

**RESOLUTION NO. 2004-66**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, ADOPTING ENVIRONMENTAL ASSESSMENT NO. 01-04, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH# 2004061026), AND ADOPTING CEQA FINDINGS, STATEMENTS OF OVERRIDING CONSIDERATIONS, THE COMMENTS AND RESPONSE DOCUMENT, AND A MITIGATION AND MONITORING PROGRAM FOR THE STONERIDGE SPECIFIC PLAN DEVELOPMENT NORTH OF THE PIERSON BOULEVARD CORRIDOR WITHIN THE CITY OF DESERT HOT SPRINGS, RIVERSIDE COUNTY, CALIFORNIA.**

**WHEREAS**, First West DHS-Associates, LLC (the "Applicant") has filed an application with the City of Desert Hot Springs (the "City") for a General Plan Amendment (No. 02-04), Zoning Map Amendment (No. 02-04), Specific Plan ("StoneRidge") (No. 01-04), Tentative Parcel Map No. 32029, Vesting Tentative Tract Map No. 32030, and a Development Agreement (No. 01-04) to subdivide and develop ±604 acres of vacant land located north of the Pierson Boulevard Corridor within the City of Desert Hot Springs, California (the "Site") (APN Nos: 667-080-002 through 667-080-006; 667-090-004 and 667-090-028; 667-100-002 through 667-100-011; and 667-120-024 through 667-120-027) with up to 2,140 single-family houses and associated public and private facilities (the "Project"); and

**WHEREAS**, the City prepared an Initial Study under the California Environmental Quality Act, Public Resources Code sections 2100, et seq. ("CEQA") to determine whether an Environmental Impact Report ("EIR") or a negative declaration would be prepared for the Project. The Environmental Assessment from that Initial Study indicated that the Project would have significant adverse environmental impacts, and the City directed that an EIR be prepared. The consulting firm of LSA Associates, Inc. prepared the environmental documents for the City of Desert Hot Springs, and issued a Notice of Preparation ("NOP") on June 2, 2004. The City circulated a Draft Environmental Impact Report ("Draft EIR" or "DEIR"), State Clearinghouse No. 2004061026, on August 31, 2004, for review and comment by affected agencies, adjacent landowners, and interested members of the public. The 45-day comment period closed on October 15, 2004, but was extended to November 2, 2004. All written responses have been incorporated into the Final Environmental Impact Report; and

**WHEREAS**, notice of a public hearing of the Planning Commission of the City of Desert Hot Springs to consider Applicant's applications was given in accordance with applicable law; and

**WHEREAS**, on November 9, 2004 a public hearing on the Applicant's applications was held by the Planning Commission, public comment was received, and the public hearing was continued to the announced date of November 17, 2004, additional public testimony received; and

**WHEREAS**, the LSA Associates, Inc., on behalf of the City, prepared written responses to comments received during the comment period, which were provided to the Planning Commission on November 9 and 17, 2004. At that meeting, after reviewing the Draft EIR, Findings and Statements of Overriding Considerations, the comments and responses document, and all available testimony and evidence in the record, the Planning Commission directed that a Final Environment Impact Report ("Final EIR" or "FEIR") be prepared for review and action by the Desert Hot Springs City Council. The Final EIR

consists of the Initial Study/Environmental Assessment, the Draft EIR, the Comments and Responses document, the required Mitigation and Monitoring Program, and all documents incorporated by reference therein. The Final EIR, including all comments and responses, will be published and made available to affected agencies; and

**WHEREAS**, subsequent to the Planning Commission hearing, the LSA Associates, Inc., on behalf of the City and as directed by the Planning Commission, prepared the required Mitigation and Monitoring Program ("MMP"), which was included as part of the Final EIR to be presented to the City Council; and

**WHEREAS**, subsequent to the Planning Commission, the City Engineer recommended that the traffic signal at Worsley Road and Pierson Boulevard required in Mitigation Measure MM 13-6 be deleted inasmuch as other traffic signals are required in close physical proximity to the Worsley/Pierson signal, making the signal redundant, and that removal of the Worsley/Peirson traffic signal will not significantly alter the traffic impacts from the development of the StoneRidge project; and

**WHEREAS**, notice of a public hearing of the City Council of the City of Desert Hot Springs to consider Applicant's applications was given in accordance with applicable law; and

**WHEREAS**, on December 7, 2004 a public hearing on the requested applications, including the environmental documents, was held by the City Council; and

**WHEREAS**, after careful consideration of the staff report and all of the information, evidence, and testimony presented at its public hearing, as well as all documents constituting the Final EIR (the Initial Study/Environmental Assessment, the Draft EIR, Findings and Statements of Overriding Considerations, the comments and responses document, the Mitigation and Monitoring Program, and all technical reports and documents incorporated by reference therein), the City Council finds as follows:

**Section 1: Findings Concerning Adequacy of the Final EIR.**

The City Council of the City of Desert Hot Springs finds as follows:

- A. All elements of the Final EIR have been prepared, publicized, circulated and reviewed in accordance with CEQA and the CEQA Guidelines, Cal. Code Regs., Title 17, Sections 15000 et seq. (the "Guidelines").
- B. All elements of the Final EIR constitute an adequate, accurate, objective and complete Environmental Impact Report in compliance with applicable legal standards.
- C. All elements of the Final EIR contain a reasonable range of alternatives and provide sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.
- D. The Responses to Comments provide clarification to the information contained in the Draft EIR and do not add significant new information. Recirculation is not required. (CEQA Guidelines, Section 15088.5).

Section 2: Certification of the Final EIR.

The City Council of the City of Desert Hot Springs has reviewed all documents and testimony at a Public Hearing held on December 7, 2004 and certify the following:

- A. The Final EIR has been completed in accordance with the California Environmental Quality Act and the CEQA Guidelines.
- B. The Final EIR has been presented to the City Council and the City Council has reviewed and considered the information therein.
- C. The Final EIR reflects the independent judgment and analysis of the City Council

Section 3: Administrative Record.

