

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

521B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
April 16, 2007

SUBJECT: GENERAL PLAN AMENDMENT NO. 776 / SPECIFIC PLAN NO. 338 / CHANGE OF ZONE NO. 7263 – CERTIFY EIR – Applicant: Mirasera, LLC – Engineer / Representative: The Stantec Corporation - Fourth Supervisorial District – Thousand Palms Zoning District – Western Coachella Valley Area Plan: Community Development: Commercial Retail (CD-CR) (0.20 - 0.35 Floor Area Ratio), Very High Density Residential (CD-VHDR) (14 - 20 Dwelling Units Per Acre), Light Industrial (CD-LI) (0.25 - 0.60 Floor Area Ratio) and Commercial Tourist (CD-CT) (0.20 - 0.35 Floor Area Ratio) – Location: Easterly of Cook Street and westerly of Washington Street on Varner Road and contains approximately two-thirds of a mile of frontage along the I-10/Varner Road corridor – 189.8 Gross Acres - Zoning: Scenic Highway Commercial (C-P-S), Controlled Development Areas (W-2), and Controlled Development Areas - 10 Acre Minimum (W-2-10) - **REQUEST:** The General Plan Amendment will change the designation on the property from Community Development: Commercial Retail (CD-CR) (0.20 - 0.35 Floor Area Ratio), Very High Density Residential (CD-VHDR) (14 - 20 Dwelling Units Per Acre), Light Industrial (CD-LI) (0.25 - 0.60 Floor Area Ratio) and Commercial Tourist (CD-CT) (0.20 - 0.35 Floor Area Ratio) to the use designation included with Specific Plan No. 338. The amendment will reorganize and reposition the same uses in a different configuration and will eliminate the LI designation. The Specific Plan (The Mirasera Specific Plan) consists of 189.8 gross acres of a multi-phased Community Retail, Office, Business Park / Medical, Mixed-Use, Hotel and a variety of dwelling unit types including apartments, condominiums, town homes and clustered detached single-family homes. The proposed development includes 1756 residential units on 85.7 acre; a 200-room hotel; and 33.9-acre office and mixed use development containing 358,000 Square Feet, 17.2 acres of community retail containing 187,300 Square Feet; and, parking, landscaping, and utility improvements. The Change of Zone proposes to change the current zoning classification from Scenic Highway Commercial (C-P-S), Controlled Development Areas (W-2), and Controlled Development Areas - 10 Acre Minimum (W-2-10) to Specific Plan (SP No. 338).

Ron Goldman
Planning Director

RG:cv

REVIEWED BY EXECUTIVE OFFICE

DATE 4/30/07

- Dept't Recomm.: Consent
- Per Exec. Ofc.: Consent
- Policy
- Policy

Prev. Agn. Ref.

District: Fourth

Agenda Number:

15.1

The Honorable Board of Supervisors

RE: GENERAL PLAN AMENDMENT NO. 776 / SPECIFIC PLAN NO. 338 / CHANGE OF ZONE NO. 7263

April 16, 2007

Page 2 of 2

RECOMMENDED MOTION:

The Planning Department recommended approval; and,

THE PLANNING COMMISSION RECOMMENDED:

CERTIFICATION of **ENVIRONMENTAL IMPACT REPORT NO. 486**, which has been completed in compliance with the EIR Guidelines and the Riverside County Rules to Implement CEQA; and,

TENTATIVE APPROVAL of **GENERAL PLAN AMENDMENT NO. 776**, amending the Land Use Designation from the uses specified in Western Coachella Valley Area Plan to the uses designated in Specific Plan No. 338; and based on the findings and conclusions incorporated in the staff report; and,

TENTATIVE APPROVAL of **SPECIFIC PLAN NO. 338**, subject to the attached conditions of approval; and based upon the findings and conclusions incorporated in the staff report; and,

TENTATIVE APPROVAL of **CHANGE OF ZONE NO. 7263**, from Scenic Highway Commercial (C-P-S), Controlled Development Areas (W-2), and Controlled Development Areas - 10 Acre Minimum (W-2-10) to Specific Plan (SP No. 338), in accordance with Exhibit #3, based upon the findings and conclusions incorporated in the staff report.

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



15.1

1:30 p.m. being the time set for public hearing on the application of Mirasera, LLC – The Stantec Corporation, for General Plan Amendment No. 776 to change the designation from Community Development: Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio), Very High Density Residential (CD-VHDR) (14-20 Dwelling Units Per Acre), Light Industrial (CD-LI) (0.25-0.60 Floor Area Ratio) and Commercial Tourist (CD-CT) (0.20-0.35 Floor Area Ratio) to the use designation included with Specific Plan No. 338, and reorganize and reposition the same uses in a different configuration and eliminate the LI designation, for Specific Plan 338 (The Mirasera Specific Plan) consists of 189.8 gross acres of a multi-phased Community Retail, Office, Business Park/Medical, Mixed-Use, Hotel and a variety of dwelling unit types including apartments, condominiums, town homes and clustered detached single-family homes, including 1756 residential units on 85.7 acre; a 200-room hotel; and a 33.9-acre office and mixed use development containing 358,000 square feet, 17.2 acres of community retail containing 187,300 square feet; and, parking, landscaping, and utility improvements; and, for Zone Change 7263, to change the zoning from Scenic Highway Commercial (C-P-S), Controlled Development Areas (W-2), and Controlled Development Areas – 10 Acre Minimum (W-2-10) to Specific Plan (SP No. 338), located in the Thousand Palms area, 4th District, the Chairman called the matter for hearing.

