveries in future years, particularly under drought and low reservoir conditions; and (3) provide additional mechanisms for the storage and delivery of water supplies in Lake Mead to increase the flexibility of meeting water use needs from Lake Mead, particularly under drought and low reservoir conditions.¹⁰²

As a result of the interim guidelines, recipients of Colorado River water, including CVWD, will receive deliveries with a higher degree of reliability. Information presented in the Bureau of Reclamation's (BOR) 2007 Final Environmental Impact Statement ("EIS") for the Interim Guidelines indicates that California would only experience shortages if the total shortage in the Lower Basin exceeds 1.7 million AF. Due to California's Colorado River priority system, all delivery shortages would be borne by MWD, which has a lower priority than CVWD. Consequently, no reduction in CVWD's Colorado River supplies is projected at this time. (2010 CVWMP, p. 4-26.). This is further supported with 2017 being the wettest year on record experienced for the State and coupled with a significant snowpack level received in the Rocky Mountains. Therefore, planned reductions in CVWD's Colorado River supply are not anticipated at any time in the near future.¹⁰³

4.3.2.2 Protected Species and Other Environmental Issues

Federal and state environmental laws protecting fish species and other wildlife species have the potential to affect Colorado River operations. A number of species that are on either "endangered" or "threatened" lists under the ESAs are present in the area of the Lower Colorado River, including among others, the bonytail chub, razorback sucker, southwestern willow flycatcher and Yuma clapper rail. To address this issue, a broad-based state/federal/tribal/private regional partnership that includes water, hydroelectric power and wildlife management agencies in Arizona, California and Nevada have developed a multi-species conservation program for the main stem of the Lower Colorado River (the Lower Colorado River Multi-Species Conservation Program or "MSCP"). The MSCP allows Metropolitan to obtain federal and state permits for any incidental take of protected species resulting from current and future water and power operations of its Colorado River facilities and to minimize any uncertainty from additional listings of endangered species. The MSCP also covers operations of federal dams and power plants on the river that deliver water and hydroelectric power for use by Metropolitan and other agencies. The MSCP covers 27 species and habitat in the Lower Colorado River from Lake Mead to the Mexican border for a term of 50 years. Over the 50 year term of the program, the total cost

¹⁰² 2010 CVWMP, p. 4-28.

¹⁰³ 2010 CVWMP, p. 4-28.

to Metropolitan will be about \$88.5 million (in 2003 dollars), and annual costs will range between \$0.8 million and \$4.7 million (in 2003 dollars).¹⁰⁴

4.3.2.3 Potential Climate Change Impacts

Climate change has the potential to affect imported water supplies. Potential effects of global warming could also increase water demand within the Coachella Valley. Although precise estimates of potential future impacts of climate change on runoff throughout the Colorado River basin cannot be predicted with certainty, reports and data have been developed that address changes in climate and hydrology within that region. These impacts may include decrease in annual flow and increased variability, including more frequent and more severe droughts. Furthermore, even without precise knowledge of the effects, increasing temperatures alone would likely increase losses due to evaporation and sublimation, resulting in reduced runoff.¹⁰⁵ More specifically, the Bureau of Reclamation's 2011 SECURE Water Act Report identifies the following climate challenges in the Colorado River basin: (1) on average, Colorado River Basin temperature is projected to increase by 5 to 6 degrees Fahrenheit during the 21st century, with slightly larger increases projected in the upper Colorado Basin; (2) precipitation is projected to increase by 2.1 percent in the upper Basin while declining by 1.6 percent in the lower Basin by 2050; (3) mean annual runoff is projected to decrease by 8.5 percent by 2050; and (4) warmer conditions will likely transition snowfall to rainfall, producing more December through March runoff and less April through July runoff.¹⁰⁶

The 2011 SECURE Water Act Report also discussed potential future impacts for water and environmental resources in the Colorado River Basin. The Report notes that spring and early summer runoff reductions could translate into a drop in water supply for meeting irrigation demands and adversely impacting hydropower operations at smaller reservoirs; increased winter runoff may require infrastructure modifications or flood control rule changes to preserve flood protection, which could further reduce warm season water supplies; warmer conditions might result in increased stress on fisheries, shifts in geographic ranges, increased water demands for instream ecosystems and thermoelectric power production, increased power demands for municipal uses, including cooling, and increased likelihood of invasive species infiltrations, where endangered species issues might also be exacerbated; and warming could also lead to significant reservoir evaporation, increased agricultural water demands and losses during water conveyance and irrigation. (Id.)