The City of Desert Hot Springs is the custodian of the administrative record, including all CEQA documents and the other background documents and materials, which constitute the record of the proceedings upon which the City Council decision is based. The administrative record is located at 65950 Pierson Boulevard, Desert Hot Springs, California.

Section 4. Findings

CEQA Guidelines Section 15091 requires that a project's significant environmental impacts identified in an EIR be addressed by one of three (3) findings, as set forth in Section 15091(a). To insure that all significant project impacts are identified, and necessary findings made, these Findings list the significant impacts and mitigation measures to be identified in the Final EIR and set forth the corresponding required findings. These Findings list the project impacts that are less-than-significant and, where appropriate, mitigation measures for these impacts. These Findings also identify unavoidable impacts.

For purposes of CEQA, and these Findings, the record of administrative proceedings presented to the City Council includes, without limitation, the following:

- (a) The Final EIR, which includes the Initial Study / Environmental Assessment, the Draft EIR, the Comments and Responses document, the Mitigation and Monitoring Program, and all documents incorporated by reference therein;
- (b) All City staff reports on the Plan and the EIR, including those reports prepared by Contract Planners on behalf of the City;
- (c) All studies conducted for the Plan and the EIR, and contained or incorporated by reference in the EIR, including appendices;
- (d) All public reports and documents prepared for the Planning Commission, the City Council or the City;
- (e) All documentary and oral evidence either received and reviewed at, or obtained as a result of, public workshops and public hearings related to the Plan and the EIR;
- (f) The minutes, transcripts, and other records for all public workshops and public hearings related to the Plan and the EIR;
- (g) All applicable City ordinances, resolutions and planning documents;
- (h) All matters of common knowledge to the City Council, including, but not limited to (1) the City's fiscal status; (2) the City's policies and regulations; (3) reports, projections and correspondence related to development within and surrounding the City; and (4) state laws, regulations, and publications, including all reports and guidelines published by the California Office of Planning and Research; and
- (i) All public records in files maintained by the City relative to the Plan and the EIR.

Each and all of the findings and determinations contained herein are based upon competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. These findings and determinations will constitute the independent findings and determinations of the City Council in all respects.

All summaries of information relating to the Project are based on the referenced environmental documents and/or other substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact. Moreover, the summaries set forth below, including, without limitations, summaries of impacts, mitigation measures and alternatives, are only summaries. Cross-references to the Final EIR and other documents in the record have been made and the reader should refer directly to those documents for more precise information regarding the facts on which the summary is based.

These Findings are based upon the numerous mitigation measures set forth in the Final EIR which reduce or eliminate potential impacts, all of which shall be implemented in connection with the adopted MMP. The City Council finds that the mitigation measures set forth in the Final EIR and the MMP can reasonably be expected to reduce adverse impacts related to the Project.

- A. Less-Than-Significant Project Impacts for Which No Mitigation is Provided.  
The City Council finds that certain potential impacts evaluated in the Final EIR will cause a less-than-significant impact and do not require mitigation. These less-than-significant impacts are listed below and in Table 2.1 on pages 2-1 through 2-16 of the Draft EIR:
1. Aesthetics  
(a) Mitigation of aesthetic impacts are incorporated into project design.
  2. Land Use/Relevant Planning  
(a) No Significant Impacts were identified.
  3. Population and Housing  
(a) Impacts will be less than significant.
  4. Recreation  
(a) No impacts were identified.
  5. Utilities and Service Systems  
(a) No impacts were identified.
- B. Significant or Potentially Significant But Mitigable Impacts.

The City Council finds that certain potential impacts evaluated in the Final EIR will cause, or may cause, a significant adverse environmental effect prior to mitigation. The City Council finds that the adoption of the mitigation measures identified in the Final EIR will reduce these significant or potentially significant impacts to below a level of significance. These significant or potentially significant but mitigable impacts are listed below and in Table 2.1 on pages 2-1 through 2-16 of the Draft EIR and discussed further in Chapter 4 of the Draft EIR and in the Comments and Responses Document and the MMP:

1. Air Quality

- (a) Impact 2-1: During construction and grading, emissions from the project will exceed the SQAMD daily emissions significance threshold criteria for CO, ROC, NO<sub>x</sub> and PM<sub>10</sub>.
- (b) Mitigation MM 2-1: Prior to the approval of a grading plan for the project, the Director of Community Development shall condition the grading plan to require the contractor to implement the following measures related to grading and construction emissions:
  - (1) Performing regularly scheduled equipment maintenance to minimize equipment emissions.
  - (2) Application of soil stabilizers to inactive areas.
  - (3) Watering exposed grading areas twice per day and replacing groundcover in disturbed areas quickly.
  - (4) Use of cooled exhaust gas recirculation (EGR) on both on-road and off-road vehicles/equipment.
  - (5) Use of alternative fuels such as ultra-low sulfur diesel fuels for off-road construction vehicles/equipment where possible.
- (c) Mitigation MM 2-2: Prior to the approval of any building permit for any portion of the project, the Director of Community Development shall condition the building permit to require contractor implementation of the following activities:
  - (1) Performing regularly scheduled equipment maintenance to minimize equipment emissions.
  - (2) Use of cooled EGR on both on-road and off-road vehicles/equipment.
  - (3) Use of alternative fuels such as ultra-low sulfur diesel fuels for off-road construction and vehicles/equipment where possible.
  - (4) Following a phased approach to the application of architectural coatings, thereby limiting the amount of architectural coating off-gas to less than significant levels (by limiting application of architectural coatings to 225 gallons per week or less). Use of an asphalt sealer to reduce off-gassing and odors associated with new asphalt.

