



# Cathedral City

## Agenda Report

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**File #:** 2017-100

**Item No:** 3.A.

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***Planning Commission***

**MEETING DATE:** 3/15/2017

**CASE NO.** Specific Plan Amendment No. 97-55C and Tentative Tract Map No. 37124

**APPLICANT:** Verano Recovery, LLC, Mohamad Younes

**LOCATION:** Rio Vista Village/Verano Community  
West of Landau Boulevard, North of Verano Road

**REQUEST:** To recommend approval of 1.) A text amendment to the Rio Vista Village Specific Plan (RVVSP) to add Section 5.8: General Residential Site Development Standards for R-2 Cluster Single-Family Development, and to add references to other sections of the RVVSP text referring to the development standards of Section 5.8, and 2.) A subdivision of 7.06 acres into 58 single-family cluster lots.

**STAFF PLANNER:**

David Leonard, Contract Planner

**RECOMMENDATION:**

**APPROVE** the Mitigated Negative Declaration.

**ADOPT A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE** Specific Plan Amendment No. 97-55C and Tentative Tract Map 37124.

**FINDINGS:**

**APPROVE THE MITIGATED NEGATIVE DECLARATION BASED ON THE FOLLOWING FINDINGS:**

1. The record as a whole, including the initial study and any comments received, demonstrates that no substantial evidence exists that the project will have a significant effect on the environment;
2. The Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis; and
3. The Cathedral City Community Development Department is the custodian of the documents or

other material that constitute the record of proceedings upon which this decision is based.

**RECOMMEND THAT THE CITY COUNCIL APPROVE SPECIFIC PLAN AMENDMENT NO. 97-55C BASED ON THE FOLLOWING FINDINGS:**

1. The Planning Commission considered all of the evidence submitted into the administrative record, which includes, but is not limited to: a) the Staff Report prepared for the Planning Commission by the Contract Planner; b) the Staff presentation; c) public comments, both oral and written, received and/or submitted at, or prior to, the public hearing/meeting supporting and/or opposing the staff recommendation; and d) testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at, or prior to, the public hearing/meeting;
2. The proposed Specific Plan Amendment is consistent with the established goals, policies and objectives of the Rio Vista Village Specific Plan (RVVSP) as the amendment will establish development regulations, standards, and guidelines consistent with the RVVSP; and
3. The proposed Specific Plan Amendment is necessary and proper at this time because it is consistent with General Plan and Zoning designations and the overall number of dwelling units will not change, and it is not likely to be detrimental to the adjacent property or residents because infrastructure services are in place.

**RECOMMEND THAT THE CITY COUNCIL APPROVE TENTATIVE TRACT NO. 37124 BASED ON THE FOLLOWING FINDINGS:**

1. The proposed land division of 7.06 acres into 58 air-space condominium lots is consistent with the General Plan and Zoning for the property;
2. The proposed land division is consistent with the Rio Vista Village Specific Plan as amended by SPA 97-55C;
3. The design of the proposed project uses imaginative and innovative planning by offering a variety of dwelling types, site arrangements, and lot and unit features and details;
4. The proposed project is compatible with existing and planned land uses and with circulation patterns on adjoining properties, and will not be a disruptive element to the neighborhood or community;
5. The project site is physically suitable for the proposed development;
6. The design of the proposed land division and the proposed improvements have been mitigated to the extent that they will have a less than significant impact on the environment;
7. The design of the proposed land division and the required improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed

land division; and

8. In arriving at its decision, the Planning Commission has considered all testimony, written and oral, submitted in relation to this proposal.