In response to climate change issues, Reclamation is taking a lead role in assessing risks to Western U.S. water resources and is dedicated to mitigating risks to ensure long-term water resource sustainability. Where opportunities exist, Reclamation has begun adaptation actions in response to climate stresses as well as land use, population growth, invasive species and others. These activities include extending

¹⁰⁴ MWDSC 2015 Official Statement, Special Variable Rate Water Revenue Refunding Bonds, Appendix A, pp. A-23 to A-24.

¹⁰⁵ 2010 CVWMP, pp. 5-15 to 5-16.

¹⁰⁶ See, U.S. Department of the Interior, Bureau of Reclamation, Basin Report, Colorado River (<http://www.usbr.gov/climate/SECURE/docs/coloradobasinfactsheet.pdf>).

water supplies, water conservation, hydropower production, planning for future operations and supporting rural water development. For example, a 2010-2011 Pilot Run of the Yuma Desalting Plant increased water supplies in the lower Basin through conservation by an estimated 29,000 acre-feet, enough to supply as many as 150,000 people for one year. At Hoover Dam, new wide head range turbines are being installed that will allow more efficient power generation over a wider range of lake levels than existing turbines. Furthermore, the Department of the Interior High Priority Goal for Climate includes activities of the Landscape Conservation Cooperatives and Climate Science Centers, assessing vulnerabilities to the natural and cultural resources management by the Department and activities to adapt to the stresses of climate change. (Id.)¹⁰⁷

According to DWR, increased air temperature will result in earlier snow melt runoff and a greater proportion of runoff due to rainfall. Because reservoir storage in the Colorado River basin is so large in comparison to annual basin runoff (roughly four times average runoff), a change in the timing of annual runoff would not be expected to significantly affect basin yield.¹⁰⁸

Potential climate change impacts also were evaluated in the Environmental Impact Study (EIS) on the BOR interim surplus guidelines discussed above. The guidelines extend through 2026, providing the opportunity to gain valuable operating experience through the management of Lake Powell and Lake Mead, particularly for low flow reservoir conditions, and to improve the bases for making additional future operational decisions during the interim period and thereafter. The shortage sharing guidelines are crafted to include operational elements that would respond if potential impacts of climate change and increased hydrologic variability occur. The guidelines include coordinated operational elements that allow for adjustment of Lake Powell releases to respond to low average storage conditions in Lake Powell or Lake Mead. In addition, the guidelines enhance conservation opportunities in lower basin and retention of water in Lake Mead.¹⁰⁹

While impacts from climate change cannot be quantified at this time, Coachella Valley water supplies are uniquely protected from potential impacts of climate change and corresponding shortages by (1) California's first priority for Colorado River water supplies in the lower Colorado River basin, and (2) Coachella's high priority for Colorado River supplies among California users of Colorado River water.¹¹⁰

4.3.2.4 QSA Litigation

Shortly after the QSA was executed, a number of Imperial Valley parties including IID filed litigation related to the QSA, including a lawsuit to determine the validity of the agreements. In December 2011, California's Third District Court of Appeal reversed a lower court ruling that had invalidated the San Diego Water (SDCWA)

¹⁰⁷See also, United States Geological Survey, Effects of Climate Change and Land Use on Water Resources in the Upper Colorado Basin, Fact Sheet 2010-3123, January 2011.

¹⁰⁸ Progress on Incorporating Climate Change into Management of California's Water Resources, Technical Memorandum Report, California Department of Water Resources, October 2006.

¹⁰⁹ 2010 CVWMP, pp. 5-15 to 5-16.

¹¹⁰ 2010 CVWMP, p. 5-16.

Authority and IID water transfer and a number of other components of the QSA. The appeals court remanded several issues to the trial court, including questions about whether the QSA was properly processed under the California Environmental Quality Act (CEQA). In July 2013, a Sacramento Superior Court judge entered a final judgment validating the QSA and rejecting all of the remaining legal challenges. The judge affirmed all of the contested actions, including the adequacy of the environmental documents prepared by IID. In May 2015, the State Court of Appeal issued a ruling that dismissed all remaining appeals. Therefore, the QSA requires IID and Palo Verde Irrigation District (PVID) to provide deliveries to CVWD, MWD, and SDCWA.