2. Biological Resources

- (a) Impact 3-2: The project may result in potential impacts to the waters of the United States and California.
- (b) Mitigation MM 3-5: Prior to the issuance of a grading permit that encroaches within 50 feet of the blue-line stream, the applicant shall submit evidence to the Director of Community Development that a Section 404 permit, if required, has been obtained from the Corps of Engineers, and that any Corps required mitigation will be implemented.
- (c) Impact 3-3: If the CVMSHCP is approved by the City of Desert Hot Springs, the project would be required to pay fees for the HCP.
- (d) Mitigation MM 3-6: At such time as the CVMSHCP is approved by the resource agencies and adopted by the City of Desert Hot Springs, the Director of Development Services will require all future building permits to pay such mitigation fees as adopted by the City.

3. Cultural Resources

- (a) Impact 4-1: While unlikely, project grading may result in the discovery of human remains.

- (b) Mitigation MM 4-1: In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:
  - (1) There shall be no further excavation or disturbance of the site or any nearby area reasonable suspected to overlie adjacent human remains until:
    - a) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
    - b) If the coroner determines the remains to be Native American:
      - 1) The coroner shall contact the Native American Heritage Commission within 24 hours.
      - 2) The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
      - 3) The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
  - (2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:
    - a) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission;
    - b) The descendant identified fails to make a recommendation; or
    - c) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation of the Native American Heritage Commission fails to provide measures acceptable to the landowner.
- (c) Impact 4-2: While unlikely, project grading may result in the discovery of previously unknown archeological or paleontological resources.
- (d) Mitigation MM 4-2: Prior to the approval of a grading plan, the Director of Community Development shall ensure that the following specification is included with grading requirements: The Contractor shall make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.

4. Geology and Soils

- (a) Impact 5-1: Project grading could adversely affect adjacent properties by changing drainage flows.
- (b) Mitigation 5-1: Prior to the approval of a grading plan for areas adjacent to existing developed parcels in the keyhole area, the Director of Community Development shall review proposed grading to ensure that existing water flows (both inflow and outflow) shall be maintained at the property line, and that offsite properties are not adversely affected by project grading.

This mitigation measure will ensure that off-site properties are not adversely affected by grading activities by ensuring that existing water flows are maintained.

5. Hazards and Hazardous Materials

- (a) Impact 6-1: The pickup truckload of AC shingles needs to be properly removed and disposed of to a permitted landfill by a licensed asbestos contractor following appropriate protocols.
- (b) Mitigation MM 6-1: Prior to the approval of a grading plan, the project proponent shall provide evidence to the Director of Community Development that the following on-site hazard has been removed: The pickup truckload of AC shingles will be properly removed and disposed of to a permitted landfill by a licensed asbestos contractor following appropriate protocols.
- (c) Impact 6-2: During grading, there remains a remote chance on encountering a buried underground storage tank.
- (d) Mitigation 6-2: Prior to the approval of a grading permit, the Director of Community Development will ensure that the following condition has been applied to the grading permit: If an underground storage tank is discovered during construction, work will halt in the area until an evaluation of a potential release has been completed. If a release has occurred, proper notifications will be made to local and State officials, and appropriate protocols will be followed to determine cleanup requirements.

6. Hydrology and Water Quality

- (a) Impact 7-1: Development of the project will result in increases of impermeable surface and landscape areas, which could produce additional runoff. The preliminary grading and drainage plan indicates that the increased runoff will be addressed through the construction of detention basins, which will reduce flows to pre-existing levels. Given the critical nature of these facilities, the planning and design of these facilities must be rechecked once final plans are ready for approval.
- (b) Mitigation MM 7-1: Prior to the approval of a grading permit, the project proponent will submit, for approval by the Director of Development Services a Final Drainage Plan, which includes the following elements to address storm flow and water quality issues.

The plan will be based upon a hydrology study and mitigation plan, which implements local and regional requirements, policies and programs.

- (1) The Plan shall demonstrate that off-site storm flows will not be increased, and that all structures in the Project are protected from 100-year storm flows.
  - (2) The Plan shall identify all affected City rights-of-way or easements, or facilities of the Riverside County Flood Control and Water Conservation District, and the Plan shall require that developer shall secure any requisite encroachment permits from the City or the District.
  - (3) The Plan shall include specific pollution control measures and/or designs which meet the requirements of the National Pollution Discharge Elimination System, and to keep pollutants, including sediment, herbicides, pesticides and oils, out of surface and ground waters.
  - (4) The Plan shall address how on-site stormwater retention basins will be used to the greatest extent practical to enhance opportunities for groundwater recharge, provide additional open space and wildlife habitat value, and reduce the necessity for, and cost associated with, off-site stormwater conveyance facilities.
  - (5) For each drainage improvement required by the project, the Plan shall identify the agency responsible for long-term maintenance of the facility and the project developer shall obtain an authorization letter from the agency which will assume responsibility for maintenance of improvements. Said letter shall clearly identify the sources of funding for long-term maintenance of these facilities.
  - (6) The Plan shall include measures to ensure that roadway intersections will be engineered to ensure that potential ponding at such intersection shall be constructed to maximize drainage capacity of the streets and eliminate associated driving hazards.
  - (7) The Plan shall identify an "all weather" access route to and from the community that would prevent the Project's isolation during major storm events.
- (c) Mitigation 7-2: Prior to the approval of any building permit, the Director of Development Services shall review plans to ensure that:
- (1) The use of drought tolerant landscaping shall be used as a means of reducing water consumption. The Project shall adhere to the City's landscape ordinance. In addition, at least 75% of all front yard landscaping shall be limited to desert-scape or xeriscape materials. Potential homebuyers will be informed of this requirement, which shall be incorporated in the development's CC&Rs.
  - (2) The project shall install of low-flush toilets, low-flow showerheads and faucets in all new construction, in conformance with Section 17921.3 of the Health and Safety Code, Title 20, California Administrative Code Section 1601(b), and applicable sections of Title 24 of the State Code.
  - (3) The Project will connect to MSWD sewer system. Use of septic tank will not be permitted.