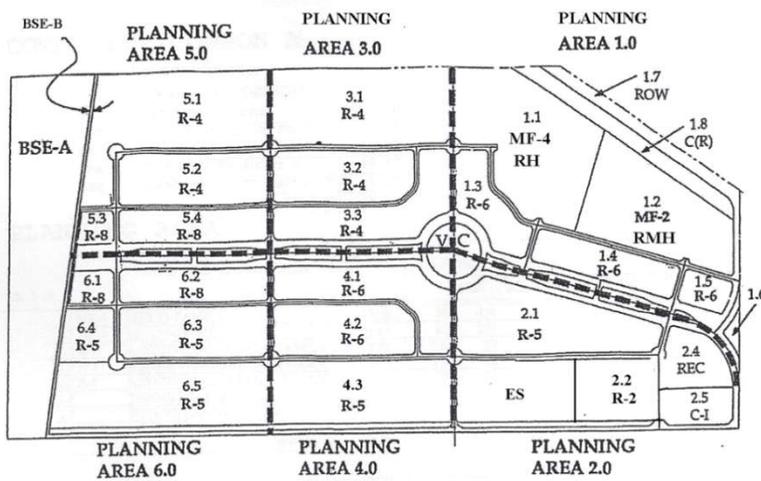
**BACKGROUND:**

“Verano” at Rio Vista Village is a residential development guided by the Rio Vista Village Specific Plan (Specific Plan) originally approved in 1997. The Specific Plan sets forth land use requirements, development standards, design guidelines, and implementation plans to guide development within the Specific Plan area. Portions of the Verano development have been constructed since adoption of the Specific Plan.

Tract 28639-1 was recorded over the entire Rio Vista Village project area to organize the project area based on the Rio Vista Village Specific Plan Land Use Plan. In some cases, Tract 28639-1 combined multiple Planning Areas into individual tract lots. The map also facilitated the relocation of the elementary school site contrary to the location shown on the specific plan land use map.

**ANALYSIS:**

Existing and Proposed Specific Plan Land Use Map



**Existing and Proposed Rio Vista Village Specific Plan Table  
PLANNING AREAS**

PA 1.0	Land Use Designation	Land use Description	Acres	Density	Maximum Allowable Units
1.1	MF-4	Multi-Family	18.10	24	333
1.2	MF-2	Multi-Family	14.61	20	292
1.3	R-6	Residential- Single Family	4.95	5.5	27
1.4	R-6	Residential- Single Family	5.73	5.5	32
1.5	R-6	Residential- Single Family	1.96	5.5	11
1.6		Theme Feature Park	0.44		0
1.7		Future Landau Dedication	3.92		0
1.8	C (R)	Commercial (Reserved)	4.69		0
		<b>Subtotal</b>	<b>54.40</b>		<b>695</b>
<b>PA 2.0</b>					
2.1	R-5	Residential- Single Family	13.23	6.5	86
2.2	R-2	Residential- Single Family	4.49	15.0	58
2.3	ES	Elementary School	10.0		0
2.4	REC	Water Park Recreation	4.07		0
2.5	C-I	Commercial-Institutional	3.03		0
		<b>Subtotal</b>	<b>34.82</b>		<b>144</b>
<b>PA 3.0</b>					
3.1	R-4.5	Residential- Single Family	16.86	8	135
3.2	R-4.5	Residential- Single Family	8.80	8	69
3.2	R-4.5	Residential- Single Family	8.84	8	72
		<b>Subtotal</b>	<b>34.38</b>		<b>275</b>
<b>PA 4.0</b>					
4.1	R-7	Residential- Single Family	8.88	5.5	49
4.2	R-7	Residential- Single Family	8.65	5.5	48
4.3	R-7	Residential- Single Family	14.00	5.5	77
		<b>Subtotal</b>	<b>31.53</b>		<b>173</b>
<b>PA 5.0</b>					
5.1	R-4.5	Residential- Single Family	17.15	8	137
5.2	R-4.5	Residential- Single Family	8.80	8	70
5.3	R-8.5	Residential- Single Family	1.56	4.5	7
5.4	R-8.5	Residential- Single Family	5.73	4.5	26
		<b>Subtotal</b>	<b>33.24</b>		<b>240</b>
<b>PA 6.0</b>					
6.1	R-8.5	Residential- Single Family	1.91	4.5	9
6.2	R-8.5	Residential- Single Family	5.73	4.5	26
6.3	R-6	Residential- Single Family	8.80	6.5	57
6.4	R-6	Residential- Single Family	3.21	6.5	21
6.5	R-6	Residential- Single Family	16.17	6.5	105
		<b>Subtotal</b>	<b>35.82</b>		<b>218</b>
		<b>Total:</b>	<b>302.62</b>		<b>*1745</b>