4.3.2.5 Colorado River Basin Study

In December 2012, the Bureau of Reclamation (BOR) issued its Colorado River Basin Water Supply and Demand Study (2012 Study). According to BOR, the 2012 Study was prepared against the backdrop of challenges and complexities of ensuring a sustainable water supply and meeting future demand in the Colorado River system. Notably, the 2012 Study recognizes that because of the Colorado River system's ability to store approximately 60 million acre-feet of water (or nearly four years of average natural flow of the River), all requested deliveries have been met in the Lower Basin, despite recently experiencing the worst 11-year drought in the last century.¹¹¹ The 2012 Study concludes that, without additional future water management actions among the Upper and Lower Basin states, a wide range of future imbalances is plausible, primarily due to uncertainties inherent in future water supply.¹¹² Comparing the median long-term water supply projections against the median long-term water demand projections, and factoring in the myriad factors having the potential to affect the availability and reliability of River supplies and demands (such as climate change, species and other environmental issues, social trends, economic and legal forces, and technical capabilities), the 2012 Study shows that a long-term projected imbalance of 3.2 million acre-feet or more could occur by the year 2060. To address such potential long-term imbalances, the 2012 Study identifies and discusses a broad range of potential options to resolve the differences between water supply and demand. During the study period, over 150 options were received and organized into four groups: (1) those that increase Basin water supplies; (2) those that reduce Basin water demands; (3) those that focus on modifying operations; and (4) those that focus primarily on Basin governance.¹¹³ Moreover, recognizing that no single option is likely sufficient to resolve potential water supply and demand imbalances, the 2012 Study developed groups and portfolios of options to reflect different adaptive strategies.¹¹⁴ Importantly, the 2012 Study recognizes that *complete* elimination of Basin vulnerability is not likely obtainable, yet concludes that implementation of various adaptive management options results in a significant reduction in vulnerability (e.g., the percentage of future scenarios resulting in Lake Mead elevations being less than 1,000 feet msl is reduced from 19 percent to only 3

¹¹¹ 2012 Study, Executive Summary, p. ES-1.

¹¹² 2012 Study, Executive Summary, p. ES-6.

¹¹³ 2012 Study, Executive Summary, p. ES-7.

¹¹⁴ 2012 Study, Executive Summary, p. ES-11.

percent).¹¹⁵ Indeed the 2012 Study states that implementation of management portfolios are projected to be successful in significantly improving the resiliency of Basin resources to vulnerable hydrologic conditions. Similar to the extraordinary conservation and management efforts being undertaken throughout the Coachella Valley, the 2012 Study concludes that supply augmentation, water reuse and conservation will be critical tools in managing potential supply and demand imbalances.

4.4 Surface Water

CWA does not use self-supplied surface water as part of its water supply. However, that could change in the future and will be further evaluated at that time.

4.5 Storm Water

CWA does not use, or plan to use, local stormwater runoff as part of its water supply. However, that could change in the future and will be further evaluated at that time.

4.6 Transfer and Exchange Opportunities

Water transfers involve the temporary or permanent sale or lease of a water right or contractual water supply between willing parties. Water can be made available for transfer from other parties through a variety of mechanisms.

4.6.1 City

The City is exploring opportunities to exchange non-potable groundwater for water from the Coachella Canal. Certain groundwater in the East Coachella Valley has higher levels of dissolved solids and fluoride, and thus is not suitable for potable purposes. However, that supply may be suitable for irrigation and other non-potable uses. In turn, Canal water that is currently used only for irrigation purposes could be treated or left untreated and used for potable or non-potable urban uses.¹¹⁶

4.6.2 CVWD

CVWD, DWA and the City of Indio are considering the acquisition of additional imported water supplies to augment existing supplies. Under the 2010 CVWMP, CVWD plans to acquire up to 50,000 AFY of additional water supplies through either long-term leases or entitlement purchases from willing parties. Potential sources might include the Delta Wetlands Project which would store surplus water at two Delta islands for later delivery, Sacramento Valley irrigation water transfers, or purchase(s) of additional Table A water from other SWP contractors. Notably, developments within CVWD's retail service area are required to pay a supplemental water supply charge. These amounts can be used to acquire additional water supplies to serve the needs of specific development projects. Supplemental supplies can be

¹¹⁵ 2012 Study, Executive Summary, p. ES-14.