7. Noise

- (a) Impact 9-1: Exterior noise levels were modeled to exceed 65 dBA adjacent to Pierson Boulevard and Karen Avenue; interior noise levels with "windows open" were modeled to exceed 45 dBA adjacent to Pierson Boulevard, Karen Avenue, and Worsley Road.
- (b) Mitigation 9-1: Prior to the issuance of a building permit in the StoneRidge Specific Plan, the Director of Community Development, City of Desert Hot Springs, shall review and approve a final noise study for the project which will determine the requirements for noise wall heights along exterior streets, including Pierson Boulevard, Worsley Road, Mission Lakes Boulevard and Karen Avenue. The final noise study shall incorporate final grading plans and building setback distances, and evaluate both project build out and general plan build out traffic volumes. Based upon the preliminary noise study in Appendix G, the following wall heights are required:
  - (1) A 6.0-foot noise barrier (height in feet above pad or roadway elevation, whichever is greater) along Pierson Boulevard.
  - (2) A 5.0-foot noise barrier (height in feet above pad or roadway elevation, whichever is greater) along Karen Avenue.
  - (3) In addition, housing units with lots facing Pierson Boulevard, Mission Lakes Boulevard, Worsley Road, and Karen Avenue are to be constructed for interior noise mitigation. Interior noise mitigation includes providing a "windows closed" condition requiring a means of mechanical ventilation (e.g., air conditioning), providing weather-stripped solid core exterior doors, and constructing exterior wall/roof assemblies free of cut outs and openings.
- (c) Impact 9-2: Temporary, short-term noise increases will occur during construction. Additionally, construction in the project area may generate limited, short-term ground borne vibration or ground borne noise levels associated with residential or other development in the area.
- (d) Mitigation 9-2: Prior to the issuance of a grading permit in the StoneRidge Specific Plan, the Director of Community Development shall incorporate into the grading permit requirements to minimize noise impacts to include:
  - (1) All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers.
  - (2) All stockpiling and/or vehicle staging areas should be located as far as practical from any existing residential dwelling.
  - (3) Construction hours shall be limited according to the City of Desert Hot Springs Noise Ordinance.

This mitigation measure will insure that exposure of persons to the generation of noise levels in excess of standards established in the local general plan or noise ordinance does not occur and that exposure of persons to the generation of excessive ground borne vibration or ground borne noise level does not occur.

8. Public Services

- (a) Impact 11-1: The project will result in the need for additional fire facilities and school facilities. In addition, the project will need to incorporate fire suppression measures to reduce the risk of fire.

- (b) Amended Impact 11-1: As recommended by the Planning Commission, the City Council amends Impact 11-1 to include the need for additional library facilities as stated on Page 4-72 of the DEIR and referenced by Mitigation MM 11-4 and included in the FEIR by this Resolution.
- (b) Mitigation MM 11-1: Prior to the issuance of any building permit, the project proponent shall pay fair share fees as established by the City of Desert Hot Springs for the construction of Fire Stations.
- (c) Mitigation MM 11-2: Prior to the issuance of any building permit, the Director of Community Development shall ensure that the following components are incorporated into project plans:
  - (1) All water mains and fire hydrants providing fire flows shall be constructed in accordance with the appropriate sections of the California Fire Code 2001 edition, the City of Desert Hot Springs ordinances/policies and the requirements of the Mission Springs Water District.
  - (2) All buildings shall be constructed with fire retardant roofing material as outlined in the California Building Code.
- (d) Mitigation MM 11-3: Prior to the issuance of any building permit, the project proponent shall demonstrate that all applicable school impact fees have been paid.
- (e) Mitigation MM 11-4: Prior to the issuance of any building permit, the project proponent shall demonstrate that all applicable library impact fees have been paid.

9. Transportation and Traffic

- (a) Impact 13-1: The project, in either variation, will generate approximately 20,000 additional vehicular trips per day. Without roadway improvements, the local roadway system will be overburdened.
- (b) Mitigation 13-1: Prior to the issuance of building permits for the first phase of the development, the Project shall provide fair-share funding for the following improvements. Fair-share funding shall be based upon the proportion of 2008 project-related traffic using the improvement. The project proponent shall also identify a plan, to be approved [by the] City, which will ensure that the improvements can be completed prior to the issuance of any certificates of use and occupancy in the project. Such a plan may utilize reimbursement agreements, assessment districts, or other similar means to assure timely completion of the improvements.

Install traffic signals at Pierson Boulevard, and:

- (1) SR-62;
- (2) Indian Avenue; and
- (3) Little Morongo Road.

- (c) Mitigation 13-2: Prior to the approval of certificates of use and occupancy for any residences (not including model homes) in the StoneRidge project Phase 1, the following improvements shall be completed and open to public use:
  - (1) Half-section improvements to Pierson Boulevard along project frontage;
  - (2) Completion of the North-South Collector Road between Pierson Boulevard and the East-West Collector Road; and

