Cathedral City

CITY COUNCIL

AGENDA

CITY COUNCIL CHAMBERS	68-700 AVENIDA LALO GUERRERO	CATHEDRAL CITY, CA 92234
Wednesday, April 26, 2017	REGULAR MEETING	6:30 PM

- **CALL TO ORDER**
- **PLEDGE OF ALLEGIANCE**
- **INVOCATION (MOMENT OF REFLECTION)**
- **ROLL CALL**
- **AGENDA FINALIZATION**

At this time, the City Council may announce any items being pulled from the agenda or continued to another date.

- **STATEMENT OF PARTICIPATION BY THE DEPUTY CITY CLERK**

1. PUBLIC COMMENT

Public Comment is limited to 3 minutes per person.

2. CONSENT AGENDA

All matters on the Consent Agenda are considered routine in nature and are expected to be enacted upon by the Council at one time without discussion. Any Council Member, Staff Member, or Citizen may request removal of an item from the Consent Agenda for discussion.

2.A. 2017-174 **City Council Minutes of February 8, 2017**

Recommendation: Approve the City Council Minutes of February 8, 2017.

2.B. 2017-143 **Revised Purchase Agreement for the Downtown Mixed Use Project**

Recommendation: Staff recommends the City Council, as the Housing Successor Agency, authorize the City Manager to execute a revised Purchase and Sale and Escrow Instructions Agreement between Cathedral Canyon Development, LLC and the City of Cathedral City as the Housing Successor Agency of the Former Redevelopment Agency of the City of Cathedral City.

2.C. 2017-164 **Second Reading and Adoption of an Ordinance Amending Title 2 of the Municipal Code Restructuring the Planning Commission and Reestablishing the Architectural Review Committee.**

Recommendation: Staff recommends the City Council provide second reading and adopt an ordinance amending Title 2 of the Cathedral City Municipal Code restructuring the Planning Commission and reestablishing the Architectural Review Committee.

3. PUBLIC HEARINGS

3.A. 2017-165 **Public Hearing to Receive Public Comments on the Composition of Potential Council Election Districts**

Recommendation: Staff recommends the City Council hold a public hearing and receive comments from the public regarding the composition of potential Council election districts.

3.B. 2017-160 **Rio Vista Village Specific Plan Amendment No. 97-55C**

Recommendation: Staff and Planning Commission recommend the City Council adopt a Resolution approving a Mitigated Negative Declaration and adopt an Ordinance to amend the Rio Vista Village Specific Plan (97-55C) text 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 Rio Vista Specific Plan text referring to the development standards of Section 5.8.

3.C. 2017-168 **Vacation 2017-01: Public Hearing and Resolution to Vacate Certain Streets, Alleys, Public Highway Easements and Utility Easements Northwest of East Palm Canyon Drive and Date Palm Drive.**

Recommendation: Staff recommends the City Council make the findings contained in the Resolution of Vacation for VAC 2017-01; and adopt the Resolution, conditionally vacating all or portions of Hillery Road (formerly First Street), Allen Avenue, public highway and public utility easements on portions of Lots 44, 50, 51, 52, 53, 54, and 55 as shown on the map of Cathedral City, filed in Book 13, at Pages 24 through 26, inclusive, of Maps, Records of Riverside County, and to vacate public alleys in Lots 45 and 48 of said Cathedral City, as said alleys are shown on the map filed in Book 11, Page 11 of Records of Survey, Records of Riverside County, all located within the East half of Section 33, Township 4 South, Range 5 East, San Bernardino Meridian, at the northwest quadrant of East Palm Canyon Drive and Date Palm Drive; and approve the use of the sample Resolution attached as Exhibit "C" to the Vacation Resolution, as outlined herein, for the vacation of the above streets, alley and easements in portions or segments, as the conditions of their vacation are met.

4. LEGISLATIVE ACTIONS

4.A. 2017-166 **Council Subcommittee Funding Recommendations for the**

Community Assistance Program

Recommendation: The Council subcommittee recommends the City Council approve the award of grants and sponsorships for FY 17-18 through the Community Assistance Program.

4.B. 2017-169 **Vacation 2017-02: Resolution of Intention to Vacate a Portion of a Public Utility Easement Between Grandview Avenue and Valley View Drive**

Recommendation: Staff recommends the City Council adopt a Resolution of Intention to vacate a portion of a 40 foot wide public utility easement reserved from the vacation of Channel Drive, between Grandview Avenue and Valley Vista Drive, and setting a public hearing therefor, on Wednesday, May 24, 2017, at 6:30 p.m. in the City Council Chambers.

4.C. 2017-170 **Resolution Establishing Tax Rates for Cannabis Cultivation and Manufacturing Businesses**

Recommendation: Staff recommends the City Council approve a resolution establishing tax rates for Cannabis cultivation and manufacturing businesses consistent with authorization approved by Cathedral City voters on November 8, 2016.

4.D. 2017-172 **First Reading of an Ordinance Amending Chapter 5.88 of the Code Regulating Medical Cannabis Transportation, Distribution and Testing Laboratories**

Recommendation: Staff recommends the City Council introduce and waive further reading of the Ordinance amending Chapter 5.88 of the Code regulating medical cannabis transportation, distribution and testing laboratories.

5. COUNCIL REPORTS

This is an opportunity for each member of the City Council to report on any conferences they attend, local events or make any other comments they may have.

6. CLOSED SESSION

The following Closed Session Items may have been heard during Study Session, otherwise they will be heard at this time.

6.A. 2017-173 **Conference with Legal Counsel - Potential Litigation, Pursuant to Government Code Section 54956.9 (d)(4):**

One Potential Case

6.B. 2017-162 **Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

Property Location: Approximately 5.79 acres at Margot Murphy Way south of E. Palm Canyon Drive; A.P.N. 687-510-049 and 687-510-050, Parcels 6 and 7

Negotiating Parties: City Council as Successor Agency to the Former

Redevelopment Agency and City Urban Revitalization Corp.

Property Owners: City Urban Revitalization Corp.

Under Negotiation: Price and Terms for Potential Sale of Real Property

6.C. 2017-163 **Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

Property Location: APNS: 675-271-036 through 042 (east side of Landau Blvd northerly of 30th Avenue), APN 680-251-055 Cathedral Canyon Dr; APN 680-252-022 Navajo Trail; APN 680-301-001 & 002 on Wishing Well Trail; APN 680-302-021 Wishing Welll Trail; 680-421-031 Shifting Sands Trail and APN 680-432-011 Sky Blue Water Trail.

Negotiating Parties: City of Cathedral City as Housing Successor Agency to the former Redevelopment Agency and Riverside Housing Development Corporation

Property Owners: Housing Successor Agency

Under Negotiations: Price and Terms for potential purchase of real property.

ADJOURN

The next Regular City Council Meeting will be held on Wednesday, May 10, 2017 at 6:30 p.m.

NOTES TO THE PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting or other services offered by this City, please contact the City Clerk's Office at (760)770-0385. Assisted-listening devices are available at this meeting. Ask the City Clerk if you desire to use this device. Notification at least 48 hours prior to the meeting or the time when services are needed will assist city staff in assuring reasonable arrangements can be made to provide accessibility to the meeting or service.

Cathedral City

Agenda Report

File #: 2017-174 **Item No:** 2.A.

City Council

MEETING DATE: 4/26/2017

TITLE:
City Council Minutes of February 8, 2017

FROM:
Tracey Martinez, Deputy City Clerk

RECOMMENDATION:
Approve the City Council Minutes of February 8, 2017.

ATTACHMENT:

Minutes of February 8, 2017.

Cathedral City

CITY COUNCIL STUDY SESSION

MINUTES

CITY COUNCIL CHAMBERS	68-700 AVENIDA LALO GUERRERO	CATHEDRAL CITY, CA 92234
Wednesday, February 8, 2017	STUDY SESSION	4:30 PM

• CALL TO ORDER

Mayor Stan Henry called the Study Session Meeting of February 8, 2017 to order at 4:30 p.m.

• ROLL CALL

Present 5 - Mayor Stan Henry, Mayor Pro Tem Gregory S. Pettis, Council Member Shelley Kaplan, Council Member Mark Carnevale, and Council Member John Aguilar

• AGENDA FINALIZATION

• STATEMENT OF PARTICIPATION BY THE DEPUTY CITY CLERK

1. PUBLIC COMMENT

None

2. STUDY SESSION

2.A. 2017-61 Interview Applicants for the Public Arts Commission and Parks and Community Events Commission

Interviews were conducted to fill vacancies on the Public Arts Commission and the Parks and Community Events Commission. The following individuals were interviewed for the noted Commission:

Public Arts Commission:
Eugene Poe
Robby Sherwin
Dean Keefer was not available to be interviewed, however, wanted to be considered.

Parks and Community Events Commission:
Karyn Barnes
Sharon Kay Snow

Appointments will be made during the City Council Meeting that will begin at 6:30 p.m.

2.B. 2017-48 Mayor Appointment to the Oversight Board

Mayor Stan Henry stated that he currently serves on the Cathedral City Oversight Board as an appointee of the County Supervisor. He indicated that he is appointing himself to serve on the Cathedral City Oversight Board as the Mayor's apointee and the new Riverside County Board Supervisor can make his/her appointment to the Oversight Board once appointed.

2.C. 2017-58 **Community Events Update for Spring 2017**

Chris Parman, Communication and Events Manager, gave an update on the City's community events for Spring 2017.

3. CLOSED SESSION

City Attorney Eric Vail announced that the City Council will recess to Closed Session to discuss the items listed on the Agenda.