\*Maximum 1,362 units allowed

Proposed Specific Plan Text Amendment

On October 26, 2016 the City Council approved Specific Plan Amendment 97-55B to amend the text

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of the MF-4 Zone of the Rio Vista Village Specific Plan, approved General Plan Amendment No. 16-003 to amend the General Plan land use designations for Planning Area 1.1 and 2.2 of the Rio Vista Village Specific Plan, and approved Change of Zone No. 16-003 to change the zone in Planning Area 2.2 from R-6 to R-2. The overall number of units of 1,362 allowed in the specific plan did not change.

Pursuant to the above actions, the number of units allowed in Planning Area 2.2 increased from 26 to 58. The Applicant filed an application for Tract 37124 on May 25, 2016. The design of the tract map was reviewed by staff, but could not advance to public review until SPA 97-55C, GA 16-003, and CZ 16-003 were approved by the City Council.

The Specific Plan allowed 'Cluster lots' on minimum 200 square foot lots at a density of up to 15 units per acre, but did not contain any development standards to facilitate the design. A new Section 5.8 was added to the specific plan text to outline comprehensive development standards. The revisions and additions made to the specific plan text are shown in italics below:

## 5.2 GENERAL RESIDENTIAL SITE DEVELOPMENT STANDARDS

The following standards establish the permitted densities, setbacks, heights and massing requirements for the design of individual homes and multi-family attached dwellings on parcels within the project.

*B. CLUSTER SFD: Small lots with detached dwellings arranged in non-traditional clusters, frequently using private auto courts or common drives and arranged without requiring frontage along public streets. For Cluster SFD Residential Site Plan Development Standards, refer to Section 5.8.*

## 5.8 GENERAL RESIDENTIAL SITE DEVELOPMENT STANDARDS FOR R-2-CLUSTER SFD DEVELOPMENT

*CLUSTER SFD: Small lots with detached dwellings arranged in nontraditional clusters, frequently using private auto courts or common drives and arranged without regard for frontage on public streets. The following standards establish the permitted densities, setbacks, heights and massing requirements for the design of individual homes and multi-family attached dwellings on parcels within the project*

### 5.8.1 SETBACK REQUIREMENTS FOR RESIDENTIAL SITES

*A. STANDARD FRONT SETBACK: 8 feet if fronting on Private Local Street and 2 feet if fronting on a Common Dive.*

*B. REDUCED FRONT SETBACK: Not Applicable*

*C. STANDARD SIDE SETBACK: 5 feet.*

*D. SIDE SETBACK WITH DRIVEWAY: Not Applicable*

*E. SHARED SIDE SETBACK: 5 feet.*

*F. ZERO SIDE SETBACK: Zero feet: no projections, encroachments or openings permitted.*

*G. CORNER SIDE SETBACK: 10 feet.*

*H. REDUCED SIDE SETBACK: Not Applicable*

*I. REAR SETBACK WITH SERVICE LANE: Not Applicable*

*J. REAR SETBACK: 10 feet.*

**K. ENCROACHMENTS AND MISCELLANEOUS PROVISIONS**

*(1) Fireplaces, bays, cornices, eaves and other similar architectural features may project a maximum of 24 inches into required setbacks.*

*(2) Shading devices may project a maximum of 24 inches into required front setbacks, a maximum of 24 inches elsewhere unless waived by the Director of Community Development with validating documentation.*