- (d) Mitigation 13-3: Prior to the approval of certificates of use and occupancy for more than 50 percent of the proposed residential units in Phase 1 of the StoneRidge project, the following improvements shall be completed and open to public use: [Footnote in DEIR: It is assumed that initial units in Phase 2 may be serviced by an extension of the east-west Connector Road to the entrance to the tract without connection to Karen Avenue.]
  - (1) Half-section improvements to Karen Avenue between Pierson Boulevard and the East-West Collector Street;
  - (2) Completion of the East-West Collector Street between the North-South Collector Street and Karen Avenue;
  - (3) Installation of a traffic signal at the intersection of Pierson Boulevard and Karen Avenue; and
  - (4) Completion of trails along the drainage swale between Pierson Boulevard and the East-West Collector Street.
- (e) Mitigation MM 13-4: Prior to the completion of the proposed school site on Karen Avenue, or alternatively, prior to issuance of certificates of use and occupancy of any Phase 1 residential units on the proposed school site, the following improvements shall be completed and open to public use:
  - (1) Half-section improvements to Karen Avenue between the East-West Collector Street and the "keyhole" area boundary.
- (f) Mitigation MM 13-5: Prior to the issuance of certificates of use and occupancy for more than 50% of Phase 2 residential units, the following improvements will be completed:
  - (1) Completion of the East-West Collector Road from Worsley Road to the North-South Collector Road.
- (g) Mitigation MM 13-6: Prior to the issuance of certificates of use and occupancy of any Phase 3 residential units north of the proposed secondary entrance from Worsley Road or east of the North-South Collector Road and north of the East-West Collector Road, the following improvements shall be completed and open to public use:
  - (1) Completion of half-section improvements on Worsley between the East West Collector Road and the Northerly Entrance Road from Worsley Avenue;
  - (2) Completion of the Northerly Entrance Road from Worsley Road (from) the North-South Collector;
  - (3) Completion of the North-South Collector Road from the East-West Collector Road to the Northerly Entrance Road;
  - (4) Completion of the trail system along the drainage swale between the East-West Collector Road and the North-South Collector Road;
  - (5) Installation of a traffic signal at Pierson Boulevard and Worsley Road, which is specifically deleted as a requirements due to the close physical proximity of other traffic signals along Pierson Boulevard as required herein and that such deletion does not significantly increase the traffic impacts from the project;
  - (6) Installation of a westbound left turn lane on Pierson Boulevard at SR-62;
  - (7) Completion of the North-South Collector Road to the entrance to any Phase 3 units;

- (8) Completion of half-section improvements to Worsley Road between the Secondary Entrance Road and Mission Lakes Boulevard;
- (9) Completion of the drainage swale trails from the NS Collector to Worsley Road and the intersection of Worsley Road and Mission Lakes Boulevard.
- (h) Mitigation MM 13-7: Prior to the issuance of certificates of occupancy for 50% of the residential units in Phase 3, the following improvements shall be completed:
  - (1) Completion of the half-section of Mission Lakes Boulevard from Worsley Road (to) the North-South Collector Road.
  - (2) Completion of the North-South Collector Road to Mission Lakes Boulevard.
  - (3) Improvement of the Pierson Boulevard intersection with SR-62 by adding:
    - a) Northbound right turn overlap phasing;
    - b) Eastbound right turn lane;
    - c) Eastbound left turn lane;
    - d) Eastbound right turn overlap phasing; and
    - e) Westbound left turn lane.
  - (4) Improvement of the Pierson Boulevard intersection with Indian Avenue by adding:
    - a) Northbound left turn lane;
    - b) Eastbound left turn lane; and
    - c) Westbound left turn lane.
- (i) Mitigation MM 13-8: Prior to issuance of any certificates of occupancy for more than 50% of the residential units in Phase 3, the following improvements shall be completed:
  - (1) Completion of half-section improvements to Mission Lakes Boulevard between the North-South Collector Road and Karen Avenue.
  - (2) Completion of half-section improvements to Karen Avenue between the "keyhole" properties and Mission Lakes Boulevard.
  - (3) Completion of two travel lanes on Karen Avenue adjacent to the "keyhole" properties.
  - (4) Completion of the following off-site improvements:
    - a) Improve Pierson Boulevard intersection with SR-62 by adding a second westbound left turn lane.
    - b) Improve Pierson Boulevard intersection with Worsley Road by adding an eastbound left turn lane.
    - c) Improve Pierson Boulevard intersection with Indian Avenue by adding:
      - 1) Second eastbound through lane;
      - 2) Second westbound through lane; and
      - 3) Convert the northbound right turn lane into a right through lane.
    - (d) Improve Pierson Boulevard intersection with Little Morongo Road by adding:
      - 1) Eastbound left turn lane;
      - 2) Westbound left turn lane;
      - 3) Second westbound through lane.

- (j) Mitigation MM 13-9: Prior to the approval of any building permit, the Project Proponent shall pay any required City Transportation Fees and TUMF Fees.
- (k) Impact 13-2: The project will generate additional bicycle usage. Facilities need to be designed to meet applicable design standards.
- (l) Mitigation 13-10: Prior to the approval of construction plans for the trail system along the drainage swale, the plans will be revised to include connections to the Pierson Boulevard/Karen Avenue intersection and the Worsley Road/Mission Lakes intersection. Mid-block crossings of the Collector Streets shall be designed consistent with Caltrans standards.

C. Significant Unavoidable Impacts.

The Final EIR summarizes the Project's significant, unavoidable impacts in Table 2.1 on pages 2-1 through 2-16 of the Draft EIR and discussed further in Chapter 4 "Environmental Evaluation", Chapter 5 "Cumulative Impacts", and Chapter 7 "Additional Topics Required by CEQA. CEQA requires that significant unavoidable impacts of the Project be described.