The City Council recessed to Closed Session at 5:43 p.m.

3.A. 2017-49 **Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

Property Location: Approximately 12.5 acres at the Northwest Corner of East Palm Canyon Drive and Date Palm Drive.
Negotiating Parties: City of Cathedral City as Successor Agency to the former Redevelopment Agency and the City Urban Revitalization Corporation,
Property Owners: City Urban Revitalization Corporation
Under Negotiations: Price and Terms for potential purchase of real property.

3.B. 2017-50 **Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

Property Location: Approximately 15 acres south of East Palm Canyon Drive at Date Palm Drive
Negotiating Parties: City of Cathedral City as the Successor Agency to the former Redevelopment Agency and the City Urban Revitalization Corporation
Property Owner: City Urban Revitalization Corporation
Under Negotiations: Price and Terms for potential sale of real property

3.C. 2017-51 **Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

Property Location: Approximately 8.4 acres at the South side of Vega Rd and Landau Blvd APN #s 678-060-001 to 005, and 678-060-049 to 053
Negotiating Parties: City of Cathedral City as Housing Successor, City of Cathedral City and Urban Housing Communities ("UHC")
Property Owners: City of Cathedral City as Housing Successor

Under Negotiations: Property Negotiations

3.D. 2017-66 **Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

Property Location: Approximately 3.5 acres north of Vega Road, east of Landau Blvd. by APN's 678-030-061, 678-030-063, 678-030-065, 678-030-067, 678-030-069
Negotiating Parties: City of Cathedral City and Mario Perez, Inc.
Property Owner: City of Cathedral City
Under Negotiations: Price and Terms for potential sale of real property

City Attorney Eric Vail announced that the City Council met in Closed Session to discuss the following items listed on the Agenda:

Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8. regarding the following locations:

- *Approximately 12.5 acres at the Northwest Corner of East Palm Canyon Drive and Date Palm Drive.*
- *Approximately 15 acres south of East Palm Canyon Drive at Date Palm Drive*
- *Approximately 8.4 acres at the South side of Vega Rd and Landau Blvd APN #s 678-060-001 to 005, and 678-060-049 to 053*
- *Approximately 3.5 acres north of Vega Road, east of Landau Blvd. by APN's 678-030-061, 678-030-063, 678-030-065, 678-030-067, 678-030-069*

He stated that there was no reportable action taken.

ADJOURN

Mayor Stan Henry adjourned the Study Session Meeting at 6:30 p.m.

_____
STANLEY E. HENRY, Mayor

ATTEST:

_____
GARY F. HOWELL, City Clerk

Cathedral City

CITY COUNCIL

MINUTES

CITY COUNCIL CHAMBERS	68-700 AVENIDA LALO GUERRERO	CATHEDRAL CITY, CA 92234
Wednesday, February 8, 2017	REGULAR MEETING	6:30 PM

• CALL TO ORDER

Mayor Stan Henry called the Regular Meeting of February 8, 2017, to order at 6:35 p.m.

• PLEDGE OF ALLEGIANCE

Council Member John Aguilar led the Pledge of Allegiance.

• INVOCATION (MOMENT OF REFLECTION)

Council Member Mark Carnevale announced that Chief Wilson's father passed away and asked that everyone keep his family in their thoughts. He then offered the invocation.

• ROLL CALL

Present: 5 - Mayor Stan Henry, Mayor Pro Tem Gregory S. Pettis, Council Member Shelley Kaplan, Council Member Mark Carnevale, and Council Member John Aguilar

• AGENDA FINALIZATION

Mayor Stan Henry stated that Item 4C. Amend Cathedral City Municipal Code Chapters 9.108, 9.26, 9.28, 9.30, 9.36, 9.40 and 9.42 Related to Medical Cannabis (ZOA 16-003) will be heard under the Public Hearing Section of the Agenda.

Tami Scott, Administrative Services Director, provided updated information on Consent Item 2C. Payoff of Sewer Assessments. She stated that 4 parcels were added changing the dollar amount to $1.37 million.

• STATEMENT OF PARTICIPATION BY THE DEPUTY CITY CLERK

1. PUBLIC COMMENT

Diane Gill, Cathedral City, was called to speak. She questioned why all of the marijuana businesses on Perez Road are not being located on the other side of the freeway. There is objection in the community to the marijuana businesses on Perez Road. She expressed her concerns with the safety of the residents of the community. She requested that the City pursue the idea of these business types being located on the other side of the freeway.

Tim Parrott, Cathedral City, was called to speak. He reminded everyone that a program on the Challenges and Solutions in the Coachella and Imperial Valley for California's Affordable Crisis, which will be held in Indio. He encouraged a member of the City Council to attend.

2. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Council Member Kaplan, seconded by Mayor Pro Tem Pettis, to approve the following Consent Agenda Items. The motion carried by the following vote:

Aye: 5 - Mayor Henry, Mayor Pro Tem Pettis, Council Member Kaplan, Council Member Carnevale, and Council Member Aguilar

2.A. 2017-64 **Receive and file Payment of Claims and Demands**

This Staff Report was approved.

Enactment No: M.O. 6724

2.B. 2017-53 **Second Reading of an Ordinance Requiring Landscape-Related Businesses to Complete a Course on Water Efficiency**

This item was approved.

Enactment No: Ord 788

2.C. 2017-55 **Payoff of Sewer Assessments**

This Item was approved.

Enactment No: M.O. 6725

2.D. 2017-59 **Tract No. 32858: Approval of Final Map and Subdivision Agreement for Sol Recovery, LLC.**

This Item was approved.

Enactment No: M.O. 6726

2.E. 2017-60 **Council Appointments to Various Local Agencies**

This Item was approved.

Enactment No: M.O. 6727

2.F. 2017-23 **Contract Award to Cal Stripe, Inc. for Pavement Striping, Markings and Markers on City Arterial Streets**

This Item was approved.

Enactment No: M.O. 6728

3. PUBLIC HEARINGS

3.A. 2017-35 **Disposition of Certain Vacant Parcels**

Tami Scott Administrative Services Director, presented the Staff Report to the City Council.

Mayor Stan Henry opened the Public Hearing for comments, there being none, he closed the Public Hearing.

A motion was made by Council Member Aguilar, seconded by Council Member Kaplan, that the City Council acting as the Housing Successor Agency, approve the sale of two vacant housing parcels located at 68840 and 68860 Cedar Road (APN 680-401-008 and 680-401-010) in the amount of $40,000.

The motion carried by the following vote:

Aye: 5 - Mayor Henry, Mayor Pro Tem Pettis, Council Member Kaplan, Council Member Carnevale, and Council Member Aguilar

Enactment No: M.O. 6729

4. LEGISLATIVE ACTIONS

4.A. 2017-63 Caribbean Music Festival

A motion was made by Council Member Aguilar, seconded by Council Member Kaplan, to approve Special Use Permit #17-004 to hold a Caribbean Festival in Cathedral City May 26, 2017 through May 28, 2017. The motion carried by the following vote:

Aye: 5 - Mayor Henry, Mayor Pro Tem Pettis, Council Member Kaplan, Council Member Carnevale, and Council Member Aguilar

Enactment No: M.O. 6730

4.B. 2017-62 Appointments to the Public Arts Commission and Parks and Community Events Commission

A motion was made by Mayor Pro Tem Pettis, seconded by Council Member Kaplan, to appoint Robby Sherwin to fill an unexpired term on the Public Arts Commission with a term continuing to June 30, 2019 and appoint Karyn Barnes to fill an unexpired term on the Parks and Community Events Commission with a term continuing to June 30, 2019. The motion carried by the following vote:

Aye: 5 - Mayor Henry, Mayor Pro Tem Pettis, Council Member Kaplan, Council Member Carnevale, and Council Member Aguilar

Enactment No: M.O. 6731

4.C. 2017-56 Amend Cathedral City Municipal Code Chapters 9.108, 9.26, 9.28, 9.30, 9.36, 9.40 and 9.42 Related to Medical Cannabis (ZOA 16-003).

Pat Milos, Community Development Director, presented the Staff Report.

Clarification was made that the proposed Ordinance does not affect the moratorium on dispensaries.

Mayor Stan Henry opened the Public Hearing for comments.

Roger Culbertson, Cathedral City, was called to speak. He would like the Council to pause and not take action on this Ordinance allowing the residents to get educated and the Task Force to do their job.

Greg Marty, Orange County, was called to speak. He stated that he is a distributor. He stated that Cathedral City has strigent rules and he appreciates that. He offered his assistance to the City in any area that they may need.

Alan Carvalho, Cathedral City, was called to speak. He stated that he speaks for himself and likes the way the City is moving forward. He feels that there is more than one point of view.

Gretta Carter, Desert Hot Springs, was called to speak. She has two businesses in Cathedral City. She stated that no one was harder in the back ground checks than Cathedral City. She feels that input from the Task Force is important.

Denise Cross, Cathedral City, was called to speak. She feels that the City is overlooking some items and is moving too fast. She stated that crime is on the rise. She encouraged the Council to slow the process down and to consider alternative areas.

Mayor Stan Henry closed the Public Hearing.