Adam Rush, Planning staff, recommended a continuance to June 5, 2007.

On motion of Supervisor Wilson, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is continued to Tuesday, June 5, 2007.

Roll Call:

Ayces: Buster, Tavaglione, Stone and Wilson
Nays: None
Absent: Ashley

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on May 22, 2007 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: May 22, 2007

Nancy Romero, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By: *Sandra Schlemmer* Deputy

AGENDA NO.

15.1

xc: Planning, Applicant, COB

1 Board of Supervisors

County of Riverside

2 **RESOLUTION NO. 2007-259**
3 **ADOPTING**
4 **SPECIFIC PLAN NO. 338**
5 **(MIRASERA)**

6 **WHEREAS**, pursuant to the provisions of Government Code Section 65450 et. seq., a
7 public hearing was held before the Riverside County Board of Supervisors in Riverside, California
8 on June 6, 2007 (continued from May 22, 2007) and before the Riverside County Planning
9 Commission in La Quinta, California on November 1, 2006 and January 24, 2007 and in
10 Riverside, California on February 21 and March 7, 2007 to consider Specific Plan No. 338
11 (Mirasera); and,

12 **WHEREAS**, all the provisions of the California Environmental Quality Act (CEQA) and
13 the Riverside County CEQA implementing procedures have been met, and Environmental Impact
14 Report (EIR) No. 486, prepared in connection with Specific Plan No. 338 and related cases
15 (referred to alternatively herein as "the project"), is sufficiently detailed so that all the potentially
16 significant effects of the project on the environment and measures necessary to avoid or
17 substantially lessen such effects have been evaluated in accordance with the above-referenced Act
18 and procedures; and,

19 **WHEREAS**, the matter was discussed fully with testimony and documentation presented
20 by the public and affected government agencies; now, therefore,

21 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Board of
22 Supervisors of the County of Riverside, in regular session assembled on June 6, 2007 that:

- 23
- 24 A. Specific Plan No. 338 is a 189.8 acre mixed use master planned community located on
25 Varner Road northwest of the Interstate 10 and Washington Street Interchange. The
26 project proposes the construction of a 200 room hotel on 3.1 acres, 265 clustered
27 Single Family Detached units on 22.1 acres, 718 Condominium/Townhouse units on
28

1 35.9 acres, 632 Tuck-Under Condominiums on 25.3 acres, 187,300 square feet of
2 Community Retail on 17.2 acres; 228,700 square feet of Business Park/Office on 17.5
3 acres, 141 Live/Work dwelling units on 8.8 acres, and 59.9 acres of open space,
4 drainage channel and miscellaneous roads, and open space.

5
6 B. Specific Plan No. 338 is associated with Comprehensive General Plan Amendment No.
7 776 and Change of Zone 7263, which were considered concurrently at the public
8 hearing before the Planning Commission and the Board of Supervisors.
9 Comprehensive General Plan Amendment No. 776 proposes to change the land use
10 designations to match the project as described in Specific Plan No. 338, and Change of
11 Zone No. 7263 proposes to change the zoning from W-2, Controlled Development and
12 C-P-S, Scenic Highway Commercial to SP 338. The SP zoning designation would
13 establish those development standards required to implement the Specific Plan.
14

15 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of Riverside,
16 in regular session assembled on June 6, 2007 that the following environmental impacts associated
17 with Specific Plan No. 338 are potentially significant unless otherwise indicated but each of these
18 impacts will be avoided or substantially lessened by the identified mitigation measures:

19 A. Seismic Safety

20 1. Impacts:

21 Strong ground motion is the seismic hazard most likely to affect the
22 site, with ground shaking characteristics expected to include low-
23 frequency vibration with relatively high amplitudes. Duration of
24 shaking could be from 15 to 45 second. Secondary seismic geologic
25 hazards that may affect the site include liquefaction, ground lurching
26 and subsidence.
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2. Mitigation:

Structures on site shall be designed in accordance with the requirements of the Uniform Building Code (UBC). Project grading shall conform with the UBC, other applicable codes and local ordinances and all Geotechnical Report recommendations, including but not limited to recommendations related to proper backfilling and compaction of soils.

B. Soil and Wind Erosion

1. Impacts:

The project will disturb in excess of 189.8 acres of property generating short term particulate emissions. Further, the project will build significant development in an area subject to high wind erosion.

2. Mitigation:

Dust control shall be implemented before and during construction. Site grading shall be in strict compliance with the requirements of the South Coast Air Quality Management District. The developer or successor in interest shall include a disclosure about wind erosion susceptibility on property title and a disclaimer on all deeds, homeowners associations, maintenance associations and other similar mechanisms, that the property is within a "High" blow sand area.