¹¹⁶ City 2010 UWMP, pp. 4-12 to 4-13.

transferred to the Coachella Valley and delivered via the SWP, Metropolitan's Colorado River Aqueduct or the Coachella Canal. Further analysis of transfer and exchange opportunities is provided in the 2010 CVWMP and CVWD 2010 UWMP.¹¹⁷

4.7 Desalinated Water Opportunities

As described in the Coachella Valley IRWMP, desalination processes are being developed for reuse of agricultural drainage flows in the Coachella Valley. The Valley has a large network of drains and open channels that transport irrigation drainage flows and stormwater. In East Valley areas of agriculture, a high groundwater table and concentration of salts in irrigated soils makes this system a requirement. Desalinated agricultural drain flows can be applied to any number of irrigation and domestic purposes, and thus can serve as an important component of the Valley's water supply portfolio.

4.7.1 City

The City of Coachella does not anticipate the future use of desalinated water within its service area, as the backbone facilities and infrastructure needed for desalination are not economically feasible. However, the City believes that desalinated water makes sense at the regional level. With a regional approach, desalination of local agricultural drain water could become a viable and economical alternative to potable water and Coachella Canal water.¹¹⁸

4.7.2 CVWD

CVWD plans to use treated agricultural drainage and other brackish water for irrigation purposes. A brackish water treatment pilot study and feasibility study was completed in 2008. A variety of treatment technologies, brine management approaches and source water supply combinations were compared and assessed over a range of treatment capacities. The treatment alternatives compared reverse osmosis (RO) with dew evaporation, and RO was the chosen technology. Source water supply options consist of the collection of agricultural drainage water at select outfall locations and the installation of a well field to extract groundwater in the upper part of the aquifer influencing the agricultural runoff water. The amount of drain water that would be treated and recycled depends on supply availability (the amount of drain flow occurring), the overall supply mix (the amount of additional water needed), and the cost of treatment and brine disposal. CVWD's CVWMP considers up to 10,000 AFY of desalinated drain water by the year 2035 for urban use. Further analysis is provided in the 2010 CVWMP and CVWD 2015 UWMP.

In addition to drain water, the CVWMP also analyzes desalinated ocean water. Coastal communities in southern California are conducting feasibility studies and developing plans to desalinate ocean water as a water supply source. However, desalinating ocean water has relatively high costs due to the energy required to operate reverse

¹¹⁷ 2010 CVWMP, pp. 8-4 to 8-7; CVWD 2010 UWMP, pp. 4-19 to 4-21.

¹¹⁸ City 2010 UWMP, p. 4-14.

osmosis facilities and potential environmental impacts associated with seawater intakes supplying the plant and disposal of brine. Since the Coachella Valley is located a significant distance from the ocean, desalinated ocean water would need to be exchanged with an imported water source (SWP or Colorado River water) for delivery to the Valley. The amount of water that could be developed through ocean water desalination and exchange is likely to be limited by economics of the physical capacity to deliver desalinated ocean water into the coastal water delivery systems and water quality. Further analysis is provided in the 2010 CVWMP and CVWD 2015 UWMP.¹¹⁹

4.8 Recycled Water Opportunities

Recycled water is a significant resource that can be used to help expand the local and regional water supply portfolio. Wastewater that has been highly treated and disinfected can be reused for landscape irrigation, certain agricultural applications, and a variety of other purposes. Recycled water has historically been used for irrigation of golf courses and urban landscaping in the Coachella Valley. City and CVWD recycled water opportunities are described below.

4.8.1 City

Currently, the City does not have infrastructure in place to recycle water. However, the City, along with Mission Springs Water District, Indio Water Agency, and Valley Sanitation District, are seeking grant funding through the Integrated Regional Water Management Round 2 for the preparation of a Coachella Valley Recycled Water Development Plan that would determine the feasibility on implementing recycled water throughout the Coachella Valley. If the planning study produces a favorable result and tertiary treatment is added to the City's wastewater treatment facility, potential uses of recycled water could be implemented, including non-potable water systems for larger developments, such as Vista Del Agua. In addition, the City has begun negotiations with Valley Sanitation District to acquire wastewater effluent from its treatment plant located north and uphill of the City. The investigation includes determining treatment plant improvements required to meet applicable recycled water quality standards.