A motion was made by Council Member Kaplan, seconded by Mayor Pro Tem Pettis, to approve the introduction and first reading, by title only, and Ordinance of the City Council of the City of Cathedral City amending the Cathedral City Municipal Code Chapters 9.108, 9.26, 9.28, 9.30, 9.36, 9.40 and 9.42 related to Medical Cannabis (ZOA 16-003), and approve the assicated exemption to the California Environmentaly Quality Act (CEQA) pursuant to section 15601 (b)(3) of the CEQA Guidelines. The motion carried by the following vote:

Aye: 3 - Mayor Pro Tem Pettis, Council Member Kaplan, and Council Member Aguilar

Nay: 2 - Mayor Henry, and Council Member Carnevale

Enactment No: M.O. 6732

5. COUNCIL REPORTS

Council Member John Aguilar thanked Staff for the presentation on the Date Palm Bridge Widening Project that was given to the Date Palm Country Club residents. He heard great feedback from the residents. He along with Mayor Pro Tem Pettis held City Hall in Your Corner on February 2, 2017, there was a great turnout with a lot of interaction.

Council Member Shelley Kaplan reported that he attended the State of the College for College of the Desert. He also attended the Chamber of Commerce event last week where they discussed joining the Greater Coachella Valley Chamber of Commerce. He feels that the City Council held a very good Goal Session Meeting in January and more discussion regarding the goals will be held in the coming months.

Council Member Mark Carnevale reported that he attended the Chamber of Commerce Power Lunch and he is excited about joining the Greater Coachella Valley Chamber of Commerce and the opportunities that it will bring. He attended the Rotary Meeting where the District Attorney spoke on interesting topics and their programs. He stated that he is looking forward to the Taste of Jalisco. He announced that Nicolino's will be holding a Spaghetti Fundraising Dinner in March for the Cathedral City High School Theater. He and his wife will be attending the Agnes Pelton Society Event.

Mayor Pro Tem Greg Pettis felt that the District Attorney did a great job at showing off his department and the programs that they are doing at the Rotary Meeting. He congratulated the Chamber of Commerce on their new map, they did a good job putting it together. He reported on the Taste of Jalisco Event and all of the delegates that will be visiting the City. He will be going to Washington on behalf of SCAG.

Mayor Stan Henry, reported that a dedication of Public Art was held at the Senior Center. The RSVP luncheon, which recognizes many volunteers, will be held February 14, 2017. On Monday evening the Council will be attending the League of CA Cities Dinner in Wildomar. He reported that the Cathedral City Choir has been invited to go to Hawaii and they are looking for sponsorships. Anyone interested in sponsoring the choir should contact the high school or himself. The Cathedral City High School Band has been invited to a competition in San Jose. There is a great weekend planned for Taste of Jalisco and he encouraged everyone to come and enjoy the festivities.

6. CLOSED SESSION

All of the items listed under Closed Session were discussed during the Study Session portion of the meeting and is indicated in the Study Sessison Minutes of February 8, 2017.

6.A. 2017-49 **Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

Property Location: Approximately 12.5 acres at the Northwest Corner of East Palm Canyon Drive and Date Palm Drive.
Negotiating Parties: City of Cathedral City as Successor Agency to the former Redevelopment Agency and the City Urban Revitalization Corporation,
Property Owners: City Urban Revitalization Corporation
Under Negotiations: Price and Terms for potential purchase of real property.

6.B. 2017-50 **Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

Property Location: Approximately 15 acres south of East Palm Canyon Drive at Date Palm Drive
Negotiating Parties: City of Cathedral City as the Successor Agency to the former Redevelopment Agency and the City Urban Revitalization Corporation
Property Owner: City Urban Revitalization Corporation
Under Negotiations: Price and Terms for potential sale of real property

6.C. 2017-51 **Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

Property Location: Approximately 8.4 acres at the South side of Vega Rd and Landau Blvd APN #s 678-060-001 to 005, and 678-060-049 to 053
Negotiating Parties: City of Cathedral City as Housing Successor, City of Cathedral City and Urban Housing Communities ("UHC")
Property Owners: City of Cathedral City as Housing Successor
Under Negotiations: Property Negotiations

6.D. 2017-66 **Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

Property Location: Approximately 3.5 acres north of Vega Road, east of Landau Blvd. by APN's 678-030-061, 678-030-063, 678-030-065, 678-030-067, 678-030-069
Negotiating Parties: City of Cathedral City and Mario Perez, Inc.
Property Owner: City of Cathedral City

Under Negotiations: Price and Terms for potential sale of real property

ADJOURN

Mayor Stan Henry adjourned the Regular City Council Meeting of February 8, 2017 at 7:53 p.m.

_____
STANLEY E. HENRY, Mayor

ATTEST:

_____
GARY F. HOWELL, City Clerk

Cathedral City

Agenda Report

File #: 2017-143 **Item No:** 2.B.

Housing Successor Agency

MEETING DATE: 4/26/2017

TITLE:
Revised Purchase Agreement for the Downtown Mixed Use Project

FROM:
Curt Watts, Economic Development Director

RECOMMENDATION:
Staff recommends the City Council, as the Housing Successor Agency, authorize the City Manager to execute a revised Purchase and Sale and Escrow Instructions Agreement between Cathedral Canyon Development, LLC and the City of Cathedral City as the Housing Successor Agency of the Former Redevelopment Agency of the City of Cathedral City.

BACKGROUND:
On February 22, 2017 the Housing Successor Agency of the Former Redevelopment Agency of the City of Cathedral City ("City") approved a Purchase Agreement with Cathedral Canyon Development, LLC ("CCD") for the future sale of an approximate two-acre site located at the southeast corner of East Palm Canyon Drive and West Buddy Rogers Avenue for development of a mixed use project. As a result of CCD's recent change in legal counsel for the project, a number of wording changes have been requested prior to execution of the Agreement to better match CCD legal counsel's preferred language for certain sections of the Agreement and the escrow and closing process for this transaction. The business deal points for the transaction have not changed.

DISCUSSION:
The attached Agreement reflects requested changes that have been reviewed and accepted by the City Attorney. The accepted revisions do not alter the previously approved deal points of the transaction which still include:

1) Purchase Price of $331,000;

2) Completion of Due Diligence Period within 90 days after Effective Date of Purchase Agreement;

3) Approval of Performance Agreement to be negotiated and approved by all parties within 60 days after close of Due Diligence.

4) Close of Escrow by March 30, 2018 (extendable by 6 months to September 30, 2018 with increase in CCD's deposit to 50% of the $331,000 Purchase Price (i.e. $165,500). Close of Escrow requires completion of the entitlement process.

5) Completion of Construction within 18 months after Close of Escrow (i.e. September 30, 2019, if Close of Escrow is extended by 6 months, March 30, 2020).

The revised Agreement will guide the administration of the future land sale and the monitoring of the development project as it proceeds through entitlement processing, close of escrow and construction. The most significant language changes can be summarized as follows:

1) Clarification in language describing initial and subsequent monetary deposits by Buyer;

2) Requirement to process certain street vacations following expiration of Due Diligence Period;

3) Clarification of Buyer and Seller responsibilities for items to be submitted in advance of Close of Escrow;

4) Clarification of process for prorating taxes, assessments, invoices, bills, etc.

5) Clarification of Seller's covenants, agreements, representations and warranties related to the Agreement;

6) Clarification of future approval by City Manager of any routine amendments to the Agreement;

7) Clarification in language related to calculation of time periods, construction of the Agreement, and no recording or filing of the Agreement by either Seller or Buyer.

The revised Purchase Agreement retains a provision for the parties to negotiate and execute a Performance Agreement that will provide a description of the future proposed project, time requirements for processing entitlements and eventual development of the Project, and post-closing obligations.

FISCAL IMPACT:

Upon Close of Escrow the Housing Successor Agency will receive $331,000 and will also be relieved of its current obligation to pay remaining sewer district assessments of approximately $148,000 ($13,000 in annual principal and interest payments through 2035) as these will become the future responsibility of the Buyer following Close of Escrow.

ATTACHMENTS:

1. Revised Purchase and Sale and Escrow Instructions Agreement

PURCHASE AND SALE AND
ESCROW INSTRUCTIONS AGREEMENT

This Purchase and Sale and Escrow Instructions Agreement ("**Agreement**") is entered into by and between the CITY OF CATHEDRAL CITY, a California charter city and municipal corporation, acting solely in its role as the Successor Housing Agency of the former Redevelopment Agency of the City of Cathedral City ("**Seller**"), and CATHEDRAL CANYON DEVELOPMENT LLC, a California limited liability company ("**Buyer**"). Collectively, the parties may be referred to herein as the "**Parties**", or individually as a "**Party**." This Agreement is dated _____, 2017, for reference purposes only.

RECITALS

A. Seller is the fee owner of certain unimproved real property located in the City of Cathedral City, California ("**City**"), which is described on the attached Exhibit A ("**Property**").

B. Seller is a California charter city and municipal corporation, acting solely in its role as the Successor Housing Agency of the former Redevelopment Agency of the City of Cathedral City.

C. The sale and development of the Property will further the housing purposes of Seller as the Successor to the Housing Agency by providing for a variety of needed additional housing within the core of Cathedral City's downtown.

D. As a condition to the sale of the Property and close of escrow, Seller requires that Buyer develop plans and specifications for the Property's development that are satisfactory to Seller and that Buyer and Seller enter into an agreement for such development, as more particularly described in Section 5.3 of this Agreement.

E. Seller now desires to sell to Buyer, and Buyer desires to purchase from Seller, the Property on the terms and conditions set forth herein.

F. This Purchase and Sale and Escrow Instructions Agreement, and the related Performance Agreement, are intended by the Parties to, and due hereby, replace and supersede that certain Property Transfer Agreement and Escrow Instructions dated August 28, 2013, as amended, which was previously assigned to and assumed by Buyer by means of the Assignment, Assumption, and Consent Agreement dated November 30, 2016. Seller and Buyer have previously opened escrow for the conveyance of the Property and will utilize that escrow to consummate this transaction.