*(3) Garden walls in front setbacks are not permitted.*

*(4) Pools and spas must provide a minimum of 5 feet of lateral clearance to any adjacent lot line.*

*(5) Solar walls may be constructed to a two story height anywhere within the building envelope.*

*(6) A 3-inch thick, 30 inch by 48 inch concrete slab must be provided along the rear fence/wall directly accessible from the private local street or from the common drive for the placement of trash receptacles. In addition, a 24 inch by 36 inch concrete pad shall be provided in front of the unit next to the Garage for placing the trash receptacles during the trash pickup day.*

**5.8.2 SPACE BETWEEN BUILDINGS:** *For purposes of developing Cluster SFD Residential Development projects that do not follow the standard block pattern, adjacent buildings shall be presumed to have a lot line between them for the purpose of measuring setbacks. The minimum building separations shall be 10 feet.*

**5.8.3 SPECIAL RESIDENTIAL SITE DEVELOPMENT STANDARDS FOR CLUSTER SFD RESIDENTIAL DEVELOPMENT PROJECTS**

*The following standards deal with areas of concern regarding the implementation of new urbanism concepts and for complying with applicable local ordinances.*

**5.8.3.1 COMMON OPEN SPACE:** *Common open space requirements are deemed met under the Rio Vista Village Specific Plan. Additional common open space shall be provided to establish pedestrian circulation links to areas within and beyond the project boundary.*

**5.8.3.2 PRIVATE OPEN SPACE:** *Each single family dwelling site in a Cluster SFD project must contain a minimum of 300 SF of contiguous private open space with a minimum dimension of 10 feet.*

**5.8.3.3 COMMON DRIVES: Use Private Street**

*A. Common drives serving Cluster SFD Residential Development shall be in the form of a private drive having a minimum width of 24 feet curb to curb where no street parking is allowed. Garages shall be setback a minimum of 25 feet.*

*B. Private Street shall have a minimum width of 26 feet and shall be signed as 'Emergency Access and Fire Lane-No Parking'. Emergency gated access shall be required that will enable access onto a public street other than the primary access road.*

**5.8.3.4 PARKING REQUIREMENTS:**

*A. Each single family dwelling must be provided with a two car garage.*

*B. If a standard single family lot pattern is used that accommodates on-street parking, no additional guest parking is required. When a non-traditional lot pattern is used, one additional off-street parking space for every two units is required, to be allocated in proximity to dwelling units, and provided onsite.*

*C. Aggregate parking areas for more than 10 cars must be landscaped so that a minimum of 50% of the paved area is shaded at noon, June 21, within 5 years of issuance of the Certificate of Occupancy. Carports provided for parking where covered parking is not required may be used to meet this requirement.*

**5.8.3.5 GARAGE ACCESS AND ACCESSIBILITY:**

*A. Garage may be accessed from either a common drive or directly from the private or public local street.*

*B. No direct access to Rio Vista Boulevard is permitted.*

*C. In all cases, from the garage door to the opposite side of the common drive minimum of 25 feet of clear backup space must be provided.*

*D. Garages on interior lots directly accessing a local street must provide 25 feet of clear back-up space immediately in front of the garage door and occurring behind the front setback line the full width of the garage. The last 24 inches of the required 25 feet as well as the sides of the backup area may be in landscape material.*

*E. Garages must be equipped with automatic roll up doors and flanked by at least one wall-mounted carriage light.*

**5.8.3.6 HEIGHT:** *No dwelling shall exceed 35 feet or two stories in height measured to the peak of a sloping roof or the parapet of a flat roof.*

**5.8.3.7 RESIDENTIAL LANDSCAPE REGULATIONS:** *The following regulations apply to common residential areas. All proposed landscape species must be identified in the Lush and Efficient Gardening in the Coachella Valley produced by CVWD.*