C. Flooding

1. Impacts:

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The project is located entirely within a 100 year flood zone by both the Riverside County Safety Element and the Federal Emergency Management Agency, and therefore may be susceptible to periodic flooding. Project development will result in creation of on-site impermeable surfaces (roadways, parking lots, roofs, etc.) which could potentially increase runoff from the site.

2. Mitigation:

The proposed flood control facilities planned north of Avenue 38 provides flood protection for the project and will detain the increase in runoff caused by the construction of impermeable surfaces in the project. A Letter of Map revision shall be submitted to FEMA. All landscaping shall be desert type except where designated otherwise on approved landscape plans. The project shall provide an easement for conveyance of the future Mid-Valley Drainage System flows as required by the Coachella Valley Water District ("CVWD").

D. Noise-Project Specific

1. Impacts:

The project will cause short term noise impacts during construction and grading. The project's proximity to the I-10 freeway and Varner Road on its southern boundaries could have long term noise impacts on the project.

2. Mitigation:

The southern tier of residential and south facing non-residential uses shall have structural noise protection to achieve a minimum -20dB

1 structural attenuation. Heavy equipment operations within ¼ mile
2 of any occupied dwelling shall comply with time limits in the
3 Riverside County Code. All construction equipment shall use noise
4 reduction features that are no less effective than those originally
5 installed by the manufacturer.
6

7 E. Air Quality-Project Specific

8 1. Impacts:

9 Project grading and construction would result in creation of dust in
10 the project area. The project will generate a maximum of 25,376
11 daily vehicle trips at completion, giving rise to vehicle emission
12 impacts.
13

14 2. Mitigation:

15 A dust control program will be required to supplement routine
16 watering that constitutes CVBACMs in excess of any minimum
17 SCAQMD Rule 403 and 403.1 requirements, which may include
18 hydroseeding, use of chemical binders or surfactants, early paving or
19 chip sealing of roads, reduced travel speed on unpaved surfaces
20 and/or use of sand fences or perimeter sandbags. A Fugitive Dust
21 Control Plan for grading on the project is required. If the disturbed
22 surface area exceeds 50 acres, an Environmental Observer shall be
23 retained and available to be on-site within 30 minutes, day or night.
24 Developer shall minimize construction interference with regional
25 non-project traffic movement. Vehicles leaving the site and entering
26 public roads shall be washed, and project access points shall be
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washed/swept on an adequate schedule. On-site equipment shall be maintained to minimize emissions. Alternative fueled or “green diesel” construction equipment will be used if it does not affect the project schedule or economics. A speed limit of 15 mph will be enforced on any unpaved surface. Grading/soil disturbance shall not exceed 15 acres per day. The developer will incorporate project features which encourage a pedestrian environment, provide bicycle trails and connections, houses which exceed minimum state energy construction standards and features that encourage trip elimination. Ride-share will be provided for contract and subcontractor personnel. Truck deliveries and pickups will be scheduled for off-peak hours where feasible.

F. Water Quality

1. Impact:

The project will result in cut and fill on the site that may result in short term, construction related erosion and sedimentation impacts.

2. Mitigation:

An NPDES permit shall be obtained prior to the start of grading. The project shall incorporate the current Best Management Practices and Best Available Technologies available at the time of application for pollution and erosion/siltation control permits. The project shall comply with the requirements of the California State Water Quality Control Board.

G. Hazardous Materials and Waste

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1. Impacts:

The project's uses may utilize hazardous materials.

2. Mitigation:

A Phase II Environmental Assessment shall be prepared to determine the presence and concentration of asbestos and DDT. Asbestos and DDT shall be properly disposed. Wells shall be properly abandoned.

H. Agriculture

1. Impacts:

Although the project site was formerly used for farming, it has been fallow for many years and has been identified and designated by the County for development since 1981. No active farming or land zoned for farming exists on or near the site.

2. Mitigation:

None required

I. Biological Resources

1. Impact:

No native habitat exists on the site, however, the site is adjacent to the Coachella Valley Preserve. Project construction will result in a possible loss of blow sand from the Preserve, which sand is important to protect the fringe-toed lizard. Access from the project to the Preserve must be protected and the Preserve must be protected from damage and/or invasion by non-native species. Project

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landscaping could introduce perches for raptors or other birds of prey.

2. Mitigation:

A diagram of plant species proposed for the project shall be submitted to the manager of the Preserve prior to planting. Boundary fencing between the project and the Preserve shall allow for the movement of animals on and off the Preserve, but prevent humans from entering the Preserve. Project lighting shall be directed toward the ground and away from the Preserve. Palm trees, except fan palms, shall be permitted on other parts of the site, provided they are trimmed each March to limit nesting sites for birds of prey. Pre-construction surveys shall be conducted for Coachella Valley milk-vetch. Payment into the Coachella Valley Fringe-toed Lizard Habitat Conservation Plan is required. If there is construction during the breeding season for the American kestrel, burrowing owl, or loggerhead shrike, a qualified biologist shall survey the site for active nests. Palm Springs round-tailed ground squirrel habitat shall be preserved or mitigated.

J. Mineral Resources

1. Impacts:

There are no mineral resource recovery areas on or near the project site.