NOW THEREFORE, In reliance on the above recitals, and in consideration of the Independent Consideration (as hereinafter defined) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Seller and Buyer, the Parties hereto agree as follows:

TERMS AND CONDITIONS

Section 1. Incorporation of Recitals, Exhibits

Each of the Recitals set forth above is incorporated in this Agreement and the Parties each acknowledge and agree to the truth and accuracy thereof. Each of the Exhibits attached hereto is included herein by reference.

Section 2. Purchase and Sale

2.1 Purchase Price. Seller agrees to sell the Property to Buyer, and Buyer agrees to purchase the Property from Seller, for the amount of Three Hundred Thirty One Thousand Dollars ($331,000) ("**Purchase Price**") and upon all of the terms and conditions set forth in this Agreement. The Purchase Price shall be tendered by Buyer to Seller in immediate available funds at the Close of Escrow (as defined hereinafter).

2.2 Deposit. The Parties acknowledge that Buyer's predecessor-in-interest previously deposited the sum of Ten Thousand Dollars ($10,000) (the "**Initial Deposit**") with the Escrow Agent and that this Initial Deposit shall be considered to have been made for Buyer's benefit under the Agreement. The Initial Deposit and such additional deposit (the "**Additional Deposit**") as Buyer is required to make under this Agreement (collectively the "**Deposit**") may be deposited by the Escrow Agent in an interest bearing account at Buyer's election (and any interest subsequently accrued thereon shall be deemed part of the Deposit). The Deposit shall be remitted to Buyer if Buyer is entitled to the return thereof pursuant to Section 3.1, 5.2 or 5.3 of this Agreement or remitted to Seller as liquidated damages under Section 10.2 if Buyer defaults under the terms of this Agreement.

2.3 Independent Consideration. Contemporaneously with the execution and delivery of this Agreement, Buyer has paid to Seller as further consideration for this Agreement, in cash, the sum of One Hundred Dollars ($100.00) (the "**Independent Consideration**"), in addition to the Deposit and the Purchase Price and independent of any other consideration provided hereunder, which Independent Consideration is fully earned by Seller and is non-refundable under any circumstances.

2.4 At the Closing, Buyer shall pay the Purchase Price in cash or cash equivalent, less the Deposit.

2.5 Seller agrees to coordinate with Buyer to request, after the expiration of the Due Diligence Period as defined in Section 3, that City process the vacation of any and all interior streets (the "**Interior Streets**") owned by City within the Property in accordance with the procedures specified in Streets and Highways Code § 8399 et seq. Buyer and Seller agree that the Purchase Price, as defined in Section 2.1, will not increase as a result of the City's vacation of the Interior Streets.

Section 3. Due Diligence Period/Right of Entry

3.1 Due Diligence Period.

For the first ninety (90) days following the Effective Date as defined below in Section 14.18 ("**Due Diligence Period**"), Buyer shall have the right to review and approve or disapprove the physical condition of the Property, matters affecting title to the Property, financial investigations, zoning and land use restrictions, and all other matters that Buyer determines are relevant to its purchase and development of the Property. Buyer's obligations to close Escrow and acquire the Property are conditioned upon Buyer's approval of such matters, in its sole and absolute discretion. If Buyer approves of such matters, Buyer will provide written notice of such approval to Seller ("**Approval Notice**") prior to expiration of the Due Diligence Period. If Buyer provides Seller written notice disapproving of such matters ("**Disapproval Notice**") prior to the expiration of the Due Diligence Period, the Deposit shall be returned to Buyer and thereafter this Agreement shall terminate and neither Party shall have any further rights or obligations hereunder except as provided by Section 13. The failure of Buyer to provide an Approval Notice or Disapproval Notice on or before the expiration of the Due Diligence Period will be deemed to be disapproval by Buyer, in which event this Agreement will be terminated and neither Party shall have any further rights or obligations hereunder except as provided by Section 13.

3.2 Right of Entry.

At any time during the Due Diligence Period, upon at least twenty-four (24) hours prior written notice to Seller, and at Buyer's sole expense, Buyer and its authorized agents shall have the right to enter upon the Property during normal business days and hours for any lawful purpose, including, without limitation, making such surveys and site analyses, test borings and engineering studies as Buyer may deem necessary; provided, however, Buyer shall not conduct any invasive testing unless approved by Seller in writing, in Seller's sole but reasonable discretion. Buyer will defend, indemnify and hold Seller and the Property harmless from and against any and all claims and liens arising out of any act or failure to act of Buyer or its authorized agents as a result of their respective activities on the Property. Before entering the Property, Buyer (or its agents entering onto the Property) shall obtain and furnish to Seller an endorsement showing that Buyer (or such agent entering the Property) maintains commercial general liability insurance with a reputable insurer admitted in California, with a Best's rating of A or better, providing minimum limits of liability of Two Million Dollars ($2,000,000) per occurrence and in the aggregate, and naming Seller as additional insured. Such endorsement must expressly provide that such insurance may not be canceled or reduced in scope or coverage without at least thirty (30) days' prior written notice to Seller.

Section 4. Title

Seller shall convey fee title to the Property to Buyer by grant deed ("**Grant Deed**") at the Close of Escrow, free of any monetary or other interests or encumbrances

affecting the condition of title except as otherwise permitted in Section 5.2 below or created by Buyer or its agents. Seller shall provide Buyer with an Owner's ALTA Standard Coverage Policy of Title Insurance ("**Policy**") in a policy amount equal to the Purchase Price, issued by First American Title Insurance Company, 74-770 Highway 111, Suite 101, Indian Wells, California 92210 ("**Title Company**"), Attn: Sharon Elkins ("**Escrow Agent**"), showing title vested in Buyer in the condition required by this Agreement.

Section 5. Conditions to Close of Escrow

The Close of Escrow shall be subject to the satisfaction of the conditions set forth in this Section 5 and elsewhere in this Agreement. If any of these conditions are not satisfied within the time periods provided in this Agreement, the Party to be benefited by that condition may, at its sole option and discretion, either waive such condition(s) in writing or terminate this Agreement by delivering written notice of termination to the other Party and Escrow Agent. Upon such termination, the Parties will be relieved of any and all obligations under this Agreement except as provided in Section 13 and the Deposit will be returned to Buyer.

5.1 Closing Date

Escrow shall close ("**Close of Escrow**" or "**Closing**"), as evidenced by the recordation of the Grant Deed in the official records of Riverside County, California, as soon as the conditions to Close of Escrow have been met or waived in writing by the Party for whose benefit the condition exists, but in no event later than March 30, 2018 ("**Closing Date**"), except that Buyer may, upon written notice ("**Extension Notice**") delivered no later than ten (10) days prior to the Closing Date, extend the Closing Date by six (6) months to September 30, 2018 ("**Outside Closing Date**"), upon depositing into Escrow concurrently with delivery of the Extension Notice the amount of One Hundred Sixty Five Thousand Five Hundred Dollars ($165,500), which amount shall be made a part of the Deposit. For purpose of clarification, no event of force majeure, cure period, or other intervening event may extend the Close of Escrow past the Outside Closing Date without the written agreement of the Parties, given or withheld in their sole and absolute discretion.

5.2 Approval of Title to the Property

5.2.1 Title to the Property shall be in the condition required by this Agreement as of the Close of Escrow. At the Close of Escrow, the Policy shall show as exceptions only the following: (a) the Title Company's standard printed exceptions; (b) general and special real property taxes and assessments, if any, for the current fiscal year, a lien not yet due and payable; (c) any exceptions approved or deemed approved by Buyer under Section 5.2.2; and (d) any other exception consented to in writing by Buyer or created by Buyer or its agents. Buyer agrees to assume the continuing obligation to pay any public assessment or facilities district charges which may be in place on the Property and that the existence of such assessments or charges shall not be a cause for Buyer to object. All of the items listed in clauses (a) through (d),

inclusive, of this Section 5.2.1 shall be permitted exceptions to title ("**Permitted Exceptions**").

5.2.2 No later than five (5) calendar days after the Opening of Escrow (as defined in Section 6.2), the Title Company shall provide the Buyer with a preliminary title report ("**Title Report**") for each parcel of land contained in the Property, together with complete and legible copies of all instruments referred to in the Title Report as conditions or exceptions to title. No later than thirty (30) days prior to the expiration of the Due Diligence Period, Buyer must provide written notice ("**Title Objection Notice**") to Seller identifying the exceptions in the Title Report to which Buyer objects, other than Permitted Exceptions. If Buyer fails to timely provide a Title Objection Notice, then Buyer will be deemed to have approved of all matters shown as exceptions in the Title Report. If Buyer timely delivers a Title Objection Notice, then, within ten (10) days after its receipt of the Title Objection Notice, Seller must provide written notice ("**Seller's Title Response**") that Seller either: (a) will cause the removal of said exceptions on or before the Close of Escrow; or (b) is unable or unwilling to remove the exception. In the event Seller is unable or unwilling to cause any exception to be removed on or before the Close of Escrow, Buyer shall have the right for five (5) days after its receipt of Seller's Title Response to terminate this Agreement. Upon such termination, the Parties shall be relieved of any and all obligations under this Agreement except as provided by Section 13 and the Initial Deposit will be returned to Buyer.

5.3 Performance Agreement

5.3.1 As a condition to the Close of Escrow, Buyer, Seller, and City Urban Revitalization Corporation ("**CURC**"), must negotiate and execute a mutually acceptable agreement ("**Performance Agreement**") that provides, among other things: (a) a description of the proposed project to be developed upon the Property, and agreed to by Buyer, Seller, and CURC ("**Project**"), subject to the City's entitlement process, (b) time requirements for Buyer's processing of entitlements and development of the Project, including, without limitation, completion of construction of the Project within eighteen (18) months following the Close of Escrow, and (c) Buyer's continuing post-closing obligations with respect to the Project. The Parties will, commencing upon the start of the Due Diligence Period, attempt in good faith to negotiate with each other and the CURC's representatives a mutually agreeable form of Performance Agreement.