**A. Local Private Street Treatments**

*(1) Local streets aligned along a project boundary shall include minimum 15 gallon trees spaced at- 50 feet on center.*

*(2) Where dwelling units are oriented to the local street, minimum 15 gallon trees shall be planted at a ratio of 1:1.5 per dwelling unit along the street block.*

*(3) Alternative varieties of trees, minimum 15 gallon size, shall be planted at gateways into distinct neighborhoods.*

*(4) Street trees, minimum 15 gallon size, shall be planted in any island of the public use easement*

*(5) A -three (3) foot landscape setback shall be provided between the sidewalk and the dwelling unit to be planted in groundcover, 4 feet on center and having a maximum plant height at maturity not exceeding 12 inches, with a two-inch thick layer of decomposed granite having a common accent color.*

*(6) Guest parking areas shall have a landscape island for every seven spaces and planted with one minimum 15 gallon tree. Guest parking nodes having more than 10 spaces shall have minimum 15 gallon trees planted 25 feet on center within the five foot landscape setback.*

**5.8.4 SPECIAL RECREATION SITE DEVELOPMENT STANDARDS.**

**5.8.4.1 PARKING REQUIREMENTS:**

*A. The parking requirements of the Zoning Code shall apply with regard to the number of parking stalls required, sizes and parking area layout standards.*

*B. Aggregate parking areas for more than 10 cars must be landscaped so that a minimum of 50% of the paved area is shaded at noon, June 21, within 5 years of issuance of the Certificate of Occupancy.*

*C. Carports provided for parking where covered parking is not required may be used to meet this requirement.*

**5.8.4.2 OPEN SPACE:** *Open space must be landscaped, including paving, plant material, arbors, treillage, water features and seating areas. Since open space is a critical ingredient of community level recreation facilities, no mandatory area is required.*

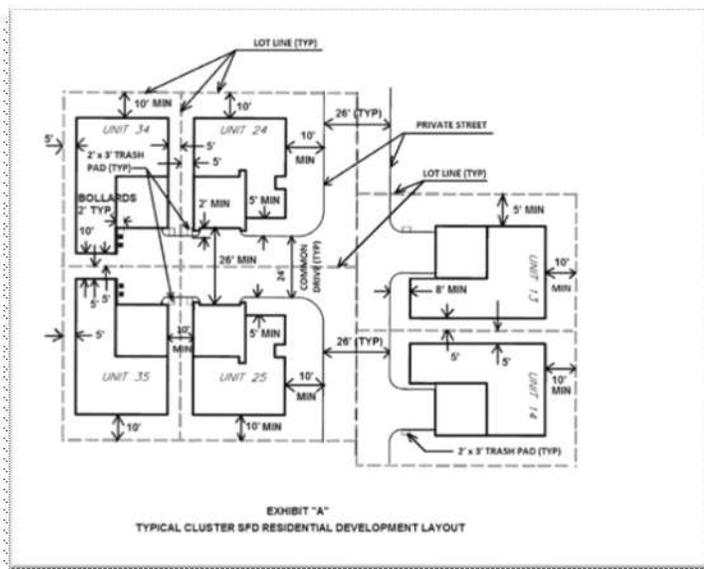
**5.8.4.3 TRASH ENCLOSURES AREAS:** *All portions of the site devoted to trash collection must be screened from the view of all adjacent properties.*

**5.8.4.4 SITE LIGHTING:** *Site lighting shall conform to the applicable regulations of the City.*

**5.8.4.5 SIGNAGE:** *On-site signage shall conform to the requirements of the sign regulations of the City and according to the recommendations of the Community Character Criteria.*

By definition, cluster single family lots may consist of small lots with detached dwellings arranged in nontraditional clusters, frequently using private auto courts or common drives and arranged without having frontage on streets. They may also be designed to front on streets. This graphic illustrates both design concepts.