2. Mitigation:

None required.

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K. Energy Resources

1. Impact:

The project is not an energy intensive use and service providers have indicated that they have the ability and capacity to provide adequate facilities without significantly impacting energy resources.

2. Mitigation:

None required.

L. Aesthetics

1. Impacts:

The project provides a comprehensive, aesthetically pleasing façade along the length of the property, enhancing the view corridor along I-10 while still offering views of the hills to the north.

2. Mitigation:

The various components of the project shall be consistent with Specific Plan No. 338. Plot plan approval by the County shall be required prior to issuance of any building permits.

M. Cultural, Archeological and Paleontological Resources

1. Impact:

Research indicates a moderate sensitivity to cultural resources in the vicinity of the site which could be disturbed during grading.

2. Mitigation:

Grading shall be observed by a qualified archeologist and an Agua Caliente Tribe approved Native American monitor. If a subsurface resource is found, grading shall be halted in the area and a qualified

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archeologist and Native American monitor shall determine the significance of the find, the need for further testing and/or the need for mitigation. The archeologist shall be consulted prior to commencement of grading and consultation with the Native American monitor and Native American Tribes shall occur prior to grading if necessary. The name, address and phone number of the archeologist shall be submitted to the Planning Department and Building and Safety Grading Division. If human remains are encountered, no further disturbance shall occur until the County Coroner has determined the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. If the remains are prehistoric, the Coroner shall notify the Native American Heritage Commission to determine the appropriate Tribe. The developer, the Tribe and the Coroner shall determine appropriate mitigation measures after inspection of the site by the likely descendents of the deceased.

N. Traffic

1. Impacts:

The project will generate approximately 25,376 daily vehicle trips at full build-out. These trips would contribute to traffic in the area and improvements would be necessary to maintain required levels of service. Study area intersections are projected to operate at acceptable levels of service or better during peak hours, with improvements.

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2. Mitigation:

Improvements required to achieve minimum levels of service as required by the County General Plan shall be evaluated at each phase of project development. The improvements for each implementing project shall be determined at the time these projects are proposed, based on current traffic impact studies that consider cumulative effects of previously approved projects. The developer shall construct Varner Road from the west project boundary to the east project boundary at its ultimate width as a Major highway (118 foot right-of-way) including landscaping, sidewalks and bike trail. On site parking shall be provided to meet County code requirements. Shared parking may be allowed subject to review and approval. On site traffic signage/stripping shall be implemented in conjunction with detailed construction plans. Sight distance at project access points shall be reviewed to comply with County and Caltrans sight distance standards. The developer shall participate in phased construction of off-site traffic signals through payment of signal mitigation fees. Traffic signals shall be interconnected to function in a coordinated system. The developer shall comply with the trip reduction ordinance of the County. The developer shall cause the design Varner Road from the eastern property line of the project to Washington prior to the 500th building permit. Prior to the 1,000th building permit, that road section shall be constructed. Development Impact Fees and Transportation Uniform Mitigation

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Fees or credits may be used to reimbursed the developer for the cost of design and construction.

O. Water and Sewer

1. Impacts:

The average annual water demand for the project at full build out is anticipated to be approximately 542,000 gallons per day. All project development would be served by sewer, no septic tanks or other means of underground sewage treatment are proposed. Water, recycled water and sewer service will all be provided by CVWD, and CVWD has confirmed that adequate capacity is available for the project.

2. Mitigation:

The developer shall follow the Water Management Plan of CVWD for water conservation practices and plans shall be reviewed by CVWD for water conservation designs implemented into the project design. The developer shall implement the landscape guidelines found in CVWD Landscape Ordinance and said guidelines shall be reviewed by CVWD for implementation of landscape and watering methods.

P. Fire Services

1. Impacts:

The project would result in an increased demand for fire protection and emergency services. Category II fire protection is marginally available at the project site, but with traffic increases, response times

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could exceed the acceptable threshold. The closest fire station, the North Bermuda Dunes facility is not flood protected so may not be available for response in a flood situation.

2. Mitigation:

The developer shall participate in the existing Fire Protection Impact Mitigation Program. All water mains and fire hydrants providing fire flows shall be constructed in accordance with the appropriate sections of the Riverside County Fire Code. The Fire Department shall review and approve such mains and hydrants prior to construction. All on-site structures shall be constructed with fire-retardant roofing material as described in the 1998 California Fire Code. Wood shingles shall not be allowed within the project. All development will meet or exceed standards addressed in Riverside County Ordinance 460 and 787 with respect to access, fire flow, and signage.

Q. Schools

1. Impacts:

The project will generate approximately 519 school students based on the generation factors utilized by the Palm Springs Unified School District.

2. Mitigation:

The developer will pay the school impact fees in effect at the time of building permit issuance.

R. Parks and Recreation

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1. Impacts:

The project is likely to generate a population of approximately 3,424 persons and an incremental need for local and regional parkland.

2. Mitigation:

The project contains numerous recreational amenities. In addition, as the project develops and where needed, the developer will be required to develop parkland or pay into a fund in lieu fees for providing park land consistent with the Quimby Act and the County Ordinance.