5.3.2 If the Parties are unable to mutually agree on a form of Performance Agreement within sixty (60) days following the expiration of the Due Diligence Period ("**Performance Agreement Period**"), then either Party may terminate this Agreement and, upon such termination, the Deposit will be returned to Buyer and neither Party will have any further rights or obligations hereunder, except as otherwise provided by Section 13. If the Parties agree on the form of Performance Agreement during the Performance Agreement Period, then Seller will, within five (5) days following the execution of the Performance Agreement by Buyer, Seller and CURC, deliver one fully-executed copy of the Performance Agreement to Escrow Agent, Buyer and CURC.

5.3.3. Nothing in this Agreement is a representation or warranty that either Seller's Board or CURC's governing body will approve any form of Performance Agreement presented to them. Neither Seller nor CURC will be bound by the Performance Agreement until it has been approved by both Seller's Board and CURC's governing body, following all legally required procedures and acting within the limits of the discretion granted to them by law. Any decision to not approve the Performance Agreement by either Seller's Board or CURC's governing body, for any reason or no reason at all, will not constitute a default under this Agreement or grant Buyer any right or remedy other than to terminate this Agreement and receive a refund of the Deposit as provided in Section 5.3.2.

5.4 Seller's Approval of Buyer's Financing

Prior to the expiration of the Due Diligence Period, Buyer shall provide evidence satisfactory to Seller that it possesses funds, or loan commitment(s) reasonably acceptable and verifiable to Seller, sufficient to purchase the Property. Prior to the Close of Escrow, Buyer shall provide evidence satisfactory to Seller that it possesses funds, or loan commitment(s) reasonably acceptable and verifiable to Seller, sufficient to develop the entirety of the Project as approved by Seller and as described in the Performance Agreement.

5.5 Seller Deposits

Prior to the Close of Escrow, Seller shall have deposited in Escrow all documents required by this Agreement or Escrow Agent's standard escrow instructions, including, without limitation:

(a) The Grant Deed, duly executed and acknowledged;

(b) All original (or copies thereof in the event Seller does not possess originals) licenses and permits with respect to the Property and in the possession or control of the Seller or any of its representatives;

(c) Counterpart originals of the Performance Agreement as required by Section 5.3.2; and

(d) Such other documents as the Escrow Agent may reasonably request in form reasonably acceptable to the Escrow Agent for the purpose of facilitating the consummation of any of the transactions contemplated by this Agreement.

5.6 Buyer Deposits

Prior to the Close of Escrow, Buyer shall have deposited in Escrow all documents required by this Agreement or Escrow Agent's standard escrow instructions, including, without limitation:

(a) The Purchase Price in cash or immediately available wire transferred funds;

(b) Evidence reasonably satisfactory to Seller that the person executing any documents at the Closing on behalf of Buyer has full right, power, and authority to do so;

(c) Counterpart originals of the Performance Agreement as required by Section 5.3.2; and

(d) Such other documents as Seller or Escrow Agent may reasonably request in form reasonably acceptable to Seller or the Escrow Agent, as applicable for the purpose of facilitating the consummation of any of the transactions contemplated by this Agreement.

Section 6. Escrow Provisions and Instructions

6.1 Escrow Agent

The Parties have previously established an escrow (the "**Escrow**") with the Escrow Agent for the purposes of implementing the transaction described in this Agreement.

6.2 Opening of Escrow

Within three (3) days after the Effective Date, Buyer and Seller shall each deposit with Escrow Agent one fully-executed counterpart of this Agreement. The date of delivery to Escrow Agent of such fully-executed counterparts shall be deemed the opening of escrow ("**Opening of Escrow**"), even though the Parties have previously opened escrow, and Escrow Agent shall notify Buyer and Seller in writing of the Opening of Escrow date. The Escrow Agent is hereby empowered to act under this Agreement upon indicating its acceptance of this Section 6.2 in writing, delivered to the Parties within five (5) calendar days after the Opening of Escrow, and shall thereafter carry out its duties as the Escrow Agent hereunder. In the event of any inconsistency between any supplemental escrow instructions required by Escrow Agent and this Agreement, this Agreement shall control, notwithstanding the fact that either Party may have intentionally or inadvertently executed such inconsistent instructions.

6.3 Additional Documents

Each Party shall deliver to the Escrow Agent, executed and acknowledged where applicable, any additional documents necessary for the conveyance of title as applicable or implementation of any other provision of this Agreement or other obligations of said Party hereunder, including, as applicable, any funds owed by that Party under this Agreement. The Parties will act in good faith to attempt to have all necessary documents, consents, approvals, or other required documents delivered to the Escrow Agent. However, in no event shall said additional documents increase the

rights of one Party against the other Party or modify the terms and conditions of this Agreement.

6.4 Closing Statement

Not less than five (5) calendar days prior to the Close of Escrow, the Escrow Agent shall provide each Party with a closing statement, showing any funds owed by or any credits to that Party, based on allocations as are normal in the County of Riverside, unless otherwise provided by this Agreement. Ad valorem property taxes, assessments and fees will be apportioned as necessary to the transferee and the transferor in each transaction based on the Closing Date. The Escrow Agent shall concurrently provide copies of each Party's closing statement to the other Party.

6.5 Delivery of Documents and Funds

Seller shall deliver the Grant Deed and any additional documents required from Seller at least three (3) days prior to the Close of Escrow. Buyer shall deliver the balance of the Purchase Price and any additional funds and any additional documents required to close Escrow to Escrow Agent at least three (3) days prior to the Close of Escrow.

6.6 Close of Escrow

When the Escrow Agent is in a position to close the Escrow, it shall do the following in the order listed:

(a) Record the Grant Deed.

(b) Provide each Party and the Agency with a collated fully-executed Performance Agreement.

(c) Deliver or cause the Title Company to deliver the Policy to Buyer.

(d) Pay to the Party entitled thereto any funds held by the Escrow Agent which are due to that Party.

(e) Provide each Party with a final closing statement and provide the other Party with a copy of said closing statement.

(f) Provide each Party with a copy of all documents recorded with the County Recorder.

6.7 Escrow and Sales Costs

Buyer and Seller shall equally pay all costs and expenses incurred in connection with closing Escrow, including, without limitation, the escrow fee. Seller shall pay the cost of the Standard Coverage portion of the Policy and Buyer shall pay the difference in the cost of any extended coverage requested by Buyer and the cost of

any title endorsements requested by Buyer. Escrow Agent shall notify Buyer and Seller of the costs to be borne by each at least five (5) calendar days prior to the Close of Escrow.

6.8 Prorations

(a) General Prorations. All amounts set forth in the following numbered paragraphs shall, except as otherwise provided in this Section 6.8, be prorated to 11:59 p.m. local time on the day before the Closing with Buyer receiving the benefits and burdens of ownership on and after the Closing.

(i) General real estate taxes and assessments against the Property shall be prorated as of the Closing, based on a three hundred sixty (360) day year. If the Closing shall occur before the tax rate or the assessed valuation of the Property is fixed for the then-current year, the apportionment of taxes shall be upon the basis of the tax rate for the preceding year applied to the latest assessed valuation. Subsequent to the Closing, when the tax rate and the assessed valuation of the Property is fixed for the year in which the Closing occurs, the Parties agree to adjust the proration of taxes and, if necessary, to refund or repay such sums as shall be necessary to effect such adjustment, provided, however, the same shall be determined no later than sixty (60) days after receipt of the tax bill/assessed valuation/tax rate for the current year.

(b) Final Prorations. If final prorations cannot be made at the Closing for any item subject to proration under this Section 6.8, then Buyer and Seller agree to allocate such items on a fair and equitable basis as soon as invoices or bills are available, with final adjustment to be made as soon as reasonably possible after the Closing, and in any event not later than the date that is ninety (90) days after Closing. If either Party receives any funds which belong to the other Party under this Section 6.8, such receiving Party shall pay over and/or deliver such funds to the other Party (without interest thereon) within fifteen (15) Business Days after receipt.

(c) Special Tax Prorations. Notwithstanding anything to the contrary in the foregoing, Seller shall retain the right to receive all refunds for overpayments of real property taxes and assessments to the extent paid by and attributable to the period of time on or prior to the Closing, and Seller shall have the sole right to prosecute an appeal or claim with respect to such amounts.

Section 7. AS-IS; Release

7.1 As-Is

Buyer, having had the opportunity to undertake full testing or review of the Property during the Due Diligence Period, expressly assumes the risk that the Property may contain or have defects or conditions that might prevent the intended use of the Property or cause unexpected expense in connection with preparing the Property for the

intended use. This Agreement contains all of the terms and conditions agreed upon, it being understood that there are no outside representations or oral agreements. Buyer acknowledges that, except as expressly contained in this Agreement, (a) neither Seller nor anyone acting for or on behalf of Seller has made any representation, statement, warranty, or promise to Buyer concerning the physical aspects and condition of the Property, any dimensions or specifications of any of the Property, the feasibility, desirability, or convertibility of the Property into any particular use, or the projected income or expenses for the Property; (b) in entering into this Agreement, Buyer has not relied on any representation, statement, or warranty of Seller (except those expressly contained herein) or on the documentation provided by Seller to Buyer under this Agreement, or anyone acting for or on behalf of Seller, all of which are to be independently verified by Buyer; (c) Buyer is purchasing the Property based solely upon Buyer's own inspection and examination thereof; (d) that Buyer is purchasing the Property in its then "AS IS" physical condition and its then "AS IS" state without any representation, statement, or warranty of Seller (except those expressly contained herein); and (e) Buyer does hereby waive, and Seller does hereby disclaim, all warranties of any type or kind whatsoever with respect to the Property, including, by way of description, but not limitation, those of fitness for a particular purpose, merchantability, tenantability, habitability, and use, except for the representations and warranties of Seller set forth herein.