4.8.2 CVWD

Urban growth is expected to increase the amount of wastewater generated, and thus will make additional recycled water available for reuse, primarily in the East Valley. As discussed in the 2010 CVWMP, with water conservation measures, recycled water supplies in the East Valley are projected to total about 67,000 AFY by 2045.

In addition, growth is expected to occur in areas that are not currently served by wastewater treatment facilities. It is expected that the wastewater agency serving these areas will extend their wastewater collection systems as development occurs. For the areas within the cities of Coachella and Indio and their respective spheres of influence that are northeast of the San Andreas fault, it is expected that one or more

¹¹⁹ 2010 CVWMP, pp. 8-6 to 8-13; CVWD 2010 UWMP, pp. 4-21 to 4-23.

satellite treatment facilities will be constructed to treat wastewater generated in these areas. That recycled water can be reused for outdoor use within those developments to reduce the need for additional local potable and imported water supplies. Based on estimates of water demands and wastewater flows, recycled water could meet as much as 12,000 AFY of non-potable demand in this area by 2045. Further analysis is provided in the 2010 CVWMP and CVWD 2015 UWMP.¹²⁰

4.9 Future Water Projects

The City and CVWD continue efforts to meet water demand through development of future water projects. Each are discussed in the following paragraphs.

4.9.1 City

The City understands the need to develop additional sources of supply to meet demands associated with projected growth. The City will continue to evaluate the use of Canal water as a source substitution for drinking water supplies obtained from groundwater. Upon completion of necessary agreements, treatment facilities, and infrastructure, the City estimates that it could derive approximately 15 percent of its drinking water from the Canal. Per CVWD Ordinance No. 1428, the City has opportunity to receive canal water for additional potable water supply when available. As the water becomes available, the City will pursue those opportunities to supplement its water portfolio. As part of its water master plan process, the City will continue to design water system improvements to enhance conservation, identify additional water supplies and potential source substitutions, and enhance local groundwater recharge.

4.9.2 CVWD

CVWD will continue to implement recommendations provided in the 2010 CVWMP. As outlined in **Section 1** above, and as described throughout this WSA, CVWD water supply projects and programs include greater conservation (agricultural conservation, additional urban conservation, and golf course conservation), supply development (acquisition of additional imported water supplies, recycled water use, and desalinated drain water), groundwater recharge program enhancements, and source substitution programs. In addition to the information provided in this WSA, Section 8 of the 2010 CVWMP Update provides a detailed discussion of the many new projects and programs that are recommended for implementation.¹²¹

4.10 Analysis of Water Supply and Demand

As noted herein, the supply and demand analyses for the Vista Del Agua Project are based in large part on the City's 2015 UWMP, CVWD's 2015 UWMP and CVWD's 2010 CVWMP Update and 2011 SPEIR. The UWMPs were prepared in accordance with the

¹²⁰ 2010 CVWMP, pp. 8-5 to 8-10; CVWD 2010 UWMP, pp. 4-23 to 4-31.

¹²¹ 2010 CVWMP, pp. 8-13 to 8-15; CVWD 2010 UWMP, pp. 4-31 to 4-34.

Urban Water Management Planning Act, as most recently amended by SBx7-7. Among other analyses, the UWMPs and the CVWMP Update and 2011 SPEIR identify total projected water demands, and demonstrate that total projected water supplies will be sufficient to meet those demands through 2035 and beyond. Also discussed above, through the 2009 and 2013 MOUs the City and CVWD have identified ways to ensure that sufficient water supplies will be available to serve growth throughout the City's service area, including its sphere of influence. Indeed, the 2013 MOU applies to the Vista Del Agua project.

Although substantial growth has been forecasted for the Coachella Valley, the rate of growth had slowed in recent years due to widespread economic downturn. As the economy recovers and as development returns, other changes may occur in the region. For example, the area may continue to experience a transition from agricultural to urban land uses. As agricultural land converts to urban uses, the characteristics of water demands and infrastructure will also change. The 2010 CVWMP Update specifically accounts for these changes and the different ways that water will be used. The analyses show that as urban development occurs, Canal water that is currently used for irrigation could be used for groundwater replenishment to serve urban uses, could be treated for direct indoor use, or left untreated for urban non-potable use.