The City Council finds that the Project has avoided all potentially significant impacts to the extent feasible. However, the following impacts remain and are identified as significant unavoidable impacts, even with implementation of the project specific mitigation measures identified in Sections 4 and 5 of the DEIR (and hence, FEIR) and as noted below:

1. Air Quality

- (a) Impact 2-2: During operations, emissions from the project will exceed the SQAMD daily emissions significance threshold criteria for CO, ROC, NO<sub>x</sub> and PM<sub>10</sub>.
- (b) Mitigation 2-3: Prior to the issuance of a building permit, the Director of Community Development shall condition all plans to indicate the following:
  - (1) Provide electrical outlets in front and back of house to facilitate the use of electric landscape equipment.
  - (2) Use of low-emission water heaters.
  - (3) Use of central water heating system.
  - (4) Any interior or exterior fireplaces or fire pits shall be limited to the use of natural gas only; wood burning fireplaces shall be prohibited.
- (c) Level of Significance after Mitigation: After mitigation, project operation will result in emissions in excess of the SCAG thresholds for CO, ROC, NO<sub>x</sub> and PM<sub>10</sub> resulting from the long-term operation (stationary sources and mobile sources) of the proposed project. Mitigation measures are proposed that reduce emissions, but the resulting emissions will still exceed the SCAG thresholds, and this is therefore considered a Significant Adverse Impact of the project.
- (d) Discussion of Significant and Unavoidable Impact on Air Quality: Any project of this size will also result in such adverse effects during operations. If the project were broken into five separate projects of roughly 400 homes, then the operational emissions of each smaller "project" would likely be reduced below the SCAG thresholds. However, the same actual air quality impact would occur on a cumulative basis. The same effect would also occur if the project were relocated

elsewhere in the City. In actuality, the adverse air quality impact is caused by the cumulative demand for housing and associated automobiles in the Coachella Valley and Southern California, rather than this or any other specific housing project. No feasible mitigation measures are available to reduce long-term air quality emissions from project related vehicles to a less than significant level. Therefore, the project would have a significant impact on air quality after mitigation (i.e., significant and unavoidable).

2. Biological Resources

- (a) Impact 3-1: The project may result in indirect effect on the surrounding native biota due to invasion of exotic species, human intrusion, domestic pets, and lighting.

Although not necessarily considered adverse, the project will also affect the Coachella Valley ground squirrel and the Palm Springs pocket mouse. While these are not listed species, they are considered species of special concern.

- (b) Mitigation 3-1: Prior to approval of Certificates of Use and Occupancy (including models), the project sponsor shall prepare, and the Director of Community Development shall review and approve an educational brochure that describes the sensitive nature of indigenous plants, animals and ecosystems. This brochure shall be made available to all employees, residents and visitors. Educating employees and residents about the local ecology can lessen the chance that human activities will harm wildlife species on surrounding lands.
- (c) Mitigation 3-2: Prior to the approval of a Master Landscape Plan, the Director of Community Development shall review said plans to ensure that community areas and common areas utilize native plant species in landscaping. Use of native plant species can provide habitat to local fauna and avoid the escape of plant species into the surrounding area. This measure reduces the likelihood that exotic species will escape from the developed portions of the site and invade otherwise natural areas, both on-site and off-site.
- (d) Mitigation MM 3-3: Prior to the approval of any building permits, the Director of Community Development shall review building plans to ensure that outdoor lighting is minimal as possible and always directed at the ground. By directing lighting toward the ground, nighttime glare and light sources are minimized. This mitigation measure will limit project impacts on nocturnal species that depend on the cover of darkness for foraging.
- (e) Mitigation MM 3-4: Prior to the issuance of any Certificates of Use and Occupancy (including models), the Director of Community Development shall ensure that proposed Conditions, Covenants and Restrictions (CC&Rs) for the development include the following statement or functional equivalent: "Unrestrained dogs and cats can kill or unduly stress wildlife by barking and giving chase. Domestic animals should be kept indoors or on leashes at all times. Dogs may be allowed outdoors only within secured fenced yards or on a leash. Domestic cats shall be kept indoors at all times as they can escape over most fences and are

notorious for decimating small animal populations." "The Board of Directors of the Homeowners Association shall be empowered to enforce this regulation."

- (f) Level of Significance after Mitigation: Implementation of the above mitigation measures will reduce project impacts on the native biota. However, the indirect effect of the project on these resources will remain significant because the mitigation measures do not eliminate the potential for effects resulting from human intrusion on native habitat, lighting impacts, increased traffic impacts on local species, and impacts from domestic pets. The level of significance after these mitigation measures remains significant and unavoidable.
- (g) Discussion of Significant and Unavoidable Impacts on Biological Resources: These remaining impacts after implementation of the mitigation measures listed above are intrinsic to the project, and cannot be further reduced without relocating the project outside the Coachella Valley, or placing infeasible limitations on future residents (such as limitations on the number of resident trips to nature areas, limitations on the number of vehicular trips by residents, and precluding the residents from owning domestic pets).

In addition, the preparers of the DEIR recommended that the decision-makers also consider the project impacts to the Coachella Valley ground squirrel and the Palm Springs pocket mouse. While these are not listed or candidate species, the project will affect these "species of concern." Upon reviewing the analysis of biological resources contained in the Draft EIR, the City of Desert Hot Springs does not consider the impact to the "Species of Concern" to be a significant adverse effect.

### 3. Cumulative Impacts

- (a) Impact C-1: The StoneRidge project will contribute to adverse cumulative impacts to the loss of biological habitat in the local area.
- (b) Impact C-2: The StoneRidge project will also contribute to adverse cumulative impacts to the loss of biological habitat in the general plan area.
- (c) Impact C-3 (by reference): As noted in the DEIR, the analysis of Air Quality impacts is inherently cumulative.
- (d) Mitigation Potential: Although no specific mitigation of these cumulative impacts is proposed in the DEIR, the preparers note that the Coachella Valley Region is seeking to finalize the Coachella Valley Multi-Species Habitat Mitigation Plan (MSHCP), which will greatly reduce impacts to biological resources. The City of Desert Hot Springs' General Plan calls for the supports of the MSHCP as mitigation.
- (e) Level of Significance after Potential Mitigation: Even with the adoption of a Multi-Species Habitat Mitigation Plan (MSHCP), extensive development in the Coachella Valley will result in an overall reduction in the amount of native habitat and human disturbance of remaining habitat. The impacts on biological habitat and air quality are intrinsic to increased development and cannot be further reduced. Cumulative impacts to biological resources and air quality will remain significant and unavoidable.