7.2 Release and Indemnity

Buyer hereby releases Seller from any claim for any condition of the Property. To that end, Buyer will defend, indemnify, and hold Seller, and its officials, officers, employees, attorneys and agents harmless for all claims, demands, causes of action, penalties, expenses and liability of whatsoever kind or nature which may arise out of, because of, concerning, or incident to the condition of the Property, including all court actions, costs and expenses and attorneys' fees (collectively, "**Damages**") relative to being made a Party in any action, suit, arbitration or mediation initiated by Buyer, its officials, officers, employees, attorneys, agents, lenders or any other person or entity seeking Damages, including any person or entity to whom the Property or any part thereof is leased or conveyed.

7.3 Waiver of Civil Code Section 1542

In connection with the releases set forth in this Section 7, Buyer acknowledges that it has had the opportunity to consult with legal counsel concerning the provisions of California Civil Code Section 1542 and, based on those consultations, Buyer expressly waives the provisions of Civil Code Section 1542, which provides as follows:

> A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE

MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

Buyer specifically waives any and all rights and benefits under Section 1542 and all other state or federal laws or decisional authority of similar impact as they relate to the Damages and acknowledge that this Agreement would not have been entered into without such waiver.

_____
Buyer's
Initials

Section 8. Covenants, Agreements, Representations and Warranties of Seller

8.1. The Seller hereby represents and warrants the matters set forth below to be true to Seller's actual current knowledge as of the date hereof and as of the Closing.

(a) The Seller is the sole owner of the Property. The Seller has the legal power, right and authority to enter into this Agreement and the instruments and documents referenced herein, and to consummate the transaction contemplated hereby.

(b) The execution and delivery of this Agreement and the consummation of the transactions contemplated hereby (x) does not violate, conflict with or result in a breach of any other agreement to which Seller is a Party, and (y) does not violate any applicable law, regulation or other legal requirement or any applicable judgment, order or decree of any court having jurisdiction over the Seller or the Property.

(c) Except for this Agreement, Seller is not a Party to any currently enforceable agreement or option for the transfer, sale or purchase of all or any portion of the Property and has not granted any other party any right or option to use, occupy or lease all or any portion of the Property.

(d) Seller is not a "foreign person" or "foreign corporation" as those terms are defined in the Internal Revenue Code of 1986, as amended, and the regulations thereunder (collectively, the "Code").

(e) There are no legal, administrative, regulatory or other actions, suits or similar proceedings pending and served, or threatened in writing against Seller or the Property which, if adversely determined, would materially and adversely affect the value of the Property or adversely affect Seller's ability to consummate the transactions contemplated hereby.

(f) Seller has not (1) commenced a voluntary case, or had entered against it a petition, for relief under any federal bankruptcy act or any similar petition, order or decree under any federal or state law or statute relative to

bankruptcy, insolvency or other relief for debtors, (2) caused, suffered or consented to the appointment of a receiver, trustee, administrator, conservator, liquidator or similar official in any federal, state or foreign judicial or non-judicial proceeding, to hold, administer and/or liquidate all or substantially all of its property, or (3) made an assignment for the benefit of creditors.

(g) Seller has not received any written notice from any applicable governmental authority respecting any violation of any applicable governmental law, ordinance, rule or regulation applicable to Seller, the Property, or any part thereof, by reason of a violation of any applicable federal, state, county or municipal law, code, rule, or regulation, that (1) has not been either cured or removed (or shall be cured or removed prior to the Closing) or otherwise disclosed to Buyer, and (2) materially and adversely affects the value of the Property.

8.2. Seller covenants with Buyer as follows:

(a) Prior to Closing, Seller shall obtain all such written consents and approvals as may be necessary or required, if any, to permit Seller to perform its obligations under this Agreement;

(b) Except as may be required by law or consented to by Buyer (such consent not to be unreasonably withheld or delayed), Seller shall not consent to or enter into any easements or other encumbrances upon the Property;

(c) Seller shall notify Buyer promptly upon receipt by Seller prior to Closing of written notice of the institution or pendency of any action, suit, or proceeding against or affecting the Property, or relating to or arising out of the ownership of such Property;

8.3. For purposes of this Agreement and any document delivered at Closing, whenever the phrase "to Seller's actual current knowledge," or the "knowledge" of Seller or words of similar import are used, they shall be deemed to refer to facts within the actual knowledge of Seller, and no others, at the times indicated only, without duty of inquiry whatsoever. **As used herein, the phrase "to Seller's actual current knowledge" shall mean to the present, personal, subjective knowledge of the officers, employees, representatives and/or agents of Seller that carry out the terms of this Agreement, with no investigation or inquiry and no duty or obligation to investigate or inquire, and shall exclude any matters disclosed by the Title Report or any of the Materials."** Buyer acknowledges that the individual(s) named above is named solely for the purpose of defining and narrowing the scope of Seller's knowledge and not for the purpose of imposing any liability on or creating any duties running from such individual to Buyer. Buyer covenants that it will bring no action of any kind against such individual, any shareholder, manager, officer partner or member of Seller, as applicable, or related to or arising out of the representations and warranties set forth in this Section 8.

8.4. Each of the representations, warranties and covenants made by Seller in this Section 8 shall not merge into the Grant Deed or other closing documents but shall survive Closing for a period of one (1) year (the "Survival Period"). On the date that is exactly one (1) year after Closing, all such representations, warranties and covenants of Seller, including without limitation those in this Agreement, shall terminate and expire and shall thereafter be of no further force or effect. If Buyer fails to provide written notice to Seller of a breach or default with respect to any of such representations, warranties and covenants of Seller within the Survival Period, any and all remedies of Buyer with respect to any such breach or default on the part of Seller under any such representations, warranties or covenants, shall expire, and thereafter Buyer shall have no other remedy or recourse against Seller whatsoever.

Section 9. Covenants, Agreements, Representations and Warranties of Buyer

9.1 The Buyer hereby represents and warrants the matters set forth below to be true to the best of Buyer's knowledge as of the date hereof and as of the Closing.

(a) The Buyer has the legal power, right and authority to enter into this Agreement and the instruments and documents referenced herein, and to consummate the transaction contemplated hereby.

(b) The execution and delivery of this Agreement and the consummation of the transactions contemplated hereby does not violate, conflict with or result in a breach of any other agreement to which Buyer is a party, and, to Buyer's knowledge, does not violate any applicable law, regulation or other legal requirement or any applicable judgment, order or decree of any court having jurisdiction over any of Buyer.

(c) Buyer has not (1) commenced a voluntary case, or had entered against it a petition, for relief under any federal bankruptcy act or any similar petition, order or decree under any federal or state law or statute relative to bankruptcy, insolvency or other relief for debtors, (2) caused, suffered or consented to the appointment of a receiver, trustee, administrator, conservator, liquidator or similar official in any federal, state or foreign judicial or non-judicial proceeding, to hold, administer and/or liquidate all or substantially all of its property, or (3) made an assignment for the benefit of creditors.

(d) Buyer is acquiring the Property for its own account only and not for any other person (other than a permitted assignee under this Agreement).

(e) Buyer is an experienced and sophisticated purchaser of property and Buyer is purchasing the Property in its current, "AS IS" condition subject to all faults except to the extent otherwise represented in this Agreement.

(f) Buyer assumes the risk that there may be information about the Property that is unknown to either Seller or Buyer that would prompt Buyer to cancel its purchase of the Property if such information was known. Buyer acknowledges that Seller has no obligation to Buyer to investigate the Property and its condition but Seller's only obligation is to disclose matters that are known to Seller and that fall within the disclosure requirements imposed by this Agreement or under California law concerning the sale of vacant commercial property.

9.2. Each of the representations, warranties and covenants made by Buyer in this Agreement shall not merge into any deed or other closing documents but shall survive Closing indefinitely.

9.3. Buyer hereby makes the following representations, warranties and agreements which shall have been deemed to have been made as of the Closing:

(a) Buyer has relied and shall continue to rely solely on its own investigation and other than Seller's express representations and warranties set forth in Section 8 of this Agreement, Buyer has not relied and shall not rely upon any oral or written statements or representations made by Seller or its personnel or agents and acknowledges that no employee or representative of Seller has been authorized to make any statements or representations.

Section 10. Defaults; Liquidated Damages

10.1 Default

Except as provided in Section 10.2, any non-defaulting Party may bring any action under law or equity to compel the defaulting Party to perform its obligations under this Agreement or to seek damages for the defaulting Party's default; provided, however that under no circumstances shall either Party be liable for consequential, special, or punitive damages, and the Parties hereby waive all rights to seek recovery of same.