As outlined in the Sections above, water conservation is a major component of future water management in the Valley. As presented above, both the City and CVWD are committed to reducing their per capita urban water demand in accordance with SBx7-7. Agricultural conservation will also be a focus within CVWD. The 2010 CVWMP Update increases the water conservation requirement during the next 35 years. A 14 percent reduction in agricultural water use is targeted by the year 2020. CVWD's 2009 landscape ordinance will govern the irrigation demands of new golf courses within CVWD's service area, and reduce demands of existing golf courses by 10 percent.

Other than Canal water, recycled water and desalinated agricultural drain water, all water delivered to end users is obtained from the groundwater basin, which is continuously recharged with supplemental imported supplies as discussed above. Also noted above, the groundwater basin has a capacity of approximately 28.8 million acre-feet and currently contains about 25 million acre-feet and acts as a very large conjunctive use reservoir. As provided throughout this WSA, and in the 2010 CVWMP and 2011 SPEIR, the managed basin is capable of ensuring a sufficient and sustainable water supply to meet existing water demands and the demands associated with projected growth throughout the region (specifically including the City and the proposed Vista Del Agua Project) during normal, single-dry and multiple-dry periods throughout the 20-year projection and beyond. Moreover, it has been determined in accordance with CEQA that implementation of the 2010 CVWMP will have a beneficial effect on groundwater resources. CVWD has many programs to maximize the water resources available to it including recharge of its Colorado River and SWP supplies, recycled water, desalinated agricultural drain water, conversion of groundwater uses to Canal water and various conservation measures, such as tiered water rates, a landscaping ordinance, outreach and education. The 2010 CVWMP

Update and CVWD replenishment assessment programs, in which the City fully participates, establish a comprehensive and managed effort to eliminate the overuse of local groundwater supplies.

The analysis herein evaluates whether the total projected water supplies available to the City, by virtue of its membership and participation in the regional efforts of the CVWD 2010 CVWMP, are sufficient to meet the water demands of the Vista Del Agua Project in addition to other existing and planned future uses within the City's service area. The supply and demand assessment includes three scenarios over the 20-year projection as required by SB 610: normal water years, single-dry years, and multiple-dry years. As presented in **Section 3**, the City's water demands are projected to grow from 6,531 AFY (2,128 MG) in 2015 to 26,074 AFY (8,496 MG) in 2035. As shown in **Section 2**, the estimated Project demands are 678 AFY, representing approximately 4 percent of the City's projected growth. **Tables 4-5, 4-6, and 4-7** outline the water supply and demand scenarios for normal, single-dry and multiple-dry years respectively.

Table 4-5
Normal Water Years 2015-2035 (AFY)

	2015	2020	2025	2030	2035
Supply Totals	6,531	12,498	15,969	20,405	26,074
Demand Totals	6,531	12,498	15,969	20,405	26,074
Difference	0	0	0	0	0
Difference as % of Supply	0.0%	0.0%	0.0%	0.0%	0.0%
Difference as % of Demand	0.0%	0.0%	0.0%	0.0%	0.0%

Table 4-6
Single-Dry Water Years 2015-2035 (AFY)

	2015	2020	2025	2030	2035
Supply Totals	6,531	12,498	15,969	20,405	26,074
Demand Totals	6,531	12,498	15,969	20,405	26,074
Difference	0	0	0	0	0
Difference as % of Supply	0.0%	0.0%	0.0%	0.0%	0.0%
Difference as % of Demand	0.0%	0.0%	0.0%	0.0%	0.0%

Table 4-7
Multiple-Dry Water Years 2015-2035 (AFY)

		2015	2020	2025	2030	2035
Multiple-Dry Year First Year Supply^[1]	Supply totals	6,531	12,498	15,969	20,405	26,074
	Demand totals	6,531	12,498	15,969	20,405	26,074
	Difference	0	0	0	0	0
	Difference as % of Supply	0.0%	0.0%	0.0%	0.0%	0.0%
	Difference as % of Demand	0.0%	0.0%	0.0%	0.0%	0.0%
Multiple-Dry Year Second Year Supply^[2]	Supply totals	6,204	11,873	15,171	19,385	24,770
	Demand totals	6,204	11,873	15,171	19,385	24,770
	Difference	0	0	0	0	0
	Difference as % of Supply	0.0%	0.0%	0.0%	0.0%	0.0%
	Difference as % of Demand	0.0%	0.0%	0.0%	0.0%	0.0%
Multiple-Dry Year Third Year Supply^[3]	Supply totals	5,551	10,623	13,574	17,345	22,163
	Demand totals	5,551	10,623	13,574	17,345	22,163
	Difference	0	0	0	0	0
	Difference as % of Supply	0.0%	0.0%	0.0%	0.0%	0.0%
	Difference as % of Demand	0.0%	0.0%	0.0%	0.0%	0.0%

^[1] No demand reductions are expected during a single dry year. Typically, there are no demand reduction measures during single dry years. It isn't until back to back dry years are recognized that demand reduction measures are implemented.