S. Libraries

1. Impacts:

The project would increase area population and community demand for library services.

2. Mitigation:

The project shall pay its fair share of development fees pursuant to Riverside County Ordinance.

T. Airports

1. Impacts:

The project site is within airport compatibility zones C, D and E of the Bermuda Dunes Airport. As such, an Airport Compatibility Plan as well as review by the Riverside County Airport Land Use Commission were required. The Commission found the project to be in compliance with the Airport Land Use Compatibility Plan subject to conditions.

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2. Mitigation:

A structure height analysis must be performed, especially along the eastern boundary of the project. No schools, hospitals, nursing homes, or other uses where occupants are children, the elderly or handicapped; and no power generation, hazardous materials storage, uses that create dust, smoke, steam, or electrical interference are allowed in the project. No lighting that will interfere with the Bermuda Dunes Airport is allowed. Buildings in Zone C shall give consideration to potential aircraft risk. An acoustical engineer shall analyze building design in Zone C. An aviation easement, height limits, disclosure statements, and informational signs shall be developed for the project.

U. Disaster Preparedness

1. Impacts:

The project contains no critical uses or industrial uses likely to produce the need for disaster preparedness. Threats from seismic hazards, wind erosion, flooding and other forms of disasters are reviewed throughout this resolution. The flood protection channel and construction will provide flood protection to the property and to property lying to the south and east of the project site.

2. Mitigation:

The mitigation measures discussed in this resolution related to seismic safety, slopes and erosion control, flood protection, fire

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safety and handling of hazardous materials would reduce any such impacts to a level of insignificance.

V. Sheriff Services

1. Impacts:

The project would result in a population increase of 3,424 residents and an increased demand for sheriff services.

2. Mitigation:

Prior to approval of Tentative Tract Maps, the project will be reviewed by the County Sheriff's Department and conditioned with any necessary site-specific design features and capital impact fees in effect at the time of map approval, pursuant to Riverside County Ordinance No. 659.5. Any road and gate design shall be reviewed by the sheriff's department. An internal location map shall be posted at the entrance. New owners shall be given information about the Neighborhood Watch Program and Crime Free Multi Housing Program.

W. Health Services

1. Impacts:

The additional population associated with project development would increase the need for medical services and facilities. The additional population would require emergency medical services and facilities, as well as preventative service and facilities.

2. Mitigation:

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Copies of the project's final tract maps with street names and structures clearly marked shall be provided to American Medical Response. The developer shall coordinate with County Sheriffs and Environmental health Department to ensure public health and safety measures are implemented. All components of the project shall be constructed to meet requirements of the Public Health and Safety Code.

X Solid Waste

1. Impacts:

Upon completion, it is estimated that the project will generate approximately 13.7 tons of solid waste per day. The proposed project will increase the need for the services of waste haulers and will increase the amount of solid waste at the Edom Hill Transfer Station by less than 41.3%.

2. Mitigation:

Waste Management of the Desert, Inc. shall review routes for trash collection prior to building of structures and approve the routes prior to granting service agreements. Recyclable materials enclosures shall be provided, including a sign identifying the use of the bin, which shall be placed on the enclosure gates and be no larger than 2 square feet.

BE IT FURTHER RESOLVED by the Board of Supervisors that the following impacts potentially resulting from the adoption of Specific Plan No. 338 cannot be fully mitigated and will

1 be only partially avoided or lessened by the mitigation measures hereinafter specified. A
2 statement of overriding considerations is therefore included herein:

3 A. Air Quality - Cumulative

4 1. Impacts:

5 Although project specific air quality impacts can be mitigated to a
6 level of less than significant, the project site is located within a non-
7 attainment region of the Salton Sea Air Basin (SSAB), and
8 therefore, any new contribution of emissions is considered
9 significant and adverse.
10

11 2. Mitigation:

12 A dust control program will be required to supplement routine
13 watering that constitutes CVBACMs in excess of any minimum
14 SCAQMD Rule 403 and 403.1 requirements, which may include
15 hydroseeding, use of chemical binders or surfactants, early paving or
16 chip sealing of roads, reduced travel speed on unpaved surfaces
17 and/or use of sand fences or perimeter sandbags. A Fugitive Dust
18 Control Plan for grading on the project is required. If the disturbed
19 surface area exceeds 50 acres, an Environmental Observer shall be
20 retained and available to be on-site within 30 minutes, day or night.
21 Developer shall minimize construction interference with regional
22 non-project traffic movement. Vehicles leaving the site and entering
23 public roads shall be washed, and project access points shall be
24 washed/swept on an adequate schedule. On-site equipment shall be
25 maintained to minimize emissions. Alternative fueled or "green
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1 diesel” construction equipment will be used if it does not affect the
2 project schedule or economics. A speed limit of 15 mph will be
3 enforced on any unpaved surface. Grading/soil disturbance shall not
4 exceed 15 acres per day. No more than the equivalent of 2 dwelling
5 units per day shall be painted using the most currently available low
6 VOC paint. The developer will incorporate project features which
7 encourage a pedestrian environment, provide bicycle trails and
8 connections, houses which exceed minimum state energy
9 construction standards and features that encourage trip elimination.
10 Preferential parking spaces will be provided for employee carpools.
11 Truck deliveries and pickups will be scheduled for off-peak hours
12 where feasible.
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14