A cluster single family tract may designate homes on individual small lots privately held by each home owner, or be an 'air space' condominium where all spaces outside of the home are commonly owned and maintained by a private homeowner association. The dimensions shown in the graphic are for reference purposed only to illustrate space relationships if the design uses a condominium map design.



### Tentative Tract Map 37124

Tentative Tract Map 37124 is a single family 'air space' condominium map. It is comprised of three legal lots. Lots 1 and 3 reflect existing storm water retention basins. Lot 2 is the residential area. All areas, exclusive of the building footprints, will be owned and maintained by a homeowner association, (HOA), although private yard areas are provided for each unit within the common open space. The HOA for this map, will be separate, but subsidiary to, the master homeowner association for the entire Rio Vista Village Specific Plan.

Access into the project will be from Rio Largo Drive. A landscape planter is designed to separate vehicles entering and leaving the project. No gate is proposed for the project entry. A gated emergence access point will be provided on to Verona Road that forms the southern boundary of the site. The private streets will be 26 feet in width and the common driveways will be 24 feet in width. All streets will be privately owned and maintained.

No parking will be allowed on the private streets. 32 guest parking spaces are provided where 29 spaces are required. The guest parking areas are arranged throughout the development for proximity to any of the homes.

The development includes small pocket parks and three pedestrian walkways to areas outside of the development. Enhanced landscaped setbacks are provided along Rio Largo Drive. Two of the three pedestrian walkways lead to the adjoining recreation center. These areas will be landscaped with plants suitable in the desert environment.

Units 13 through 17 along the north boundary below the recreation center, and Unit 38 along the east

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boundary have a conventional lot design with the home facing the street. All other lots are arranged in clusters with fronts facing common open space and the rears oriented to common driveways. Six foot vinyl fencing is proposed to segregate private yard areas for each unit. A minimum of 300 SF of private open space is required for each unit. A decorative masonry block wall will be required around the perimeter of the project.

The minimum distance between buildings is 20 feet. Each unit will include a 2-car garage with roll-up door.

Architectural Design Guidelines have been established for the Rio Vista Village Specific Plan. Under the provision of the plan, design review is the responsibility of a Design Review Board consisting of the developer and designated members of the Master HOA. Therefore, no architectural plans have been submitted or will be reviewed by staff. However, the Architectural Design Guidelines include standards forms to be completed and submitted with building plans to demonstrate how the proposed architecture conforms to the project guidelines.

Under the provisions of the Rio Vista Village Specific Plan, all open space and recreation is deemed to have been met with the development of recreation and open space within the specific plan. However, due to past foreclosure activities, project-wide recreational facilities have not been completed. The current owner has entered into a Purchase and Performance Agreement with the City to guide the completion and re-opening of recreational facilities within the specific plan. Under the terms of that agreement, the adjoining recreation facility will be completed and opened prior to any occupancy permits being issued for units within the tract.

All utilities are in place at the project site. The developer has also entered into a Conformation and Assignment Agreement with CVWD for domestic water supply to serve the development.

### **ENVIRONMENTAL AND TRIBAL REVIEW:**

An initial study was prepared that identified the need for mitigation measures in the areas of air quality, cultural resources, and noise. Air quality and noise mitigations are directed, for the most part, to construction activities. Therefore, staff is recommending adoption of a Mitigated Negative Declaration with the following mitigation measures:

#### **Air Quality**

AQ-1 During all phases of project construction, grading and earthmoving activities shall be limited to a maximum of five acres per day.

AQ-2 The project will be required to adhere to all established air quality standards and regulations including the following:

SCAQMD Rule 403 (403.1 specific to the Coachella Valley): A dust control plan is required to be prepared and implemented during all construction activities. The City of Cathedral City requires

implementation of Rule 403.1 for all projects. A fugitive dust control plan consistent with Rule 403.1 is required to be submitted to and approved by the City before issuance of a grading permit.