10.2 Liquidated Damages

A. SELLER'S DEFAULT. IF THE TRANSACTION CONTEMPLATED HEREUNDER SHALL FAIL TO CLOSE SOLELY BY REASON OF SELLER'S DEFAULT IN THE PERFORMANCE OF ITS OBLIGATIONS UNDER THIS AGREEMENT (AS DISTINGUISHED FROM THE FAILURE OF A CONDITION TO CLOSING), AND SUCH DEFAULT IS NOT CURED WITHIN TEN (10) DAYS AFTER RECEIPT BY SELLER OF WRITTEN NOTICE THEREOF FROM BUYER, THEN BUYER SHALL HAVE AS ITS EXCLUSIVE REMEDIES THE RIGHT TO EITHER (i) TERMINATE THIS AGREEMENT (IN WHICH EVENT THE DEPOSIT SHALL IMMEDIATELY BE RETURNED TO BUYER), BUYER HEREBY WAIVING ANY RIGHT OR CLAIM TO DAMAGES FOR SELLER'S BREACH, OR (ii) SPECIFICALLY

ENFORCE THIS AGREEMENT (BUT NO OTHER ACTION, FOR DAMAGES OR OTHERWISE, SHALL BE PERMITTED); PROVIDED THAT ANY ACTION BY BUYER FOR SPECIFIC PERFORMANCE MUST BE COMMENCED, IF AT ALL, WITHIN SIXTY (60) DAYS OF SELLER'S DEFAULT, THE FAILURE OF WHICH SHALL CONSTITUTE A WAIVER BY BUYER OF SUCH RIGHT AND REMEDY. IF BUYER SHALL NOT HAVE COMMENCED AN ACTION FOR SPECIFIC PERFORMANCE WITHIN THE AFOREMENTIONED TIME PERIOD OR SO NOTIFIED SELLER OF ITS ELECTION TO TERMINATE THIS AGREEMENT, BUYER'S SOLE REMEDY SHALL BE TO TERMINATE THIS AGREEMENT AND RECEIVE ITS DEPOSIT IN ACCORDANCE WITH CLAUSE (i) ABOVE.

B. BUYER'S DEFAULT. IN THE EVENT THE TRANSACTION CONTEMPLATED BY THIS AGREEMENT DOES NOT CLOSE DUE TO THE DEFAULT OF BUYER THAT IS NOT CURED WITHIN TEN (10) DAYS AFTER RECEIPT OF WRITTEN NOTICE FROM SELLER SPECIFYING SUCH DEFAULT, THEN SELLER'S RETENTION OF THE AMOUNT AS PROVIDED BELOW SHALL BE SELLER'S SOLE AND EXCLUSIVE REMEDY UNDER THIS AGREEMENT, AT LAW OR IN EQUITY, FOR SUCH DEFAULT, SUBJECT TO THE PROVISIONS OF THIS AGREEMENT THAT EXPRESSLY SURVIVE A TERMINATION OF THIS AGREEMENT; PROVIDED, HOWEVER, THAT NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED TO LIMIT SELLER'S RIGHTS OR DAMAGES UNDER ANY INDEMNITIES GIVEN BY BUYER TO SELLER UNDER SECTION 13 OF THIS AGREEMENT. SELLER AND BUYER HEREBY AGREE THAT A REASONABLE ESTIMATE OF ACTUAL DAMAGES TO SELLER OCCURRING IN THE EVENT OF A BUYER DEFAULT UNDER THIS AGREEMENT IS AN AMOUNT EQUAL TO THE LESSER AMOUNT OF THE DEPOSIT OR ONE HUNDRED THOUSAND DOLLARS ($100,000.00)

C. LIMITATION ON DAMAGES AND REMEDIES. THE PARTIES HAVE DISCUSSED THE POSSIBLE CONSEQUENCES TO EACH PARTY IN THE EVENT THAT THE ESCROW FAILS TO CLOSE AS A RESULT OF THE OTHER PARTY'S DEFAULT. THE PARTIES HAVE DETERMINED AND HEREBY AGREE THAT IT WOULD BE IMPRACTICAL OR EXTREMELY DIFFICULT TO FIX THE ACTUAL DAMAGES TO THE NON-DEFAULTING PARTY OCCURRING IN THE EVENT OF SUCH A DEFAULT BY THE OTHER PARTY UNDER THIS AGREEMENT. THE PARTIES, HAVING MADE DILIGENT BUT UNSUCCESSFUL ATTEMPTS TO ASCERTAIN THE ACTUAL COMPENSATORY DAMAGES THE NON-DEFAULTING PARTY WOULD SUFFER IN THE EVENT OF THE OTHER PARTY'S DEFAULT IN ITS OBLIGATION TO SELL OR ACQUIRE THE PROPERTY IN ACCORDANCE WITH THE TERMS OF THIS AGREEMENT, HEREBY AGREE THAT A REASONABLE ESTIMATE OF SUCH DAMAGES ARE AS STATED ABOVE AND IN THE EVENT THIS TRANSACTION FAILS TO CLOSE DUE TO THE OTHER PARTY'S DEFAULT UNDER THIS AGREEMENT, THE NON-DEFAULTING PARTY SHALL BE ENTITLED TO RECEIVE THE AMOUNT AS PROVIDED FOR ABOVE AS FULLY AGREED LIQUIDATED DAMAGES. BUYER AND SELLER RESPECTIVELY WAIVE ANY AND ALL RIGHT TO SEEK OTHER RIGHTS OR REMEDIES AGAINST THE OTHER

PARTY. THE PAYMENT AND RETENTION OF THE AMOUNT AS PROVIDED ABOVE AS LIQUIDATED DAMAGES IS NOT INTENDED AS A FORFEITURE OR PENALTY WITHIN THE MEANING OF CALIFORNIA CIVIL CODE SECTIONS 3275 OR 3369, BUT IS INTENDED TO CONSTITUTE LIQUIDATED DAMAGES TO THE NON-DEFAULTING PARTY PURSUANT TO CALIFORNIA CIVIL CODE SECTIONS 1671, 1676 AND 1677. EACH PARTY HEREBY WAIVES THE PROVISIONS OF CALIFORNIA CIVIL CODE SECTION 3389. UPON ANY SUCH BREACH OR DEFAULT BY THE OTHER PARTY HEREUNDER, THIS AGREEMENT SHALL BE TERMINATED AND NEITHER PARTY SHALL HAVE ANY FURTHER RIGHTS OR OBLIGATIONS HEREUNDER, EACH TO THE OTHER, EXCEPT AS EXPRESSLY PROVIDED ABOVE. THE PARTIES AGREE THAT, UNDER THE CIRCUMSTANCES OF THIS TRANSACTION AND THE MARKETPLACE AT THE TIME HEREOF, THIS LIQUIDATED DAMAGES PROVISION IS REASONABLE AND IN ACCORDANCE WITH CALIFORNIA CIVIL CODE SECTION 1671.

_____	_____
Buyer's Initials	Seller's Initials

Section 11. Notice Provisions

11.1 Giving Notice

Any and all notices, demands or communications submitted by either Party to the other Party pursuant to or as required by this Agreement shall be proper if in writing and dispatched by messenger for immediate personal delivery, or by a nationally known overnight service (e.g. Federal Express) or by registered or certified United States mail, postage prepaid, return receipt requested, to the location designated below. Such written notices, demands and communications may be sent in the same manner to such other addresses as either Party may from time to time designate as provided in this Section 11. Any such notice, demand or communication shall be deemed to be received by the addressee, regardless of whether or when any return receipt is received by the sender or the date set forth on such return receipt, on the day that it is dispatched by messenger for immediate personal delivery, on the day following dispatch by overnight service or two (2) calendar days after it is placed in the United States mail as heretofore provided.

11.2 Where to Give Notice

All notices, demands or communications to a Party shall be sent to:

To Buyer: Cathedral Canyon Development LLC
c/o Eric Keillor
2429 W. Coast Hwy, Suite #210
Newport Beach, CA 92663

With a copy to: Imhoof Law
Attn: Steven B. Imhoof
175 S. Harwood Street
Orange, CA 92866

To Seller: City of Cathedral City
Attn: City Manager
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234

With copy to: Gresham Savage Nolan & Tilden, PC
Attn: Kevin Randolph
550 E. Hospitality Lane
San Bernardino, CA 92408

Section 12. Brokerage Fees

Both Parties represent that no broker is involved in this Agreement and each Party agrees to defend and indemnify the other against brokerage or commission claims arising out of the indemnifying Party's actions.

Section 13. Indemnification

The defense, indemnification, and hold harmless provisions of this Agreement shall survive the Close of Escrow or termination for any reason of this Agreement for a period of five (5) years from the Close of Escrow or termination of this Agreement, as applicable.

Section 14. Miscellaneous Provisions

14.1 Participation

Any action taken by a Party, including, but not limited to, the termination of this Agreement under the provisions hereof, shall be at the sole option of said Party and in its sole and absolute discretion, unless a different standard is otherwise specifically indicated. Each Party acknowledges that the other Party would not have entered into this Agreement in the absence of these covenants.

14.2 Additional Documents

The Parties each agree to execute any additional documents, forms, notices, applications or other documents which Escrow Agent reasonably determines to be necessary to carry out the intent of this Agreement.

14.3 Severability

The Parties agree that, should any provision, section, paragraph, sentence or word of this Agreement be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of legislation, the remaining provisions, sections, paragraphs, sentences and words of this Agreement shall remain in full force and effect and the Parties agree in good faith to immediately amend this Agreement in such a way as to provide alternative provisions, sections, paragraphs, sentences or words as to carry out the intent of this Agreement.

14.4 No Transfers or Assignments

Neither of the Parties may, without prior written approval of the other Party, which approval may be given or withheld at the sole and absolute discretion of the approving Party, (a) assign or attempt to assign this Agreement or any right herein or (b) make any total or partial sale, transfer, conveyance, lease, leaseback, or assignment of the whole or any part of the Property prior to the Close of Escrow.