15 B. Agricultural Resources

16 1. Impacts:

17 Impacts to agricultural resources are considered significant if the
18 project will result in the loss of designated farmland (Prime
19 Farmland, Unique Farmland, or Farmland of Statewide Importance).
20 Construction of the project, or any alternative other than No Project,
21 will result in a loss of designated farmland. There is no feasible
22 mitigation alternative for that loss so impacts are unavoidable and
23 adverse, and are immitigable.
24

25 2. Mitigation:

26 The site has, for many years, been designated for urban level
27 development and not agricultural uses. There are no feasible
28

1 mitigation measures which would reduce the cumulative impact
2 resulting from the conversion of farmlands to a level of less than
3 significant.
4

5 **BE IT FURTHER RESOLVED**, by the Board of Supervisors that it has considered the
6 following alternatives identified in EIR No. 486 in light of the environmental impacts which
7 cannot be fully mitigated and has rejected those alternatives as infeasible for the reasons
8 hereinafter stated:

9 A. No Project Alternative

- 10 1. The No Project Alternative would result in approximately 189.8 acres of the site
11 remaining in its current open space, fallow condition.
12
13 2. The No Project Alternative would eliminate some of the traffic impacts from the
14 project. However, the No Project Alternative would result in none of the traffic
15 improvements contained in the project mitigation measures being completed.
16
17 3. The No Project Alternative would eliminate the unavoidable cumulative impacts
18 from the loss of farmland because the project site would remain in its current
19 open space condition; however, the site has been fallow for many years and is
20 likely to remain so. Plus, the property does not qualify for agricultural
21 irrigation water from the CVWD. The site has been designated for development
22 by the County since 1981, and therefore, the No Project Alternative is likely to
23 postpone rather than preclude more intensive land uses which would result in
24 the same cumulative impacts from the loss of possible farmland.
25
26 4. The No Project Alternative would maintain existing General Plan designations,
27 zoning classifications and environmental conditions. Because a portion of the
28 site (the area zoned C-P-S) is currently designated and zoned for development,

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the No Project Alternative is likely to postpone rather than preclude more intensive land uses.

- 5. The No Project Alternative would eliminate the construction impacts from the project as no development on the site would occur.
- 6. The No Project Alternative would eliminate the project's air quality impacts, however, because the land would remain fallow open space, it would be a source of PM-10 thereby generating certain air quality impacts.
- 7. The No Project Alternative would eliminate the project's impacts on biological resources, cultural resources, geology and soils, toxic substances, noise, sewer and water and solid waste.
- 8. The No Project Alternative would result in more hydrology impacts as it would result in the loss of project related flood protection facilities which protect south and downstream properties.
- 9. Because the No Project Alternative would eliminate the impacts described above, it is environmentally superior to the project.
- 10. The No Project Alternative would not meet project objectives because it would not provide employment opportunities, it would not provide recreational and hospitality opportunities for visitors and residents, it would not allow for development of an integrated, mixed use project emphasizing alternative transportation.
- 11. The No Project Alternative would eliminate the public benefits associated with the project, including improvement in flood control facilities, the ability to maximize the tourism and economic benefits and improving the area's jobs/housing ratio.

1 12. It is uneconomical to maintain the site in its current natural state over the long
2 term given its location within an area long designated for development.
3 Pressure to develop the land for higher economic uses will continue. Therefore,
4 the No Project Alternative may postpone rather than preclude more intensive
5 land uses and later development may be haphazard and piecemeal.
6

7 B. Reduced Density Mixed Use Development

- 8 1. The Reduced Density Mixed Use Development would reduce the number of
9 residential units and the square footage of the commercial and industrial uses
10 by 20%.
- 11 2. The Reduced Density Mixed Use Development would result in similar
12 alterations to the site and therefore would result in similar impacts with regard
13 to biological resources, loss of farmland, flood protection, public
14 services/utilities, cultural resources, sewer and water, geology and soils and
15 solid waste.
- 16 3. The Reduced Density Mixed Use Development would result in construction
17 impacts similar to the project.
- 18 4. The Reduced Density Mixed Use Development would result in a reduction in
19 the number of dwelling units on the site and therefore similar or slightly
20 reduced impacts with respect to air quality, toxic substances, and noise.
- 21 5. The Reduced Density Mixed Use Development would result in a reduction in
22 the demand for schools because of fewer dwelling units.
- 23 6. The Reduced Density Mixed Use Development would result in incrementally
24 less traffic impacts because of fewer dwelling units.
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- 1 7. The Reduced Density Mixed Use Development would incrementally reduce the
2 project impacts as described above; but it would not eliminate the unavoidable
3 significant impacts related to the conversion of farmland and cumulative
4 impacts to air quality.
- 5 8. The Reduced Density Mixed Use Development would be environmentally
6 superior to the project.
- 7 9. The Reduced Density Mixed Use Development would not meet project
8 objectives as it would reduce the job creation from the project. It would also
9 reduce economic benefits of the project, and reduce the project's ability to
10 assure an environment which encourages alternative transportation because of
11 the reduction in dwelling units.
- 12 10. The Reduced Density Mixed Use Development would make it economically
13 infeasible to attain the project objectives.
- 14 11. Bonding capacity would be reduced that would negatively affect the ability of
15 the project to construct off-site improvements, especially the flood channel, the
16 realignment of Avenue 38 and Varner Road.