AQ-3 The methods or techniques that may be applied to various operations or equipment when appropriate to mitigate estimated emissions from particulate matter to achieve a 70 to 85 percent reduction in PM10 and PM2.5 construction emissions are shown in Table 7.

AQ-4 SCAQMD Rule 402: The project shall adhere to nuisance odor requirements.

AQ-5 SCAQMD Rule 1113: The project shall use low VOC content architectural coatings, and paints per the requirements of this rule.

AQ-6 To reduce particulate matter and NOX emissions, construction equipment should utilize aqueous diesel fuels, diesel particulate filters, and diesel oxidation catalyst during all construction activities.

AQ-7 All construction equipment should be properly serviced and maintained in optimal operating condition.

AQ-8 Construction equipment should not be left idling for more than five minutes.

AQ-9 As feasible, construction waste should be recycled to divert waste from landfills, and minimize the project's contribution to landfills.

AQ-10 The contractor shall notify the City's Building Official of the start and end of grading and construction activities in conformance with, and within time frames established in the 2003 PM10 State Implementation Plan.

AQ-11 Construction staging and management plans shall be reviewed and conditioned to require the application of all reasonably available methods and technologies to assure the minimal emission of pollutants from the project development. The City Engineer shall review the grading plan applications to ensure compliance with the mitigation measures set forth in this document and as otherwise conditioned by the City.

AQ-12 Construction equipment and materials shall be sited as far away from residential uses as practicable.

AQ-13 All grading permits must include a blow sand/erosion prevention plan.

### **Cultural Resources**

CR-1 Before ground disturbing activities begin please contact the Tribal Historic Preservation Office to arrange cultural monitoring. The phone number for monitoring services is 760-699-6981.

CR-2 The presence of an approved Native American Cultural Resource Monitor(s) during and ground

disturbing activities (including archaeological testing and surveys). Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified Archaeologist (Secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer and the Agua Caliente Tribal Historic Preservation Office.

CR-3 Copies of any cultural resource documentation (report and site records) generated in connection with this project shall be provided to the Agua Caliente Band of Cahuilla Indians.

CR-4 If a paleontological resource is accidentally uncovered during demolition or construction activities for the proposed project, the project applicant/developer shall be required to notify the City of Cathedral city Planner immediately and all excavation work within ten feet of the find shall cease immediately. A qualified paleontologist or archaeologist shall be consulted to determine the necessity for monitoring any excavation and to evaluate any paleontological resource exposed during construction. Construction activity shall resume upon consultation with the City of Cathedral City and upon implementation of the recommendations of the paleontologist or archaeologist.

CR-5 If human remains are uncovered during excavation or grading activities on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

A) The Riverside County Coroner has been contacted and determined that no investigation of the cause of death is required, and

B) If the coroner determines the remains to be Native American:

The coroner shall contact the Native American Heritage Commission (NAHC), or the Agua Caliente Tribal Historic Preservation Office (THPO) within 24 hours. The NAHC or THPO shall identify the person or persons it believes to be the most likely descended from the deceased Native American. The most likely descendent may make recommendations to the landowner or 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 Sec. 5097.98.

## **Noise**

N-1. Construction equipment and construction-related traffic shall enter and leave the site from the Verona Road entrance whenever possible.

N-2. During construction of the project, the construction contractor shall limit all construction-related activities to the following hours, in accordance with the Construction Noise Standards set forth in Chapter 11.96 (Noise Control) of the City of Cathedral City Municipal Code:

October 1 through April 30:

- 7:00 a.m. to 5:30 p.m. on Monday through Friday
- 8:30 a.m. to 5:00 p.m. on Saturday
- Construction prohibited at any time on Sunday or a state holiday.

May 1 through September 30:

- 6:00 a.m. to 7:00 p.m. on Monday through Friday
- 8:00 a.m. to 5:00 p.m. on Saturday
- Construction prohibited at any time on Sunday or a state holiday.