- (f) Discussion of Significant and Unavoidable Cumulative Impacts on Biological Resources and Air Quality: Development of the StoneRidge project will result in the conversion of  $\pm 604$  acres of "desert rural" habitat to developed area. When combined with the adjacent projects, approximately 14-square miles of northwest Desert Hot Springs will become developed and existing flora and fauna will likely be displaced.

As stated in Section C.1.d above regarding air quality, any project of this size will also result in such adverse effects during operations. If the project were broken into five separate projects of roughly 400 homes, then the operational emissions of each smaller "project" would likely be reduced below the SCAG thresholds. However, the same actual air quality impact would occur on a cumulative basis. The same effect would also occur if the project were relocated elsewhere in the City. In actuality, the adverse air quality impact is caused by the cumulative demand for housing and associated automobiles in the Coachella Valley and Southern California, rather than this or any other specific housing project. No feasible mitigation measures are available to reduce long-term air quality emissions from project related vehicles to a less than significant level. Therefore, the project would have a significant impact on air quality after mitigation (i.e., significant and unavoidable).

D. Significant Irreversible Environmental Changes

The CEQA Guidelines mandate that the EIR must address any significant irreversible environmental changes which would be involved in the proposed action should it be implemented [CEQA Guidelines, Section 15126.2(c)].

1. While the project represents a permanent commitment of the site to new uses, no significant cultural, scenic or mineral resources will be lost as a result of project implementation.
2. Biological resources would be adversely affected, as noted and discussed above. Natural resources in the form of construction materials and energy resources will be utilized in the construction of the proposed project, but their use is not expected to negatively impact the availability of these resources.
3. Air quality in the local area will be affected by the project, including cumulative impacts, as noted and discussed above.
4. Biological resources will be adversely affected due to indirect impacts, as well as the loss of habitat at the local area and general plan area, as noted and addressed above.
5. Construction of the StoneRidge Specific Plan will commit the project site to specific uses for the foreseeable future, limiting the range of future uses to the project site. The project site is vacant and undeveloped. The introduction of a new and productive use to the project site could be considered a benefit to the surrounding area, resulting in long-term benefits for the City and surrounding communities.

E. Growth Inducement

CEQA requires a discussion of the ways in which the proposed project could be growth-inducing. The CEQA Guidelines identify a project as growth-inducing if it fosters economic or population growth or the construction of additional housing either directly or indirectly, in the surrounding environment [CEQA Guidelines



Section 15126.2(d)]. Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of significance to the environment.

1. The project will improve local streets and improve infrastructure, as a condition of the development. However, the proposed improvements are consistent with the City's General Plan and are reflected in the long-range planning of regional agencies such as CVAG and SCAG. Therefore, these improvements are not considered growth inducing.
2. The project may facilitate additional commercial and industrial development as envisioned in the City of Desert Hot Springs General Plan. Any effect which development of the proposed project may have on employment or commercial development has, therefore, been anticipated and addressed in the City's General Plan.
3. The project site is located within a rapidly developing area of the City. Properties near and/or adjacent to the project site have been developed (or are planned) with a variety of commercial and residential uses. The proposed project and surrounding areas have been planned for development since the area was zoned by the County of Riverside in the early 1990s. The project will meet existing demand for residential uses in the City.

F. Alternatives.

Section 15126.6 of the CEQA Guidelines requires the consideration and discussion of alternatives to proposed projects. According to the Guidelines, 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 effect of the project, and evaluate the comparative merits of the alternatives.

The DEIR considered two (2) "No Project Alternatives", including the No Build Alternative and the previously approved Olympus Golf Club Alternative, as well as a Low Density Alternative, a Reduced Project Site Alternative, and a Downtown High Density Alternative.

A comparison of the five (5) alternatives is provided in Table 6.A on pages 6-5 through 6-8 of the DEIR, based on Sponsor's Project Objectives (restated from Section 3), as follows:

- (1) Enhance the variety of the housing opportunities in the Desert Hot Springs area by providing a diversity of housing types in a high quality community.
- (2) Increase the customer base for existing and planned commercial uses in the City of Desert Hot Springs, thereby increasing sales tax revenues to the City.
- (3) Expand development prospects in Northwest Area of the City of Desert Hot Springs by extending and improving infrastructure to serve the project site and surrounding areas.
- (4) Provide a variety of recreational amenities for use by the residents of StoneRidge and the City of Desert Hot Springs.
- (5) Preserve the existing dry streambed that traverses the site as recreational and aesthetic amenity for StoneRidge and City residents.
- (6) Obtain a reasonable return on investment in the property for the investors.

An analysis of these alternatives and each alternative's ability to meet the above-cited objectives and reduce, eliminate, or avoid significant negative environmental impacts reveals the following:

- (1) The No Build Alternative does not meet most Objectives cited above. However, it does meet Objective (5) for preserving the dry streambed. Environmental impacts are eliminated or avoided at the site. This alternative is inconsistent with the General Plan and would require public purchase of the site, whereas no funds are identified. The overall feasibility of the No Build Alternative is deemed "unlikely."
- (2) The Olympus Golf Course Alternative does not meet most Objectives cited above, including the objective to preserve the dry streambed. Environmental impacts are generally the same at the site as the StoneRidge proposed project. According to the project sponsor for the Olympus Golf Course Alternative, the demand for golf course projects is limited at this time. The overall feasibility of the Olympus Golf Course Alternative is deemed "unlikely."
- (3) The Low Density Alternative only partially meets some of the desired objectives, while most likely not meeting others. Environmental impacts are reduced at the site. There is a limited market for low density housing and the overall feasibility of the Low Density Alternative is deemed "unlikely."
- (4) The Reduced Site Size Alternative partially meets some objectives, but likely does not meet others. The ability to support infrastructure improvements and recreational opportunities is limited. Environmental impacts are reduced at the site. This alternative also requires public purchase of the balance of the site, with no funds being identified for purchase. The overall feasibility of the Reduced Size Alternative is deemed "unlikely."
- (5) The Downtown High Density Alternative does not meet most objectives cited above, but does meet the objective to increase the customer base commercial uses, as well as the objective to save the dry streambed. Because this alternative is located at a different site within the City, the environmental impacts are eliminated or avoided at the subject site. This alternative is inconsistent with the General Plan and the plan for the Downtown. It would also create other impacts on traffic in the downtown area and could change the long-range views of the mountain background. There is no established market for high density housing in the downtown area. It would also require public purchase of the site, with no funds identified. The overall feasibility of the Downtown High Density Alternative is deemed "unlikely."
- (6) In their independent opinion, the City Council finds that none of these alternatives listed above meet the Sponsor's Project Objectives or provide an Environmentally Superior Alternative to the StoneRidge Specific Plan.