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18
19 C. W-2 and C-P-S (existing zoning)

- 20 1. The W-2 would result in a few scattered residences at a one unit per ten acre
21 density and the C-P-S would allow commercial and business park. No
22 residential uses would be permitted in the C-P-S zone.
- 23 2. The W-2 and C-P-S Alternative would be consistent with the existing Zoning
24 designations but not the General Plan designations.
- 25 3. The W-2 and C-P-S Alternative would result in similar alterations to the site and
26 therefore would result in similar impacts with regard to biological resources,
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loss of farmland, flood protection, public services/utilities, cultural resources, sewer and water, geology and soils, noise and solid waste.

- 4. The W-2 and C-P-S Alternative would result in construction impacts similar to the project.
- 5. The W-2 and C-P-S Alternative would result in a greatly reduced demand for schools because of the very few number of dwelling units.
- 6. The W-2 and C-P-S Alternative would result in incrementally less traffic impacts because of elimination of dwelling units and the reduced commercial development.
- 7. The W-2 and C-P-S Alternative would incrementally reduce the project impacts as described above, but it would not eliminate the unavoidable significant impacts related to conversion of farmland.
- 8. The W-2 and C-P-S Alternative would be environmentally superior to the project.
- 9. The W-2 and C-P-S Alternative would not meet project objectives as it would not provide for an integrated, mixed use project that emphasizes an environment that encourages alternative forms of transportation while still accommodating the car.

BE IT FURTHER RESOLVED by the Board of Supervisors that it has balanced the benefits of Specific Plan No. 338 against the unavoidable adverse environmental effects thereof, and has determined that the following benefits outweigh and render acceptable those environmental effects:

1 A. The project would create a master-planned mixed use community, thereby
2 providing necessary infrastructure, desired amenities and common landscape and design elements
3 that would not be possible if the property were developed on a parcel-by-parcel basis.

4 B. The project would provide new commercial and office development which would
5 generate employment opportunities for regional residents thereby improving the sub-region's
6 jobs/housing imbalance.
7

8 C. The project would provide traffic mitigation measures to address project specific and
9 cumulative circulation impacts, thereby contributing to improvements at critical intersections and
10 roadways.

11 D. The project would provide funding for various elements of regional infrastructure
12 through the County's mitigation fee programs.
13

14 E. The project would provide flood control facilities thereby providing flood protection to
15 properties to the south and east and to the Preserve.

16 F. The project would result in a cooperative effort with the staff of the Preserve which
17 would help minimize impacts to the Preserve from eventual development of the site.

18 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the State CEQA
19 Guidelines (Section 15126(g)) require an EIR to discuss how a proposed project could directly or
20 indirectly lead to economic, population, or housing growth. A project may be growth-inducing if
21 it removes obstacles to growth, taxes community service facilities or encourages other activities
22 which cause significant environmental effects. The discussion is as follows:
23

24 A. Economic, Population or Housing Growth

25 The project proposes a total of 1,756 dwelling units, 439 of which will be held for
26 occasional occupancy, for a total of 1,317 full time residences. It is anticipated that
27 a population of 3,424 persons, based upon population generation factors of 2.6
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1 persons per single family dwelling unit, would result at full build out. The
2 commercial and industrial components of the project would generate approximately
3 1,036 employment opportunities for a jobs/housing ratio of 0.79, lower than the
4 County ratio of 0.92, but much higher than the current ratio in the Coachella Valley
5 of 0.26. The project would therefore contribute to improving the jobs/housing
6 imbalance in the area.
7

8 B. Removal of An Impediment to Growth

9 The project would induce the growth of community support systems in the project
10 area including roads and water lines, however, all of the planned improvements are
11 currently contained within the water master plan or the County's General Plan and
12 would therefore be built eventually regardless of the project.
13

14 C. Precedent Setting Effects

15 The project site is located in an area transitioning between urban land uses to the
16 south and the Coachella Valley Nature Preserve to the northeast and east, and has
17 been designated for development by the County for many years. Although
18 properties lying east and west of the site along Varner Road are likely to develop in
19 the future, the existence of the Preserve prevents growth within that area and the
20 project is not likely to cause significant growth inducing impacts.
21

22 **BE IT FURTHER RESOLVED** by the Board of Supervisors that Specific Plan No. 338
23 will implement applicable elements of the Riverside County Comprehensive General Plan as
24 follows:

25 A. Land Use Element

26 The project is within an area that has been designated by the County for
27 development. Factors pertaining to circulation, flooding, noise, public services and
28

1 utilities, biological resources, air quality, cultural resources, geology and soils, and
2 solid waste have been addressed through development standards, mitigation
3 measures and conditions of approval. The project is participating in regional
4 transportation improvements and other major circulation improvements in the area.
5 Project related employment opportunities, recreation facilities, open space, flood
6 control facilities, and commercial, residential and office uses are intended to serve
7 the future residents and visitors in the Coachella Valley area of the County.
8