N-3. Construction equipment will use available noise suppression devices and properly maintained mufflers. Construction noise shall be reduced by using quiet or “new technology”, equipment, particularly the quieting of exhaust noises by use of improved mufflers where feasible. All internal combustion engines used at the project site will be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment will be maintained in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components.

N-4. During all site preparation, grading and construction, contractors shall minimize the staging of construction equipment and unnecessary idling of equipment in the vicinity of residential land uses.

N-5. The equipment staging area will be situated so as to provide the greatest distance separation between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

N-6. Stationary noise sources shall be located as far from sensitive receptors as possible, and shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.

N-7. Temporary walls/barriers/enclosures will be erected around stationary construction equipment when such equipment will be operated for an extended period of time and where there are noise sensitive receptors substantially affected. Noise barriers and enclosures will consist of absorptive material in order to prevent impacts upon other land uses due to noise reflection. In addition, complete enclosure structures will close or secure any openings where pipes, hoses or cables penetrate the enclosure structure.

N-8 Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.

N-9 The following uses are prohibited:

(a) Any use which would direct a steady light or flashing light of red, blue, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.

(b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

(c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect the safe air navigation within the area. (Such uses include landscape utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, recycling centers containing putrescible wastes, and construction demolition and debris facilities.

(d) Any use that would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

N-10 A "Notice of Airport in Vicinity", provided by ALUC staff, shall be given to all potential purchasers of the property.

N-11 Any new retention or detention basins on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

### Tribal Review

The Specific Plan Amendment required a Tribal review under SB 18. Both applications required a tribal review under AB 52. The cases were transmitted to local and regional Tribes to initiate a 90-day consultation period in compliance with SB 18 and the AB 52 review on August 1, 2016. A replies were received from the Aqua Caliente Band of Cahuilla Indians on October 5, 2016 regarding SB 18 and December 2, 2016 for AB 52 requesting the following mitigation measures be applied to the tract map.

\*A cultural resources inventory of the project area by a qualified archaeologist prior to any development activities in this area.

\*Copies of any cultural resource documentation (report and site records) generated in connection with this project.

\*The presence of an approved Native American Cultural Resource Monitor(s) during and ground disturbing activities (including archaeological testing and surveys). Should buried cultural deposits be

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encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified Archaeologist (Secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer and the Agua Caliente Tribal Historic Preservation Office.

\*Before ground disturbing activities begin please contact the Tribal Historic Preservation Office to arrange cultural monitoring. The phone number for monitoring services is 760-699-6981.

\* The report satisfies our requests for an archaeological survey and report under AB-52.

These provisions are included in the Initial Study and the Conditions of Approval.

### Airport Land Use Commission

The entire Rio Vista Village Specific Plan Area lies within the airport influence zone of the Palm Springs International Airport. Any project within the influence zone is subject to a review by the Airport Land Use Commission, (ALUC). The project site is located in the most distant portion of the influence zone, Zone 'E'. There are no use restrictions on residential development, but major sports stadiums, amphitheatres, and concert halls are discouraged. Additional review would be required for any structures or air space obstructions standing 100 feet or higher. The applicant submitted an application for an administrative ALUC review. The Airport Land Use Commission considered the case at a hearing on February 9, 2017. The Tract was found consistent with the 2005 Palm Springs Airport Land Use Compatibility Plan. A consistency letter, dated February 14, 2017, with conditions of approval, is attached. These conditions are included in the initial Study and Conditions of Approval.

### **PUBLIC NOTIFICATION:**

This project and the environmental determination were noticed in accordance with the City Municipal Code, state law, and CEQA.

### **ATTACHMENTS:**

1. Conditions of Approval
2. Tentative Tract Map 37124
3. Tract Map - Site Plan
4. Tract Map - Preliminary Landscape Plan
5. Planning Commission Resolution
6. Initial Study/Negative Declaration
7. Airport Land Use Commission
8. Public Hearing Notice