Section 5: Statement of Overriding Considerations.

Following a determination that significant impacts remain after the adoption of all feasible mitigation measures, approval of a project must be accompanied by a Statement of Overriding Considerations. CEQA requires the benefits of a project to be balanced against its significant unavoidable impacts in determining whether to approve the project. (CEQA Guidelines, Section 15093(a).) The Final EIR discusses numerous potential direct and cumulative impacts that could result from the Project. Several of these would result in significant and unavoidable impacts. These unavoidable impacts on Air Quality, Biological Resources and Cumulative Impacts are set forth in Section 5 herein.

The City Council finds that each individual benefit of the Project, as listed below, outweighs these significant and unavoidable adverse environmental impacts. In making this

determination, the following factors and public benefits were considered and comprise the Statement of Overriding Considerations.

The benefits of the Project include the following:

- A. Housing: The StoneRidge Specific Plan will increase the City's modern housing stock. There is a strong demand for single-family housing both within the City of Desert Hot Springs and the Coachella Valley. The project proposes up to 2,140 single-family homes, which will help to partially supply this local and regional demand for single-family housing.
- B. Public Improvements: The StoneRidge Specific Plan will provide desirable public improvements, including street widenings, public park, potential fire station and potential school site.
- C. Recreational Opportunities: The StoneRidge Specific Plan will provide public and private parks, trails and open space which will increase the recreational opportunities for its residents and others from throughout the City of Desert Hot Springs.
- D. Development Fees: The StoneRidge Specific Plan will result in the payment of development related fees to the City of Desert Hot Springs for additional infrastructure improvements. These fees could total as much as \$8,360,980 based on 2,140 dwelling units and the City's Project Infrastructure Fee Schedule as of August 1, 2004.
- E. Increased Customer Base: The StoneRidge Specific Plan will provide additional residents as a customer base for the City of Desert Hot Springs local businesses.

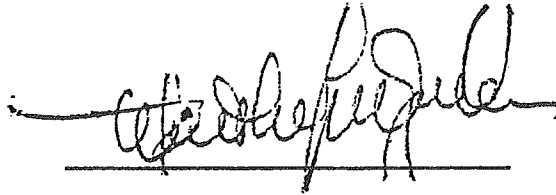
**NOW, THEREFORE,** the City Council of Desert Hot Springs resolves as follows:

- 1. That the aforementioned findings, as amended to delete the requirement for a traffic signal at Worsley Road and Pierson Boulevard, are hereby approved;
- 2. That the City Council has independently reviewed and considered the Initial Study/Environmental Assessment, Draft EIR, Findings, Statement of Overriding Considerations, Response to Comments Document, the Mitigation and Monitoring Program, all documents incorporated by reference therein, and all oral testimony and written comments;
- 3. That the City Council determines that the Initial Study/Environmental Assessment, Draft EIR, Findings, Statement of Overriding Considerations, Response to Comments Document, the Mitigation and Monitoring Program, and all documents incorporated by reference therein and incorporated into this Resolution to be adequate for the purposes of CEQA;
- 4. That the City Council of the City of Desert Hot Springs hereby **APPROVES** the Environmental Assessment (No. 01-04), **CERTIFIES** the Final Environmental Impact Report (SCH No. 2004061026) including each and all of its components, and **ADOPTS** the Environmental Assessment (No. 01-04), its Findings, Statement of Overriding Considerations, Response to Comments Document, and Mitigation Monitoring Program for the General Plan Amendment No. 02-04, Zoning Map Amendment No. 02-04, Specific Plan No. 01-04, Tentative Parcel Map No. 32029, and Vesting Tentative Tract Map No. 32030;

5. That the City Clerk shall certify the adoption of this Resolution and shall mail by first class, prepaid, United States mail, a certified copy of this Resolution to Applicant; and
6. That the Development Services Director, or his designee, shall file the Certified Final Environmental Impact Report with the State Clearinghouse in accordance with applicable law.

**PASSED, APPROVED, AND ADOPTED** this 7<sup>th</sup> day of December 2004, by the following vote:

AYES: Mayor Weyuker, Vice Mayor Stephens, Councilmembers Bosworth, Hohenstein & Pieper.  
ABSENT: None.  
NOES: None.  
ABSTAIN: None.

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**Matt Weyuker, Mayor**

**ATTEST:**

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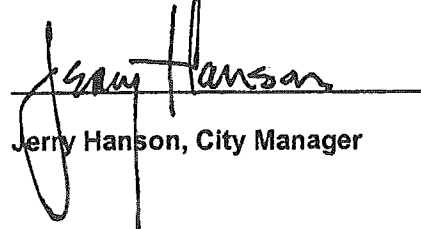
**Rossie Stobbs, Secretary**

**APPROVED AS TO FORM:**

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**Toni Eggebraaten, Deputy City Attorney**

**REVIEWED BY:**

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**Jerry Hanson, City Manager**