9 B. Administrative Element

10 The project provides time frames for development and a fiscal impact report. The
11 fiscal impact analysis shows that the project will have a net positive financial
12 impact on County.
13

14 C. Regional Element

15 The Regional Element requires major land use projects to be consistent with
16 Southern California Association of Governments (SCAG) sub-regional population
17 forecasts or to provide mitigation of regional public services and facilities impacts.
18 Additionally, the Regional Element sets forth policies for achieving a jobs/housing
19 balance within these sub-regions. The project represents approximately 2.9% of
20 the total anticipated population increase for the Coachella Valley and is consistent
21 with population forecasts. The ratio of project jobs to project housing is 0.79
22 which is significantly better than the current ratio of 0.26 for the Coachella Valley.
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24 D. Public Facilities and Services Element

25 The project includes a comprehensive public services and facilities program for
26 circulation, water, sewer, fire protection, recreational facilities, trails and other
27 services.
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E. Housing Element

The project promotes the Housing Element goal of providing a selection of housing that is decent, safe and sound, close to jobs and daily activities and which varies by location, type, design and price.

F. Environmental Hazards and Resources Element

EIR No. 486 assessed a full range of concerns associated with the project, and proposed mitigation for each of the potentially significant impacts. Overriding considerations are required for cumulative air quality impacts and cumulative impacts on loss of farmland.

BE IT FURTHER RESOLVED by the Board of Supervisors that Specific Plan No. 338 is consistent with the Comprehensive General Plan as amended by Comprehensive General Plan Amendment No.776.

BE IT FURTHER RESOLVED by the Board of Supervisors that it has reviewed and considered EIR No. 486 in evaluating Specific Plan No. 338, that EIR No. 486 is an accurate and objective statement that complies with the California Environmental Quality Act and reflects the County's independent judgment, and that EIR No. 486 is incorporated herein by this reference.

BE IT FURTHER RESOLVED by the Board of Supervisors that it **CERTIFIES** EIR No. 486 and **ADOPTS** the Mitigation Monitoring Plan specified therein.

BE IT FURTHER RESOLVED by the Board of Supervisors that Specific Plan No. 338, on file with the Clerk of the Board, including the final conditions of approval and exhibits, is hereby adopted as the Specific Plan of Land Use for the real property described and shown in the plan, and said real property shall be developed substantially in accordance with the plan, unless the plan is amended by the Board.

1 **BE IT FURTHER RESOLVED** by the Board of Supervisors that copies of Specific Plan
2 No. 338 shall be placed on file in the Office of the Clerk of the board, in the Office of the Planning
3 Director and in the Office of the Building and Safety Director, and that no applications for
4 subdivisions maps, conditional use permits or other development approvals shall be accepted for
5 the real property described and shown in the plan, unless such applications are substantially in
6 accordance therewith.
7

8 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the custodians
9 of the documents upon which this decision is based are the Clerk of the Board of Supervisors and
10 the County Planning Department and that such documents are located at 4080 Lemon Street,
11 Riverside, California.
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COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

Tony Carstens · Agency Director

Planning Department

Ron Goldman · Planning Director

May 31, 2007

SUBJECT: ADOPTION OF RESOLUTION NO. 2007-259, ADOPTING SPECIFIC PLAN NO. 338

SECTION: Development Review – Riverside

TO: Clerk of the Board of Supervisors

FROM: Planning Department

The attached item(s) require the following action(s) by the Board of Supervisors:

- | | |
|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Approve | <input type="checkbox"/> Set for Hearing |
| <input type="checkbox"/> Deny | <input type="checkbox"/> Publish in Newspaper: Press Enterprise |
| <input checked="" type="checkbox"/> Consider as Policy matter | <input type="checkbox"/> Adopt Mitigated Negative Declaration |
| <input type="checkbox"/> Place on Consent Calendar | <input type="checkbox"/> 10 Day <input type="checkbox"/> 21 Day <input type="checkbox"/> 30 day |
| <input type="checkbox"/> Receive and File | <input type="checkbox"/> Certify Environmental Impact Report |
| <input type="checkbox"/> File: NOD and Mit. Neg. Declaration | <input type="checkbox"/> Notify Property Owners |
| <input type="checkbox"/> Pre-Scheduled for: | <input type="checkbox"/> Labels provided |
| <input type="checkbox"/> Labels provided: | Controversial: <input type="checkbox"/> YES <input type="checkbox"/> NO |
| <input type="checkbox"/> If Set For Hearing: | |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 21 Day <input type="checkbox"/> 30 day | |

Designate Newspaper used by Planning Department for Notice of Hearing: Press Enterprise

PRE-SCHEDULED FOR JUNE 5TH, 2007 BOARD AGENDA

Clerk Of The Board

Please charge your time to case number(s): ZGPA00776
ZSP00338
ZCZ07263
ZEIR00486

Documents to be sent to County Clerk's Office:

NONE

Y:\Planning Master Forms\BOS Forms\11a coversheet.doc

RUSH