^[2] Based on an assumed 5% reduction in demand based on Stage I Water Alert.

^[3] Based on an assumed 15% reduction in demand based on Stage II Water Alert.

4.11 Conclusions

The water supply for the proposed Vista Del Agua Project will be the East Whitewater River Subbasin in the Coachella Valley with supplies that are recharged to the Basin on an ongoing basis. Groundwater storage will be used in dry years to support potential differences between demands and supply. The groundwater basin has a capacity of approximately 28.8 million acre-feet and currently contains about 25 million acre-feet, simulating the benefits of a very large conjunctive use reservoir. It is capable of meeting the water demands of the Coachella Valley for extended periods during normal, single-dry and multiple-dry year conditions, and the determination has been made in accordance with CEQA that the City's utilization of groundwater supplies in a manner that is consistent with the implementation of the CVWD 2010 CVWMP will not have significant environmental impacts on the groundwater basin, and instead will have a beneficial effect on groundwater resources.¹²²

As discussed in the 2010 CVWMP Update, the 2011 SPEIR, CVWD's 2015 UWMP, City's 2015 UWMP, and this WSA, the City and CVWD have many programs to

¹²² See CVWD 2011 SPEIR.

maximize the water resources available to the City and CVWD, including but not limited to recharge of the basin using Colorado River and SWP supplies, direct use and recharge of recycled water, desalinated agricultural drain water, conversion of groundwater uses to Canal water and comprehensive water conservation practices such as tiered water rates, landscaping ordinances, outreach and education. The CVWD groundwater replenishment programs establish a comprehensive and managed effort to reduce and eliminate overuse of local groundwater resources. These programs allow CVWD to maintain the groundwater basin as its primary water supply and to recharge the groundwater basin as its other supplies are available and needed to meet existing and projected demands within its overall service area, including the City and the City's sphere of influence.

Based on the information, analysis, and conclusions documented in this WSA, substantial evidence exists to support a determination that the total projected water supplies available to the City during normal, single dry, and multiple dry water years during a 20-year projection are sufficient to meet the projected water demand associated with the proposed Vista Del Agua Project, in addition to the City's existing and planned future uses, including agricultural and manufacturing uses. This conclusion is based on, among other things, the volume of water available in the regional aquifer, the City's current and planned local water management programs and projects, and CVWD's current and planned local and regional management programs and water supply projects to supplement and sustain regional groundwater supplies. The analyses and conclusions set forth in this WSA are further supported by the City's 2009 MOU and 2013 MOU with CVWD regarding water supply for new developments (including Vista Del Agua), and the contractual availability of State Water Project and Colorado River supplies to the Coachella Valley. Additionally, the City and CVWD have committed sufficient resources to further implement the primary elements of the City's 2015 UWMP, the CVWD 2015 UWMP and the CVWD 2010 CVWMP, including source substitution, water conservation, and purchases of additional water supplies. Furthermore, as set forth in this WSA and the Vista Del Agua Specific Plan, the Project will incorporate various water conservation elements adopted by the City and/or CVWD in accordance with SBx7-7. These include conservation elements for indoor and outdoor uses throughout the Project. These efforts may further reduce the ultimate water demands of the Project.

As provided by Water Code section 10914, nothing in this WSA is intended to create a right or entitlement to water service or any specific level of water service, and nothing herein is intended to impose, expand or limit any duty concerning the City's obligation to provide certain levels of service to existing or future potential customers.¹²³ The City retains the right, in its sole discretion, to evaluate from time to time whether the projected demands associated with the Project continue to fall within the City's forecasted demand or planned future uses.

¹²³ Water Code § 10914(a)-(b).

APPENDIX A

Water Supply Planning Documents (See Attached CD-ROM)

APPENDIX B

2009 City of Coachella and Coachella Valley Water District Memorandum of Understanding

APPENDIX C

2013 City of Coachella and Coachella Valley Water District Memorandum of Understanding