14.5 Venue

Any legal action must be instituted in the Superior Court of the County of Riverside, State of California, in any other appropriate court in that County, or in the Federal District Court in the Central District of California.

14.6 Governing Law

The procedural and substantive laws of the State of California shall govern the interpretation and enforcement of this Agreement, without regard to its conflicts of laws principles.

14.7 Cumulative Remedies

Except with respect to any rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the Parties are cumulative and the exercise by any Party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by any defaulting Party. A waiver of a requirement shall not constitute an ongoing waiver of that requirement in the future. Any waiver of a right must be in writing to be enforceable.

14.8 No Consideration to any Third Party

Each of the Parties warrants that it has not paid or given, and will not pay or give, any third party any money or other consideration for obtaining this Agreement. Third parties, for the purposes of this Section, shall not include persons to whom fees are paid for professional services if rendered by attorneys, financial or other consultants, accountants, engineers, architects and the like when such fees are

considered necessary by the Party. For the purposes of this paragraph, third parties shall include any elected official, officer, employee or agent of the City.

14.9 No Personal Liability

No official, member, officer, employee, agent or attorney of any Party shall be personally liable to the any other Party, its members or principals, or any successor in interest, or any other party or person whatsoever, in the event of any default or breach by said Party for any amount which may become due to another Party or to its successors, or on any obligations under the terms of this Agreement, except for gross negligence or willful acts of such member, officer, employee or attorney, unless said person has entered into an express written agreement to be liable.

14.10 Amendments by City Manager

The City Manager of Seller is authorized to sign on his or her own authority amendments to this Agreement which are of routine or technical nature, including extensions of time deadlines either requested by Buyer or occasioned by changes in City employees determined by the City Manager to be critical to the processing of the development contemplated by the Parties, except that the cumulative total of time extensions granted by the City Manager may not exceed one (1) year.

14.11 Independent Legal Advice

Each Party represents and warrants the following: that it has carefully read this Agreement, and in signing this Agreement and agreeing to be bound by the same, it has received independent legal advice from legal counsel as to the matters set forth in this Agreement, or has knowingly chosen not to consult legal counsel as to the matters set forth in this Agreement, and it has freely signed this Agreement and agreed to be bound by it without any reliance upon any agreement, promise, statement or representation by or on behalf of the other Party, or its officers, agents, employees, or attorneys, except as specifically set forth in this Agreement, and without duress or coercion, whether economic or otherwise. This Agreement shall be interpreted as though prepared jointly and severally by both of the Parties.

14.12 Costs and Attorneys' Fees

If either Party hereto files any action or brings any action or proceeding against the other arising out of this Agreement, seeks the resolution of disputes, or is made a Party to any action or proceeding brought by a third party with respect to the Agreement, the Project or the participation in either by either Party, then as between the Parties, the prevailing Party shall be entitled to recover as an element of its costs of suit or resolution of disputes, and not as damages, its reasonable attorneys' fees as fixed by the Court or other forum for resolution of disputes as may be agreed upon by the Parties in such action or proceeding or in a separate action or proceeding brought to recover such attorneys' fees.

14.13 Successors and Assigns

This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, executors, administrators, legal representatives, and permitted successors and assigns.

14.14 Time Frames

Unless otherwise indicated with respect to a requirement, all time frames for performance of an act required or permitted by this Agreement shall be calendar days. Time frames measured in months shall be calculated with reference to the actual number of days in the relevant months. Annual time frames shall mean a period of three hundred sixty-five (365) days, unless otherwise specified.

14.15 Counterparts

This Agreement constitutes the entire understanding and agreement of the Parties. The Parties may sign this Agreement in counterparts. Faxed or electronically submitted signature pages shall bind a Party as if the other Party had received original signatures.

14.16 Integration

This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof.

14.17 Waivers; Amendments

All waivers of the provisions of this Agreement and all amendments hereto must be in writing and signed by the appropriate representatives of the Party making the waiver. Except as otherwise provided in this Agreement, any amendment to this Agreement must be approved by Seller's City Council.

14.18 Effective Date

The "**Effective Date**" of this Agreement is the date upon which it has been approved by Seller's Board of Directors and executed by the authorized signatories of each of the Parties.

14.19 Calculation of Time Periods; Time is of the Essence

Unless otherwise specified, in computing any period of time described in this Agreement, the day of the act or event after which the designated period of time begins to run is not to be included and the last day of the period so computed is to be included, unless such last day is a Saturday, Sunday or legal holiday under the laws of the State of California, in which event the period shall run until the end of the next day

which is neither a Saturday, Sunday or legal holiday. The final day of any such period shall be deemed to end at 5:00 p.m., Central time.

14.20 Entire Agreement

This Agreement, along with the Recitals hereto and the other Exhibits referenced herein, constitute the complete and entire agreement of the Parties and all promises, representations, understandings, warranties, and agreements with reference to the subject matter hereof, and all inducements prior or contemporaneous, either verbal or written, to the making of this Agreement relied upon by the Parties hereto, have been expressed herein and have been merged herein.

14.21 Incorporation

All Recitals, schedules and exhibits attached hereto and referred to herein are hereby incorporated herein and made a part hereof for all purposes as if fully set forth herein.

14.22 Construction

The section headings appearing in this Agreement are for convenience of reference only and are not intended, to any extent and for any purpose, to limit or define the text of any section or any subsection hereof. In this Agreement, unless the context otherwise requires, words describing the singular number shall include the plural and vice versa, and words denoting any gender shall include all genders and words denoting natural persons shall include corporations, partnerships, limited liability companies, and vice versa. All references to “Article” or “Sections” without reference to a document other than this Agreement, are intended to designate articles and sections of this Agreement, and the words “herein,” “hereof,” “hereunder,” and other words of similar import refer to this Agreement as a whole and not to any particular Article or Section, unless specifically designated otherwise. The use of the term “including” shall mean in all cases “including but not limited to,” unless specifically designated otherwise. No rules of construction against the drafter of this Agreement shall apply in any interpretation or enforcement of this Agreement, any documents or certificates executed pursuant hereto, or any provisions of any of the foregoing. Accordingly, this Agreement shall not be construed as if it had been prepared by one of the Parties, but rather as if both Parties had prepared it.

14.23. No Recording or Filing

Neither this Agreement nor a memorandum thereof shall be filed or recorded by Seller or Buyer.

14.24 Reporting Person

In order to assure compliance with the requirements of Section 6045 of the Code, and any related reporting requirements thereof, the Parties hereto agree as follows:

(a) Seller and Buyer shall designate Escrow Agent as the person to be responsible for all information reporting under Section 6045(e) of the Code (the "Reporting Person").

(b) Seller and Buyer hereby agree (i) to provide to the Reporting Person all information and certifications regarding such Party, as reasonably requested by the Reporting Person or otherwise required to be provided by a Party to the transaction described herein under Section 6045 of the Code; and (ii) to provide to the Reporting Person such Party's taxpayer identification number and a statement (on Internal Revenue Service Form W-9 or an acceptable substitute form, or on any other form the applicable current or future Code sections and regulations might require and/or any form requested by the Reporting Person), signed under penalties of perjury, stating that the taxpayer identification number supplied by such Party to the Reporting Person is correct.

(c) Each Party hereto agrees to retain this Agreement for not less than four (4) years from the end of the calendar year in which the Closing occurred, and to produce it to the Internal Revenue Service upon a valid request therefor.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

WHEREFORE, the Parties, intending to be bound hereby, have affixed their authorized signatures to this Agreement.

SELLER:

CITY OF CATHEDRAL CITY, a California municipal corporation

By: _____
Charles P. McClendon,
City Manager

Date:_____, 2017

APPROVED AS TO LEGAL FORM:

By: _____
Eric S. Vail, City Attorney

Date: _____, 2017

ATTEST:
By: _____
Tracey Martinez, City Clerk
Date:_____, 2017

ESCROW AGENT:
The Escrow Agent is executing this Agreement to evidence its agreement to hold the Deposit and act as escrow agent in accordance with the terms and conditions of this Agreement.
FIRST AMERICAN TITLE INSURANCE COMPANY
By: _____
Name:
Title:

BUYER:

CATHEDRAL CANYON DEVELOPMENT LLC, a California limited liability company

By: _____
Name: Eric Keillor
Its: Managing Member

Date:_____, 2017

By: _____
Name: Peter Derbonne
Its: Managing Member
Date: _____, 2017

EXHIBIT A

PROPERTY

In the City of Cathedral City, County of Riverside, State of California:

Lots 127 through 131, inclusive, together with Lots 142 through 147, inclusive of Cathedral City, as per map filed in Book 13, at Pages 24 through 26, inclusive, of Maps, Records of said Riverside County.
Together with any underlying fee interest in that portion of Grove Street, shown as Lot "II" on said map, abutting said lots.
Containing 1.722 acres gross, or 1.998 acres gross including the abutting portion of Grove Street.
(Assessor Parcels 687-196-001 through 006, and 687-198-001 through 006)

ACKNOWLEDGEMENTS

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF

On April _____, 2017, before me, _____

(here insert name and title of the officer)

personally appeared Eric Keillor who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

(SEAL)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF

On April _____, 2017, before me, _____

(here insert name and title of the officer)

personally appeared Peter Derbonne who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

(SEAL)

Cathedral City

Agenda Report

File #: 2017-164 **Item No:** 2.C.

City Council

MEETING DATE: 4/26/2017

TITLE:
Second Reading and Adoption of an Ordinance Amending Title 2 of the Municipal Code Restructuring the Planning Commission and Reestablishing the Architectural Review Committee.

FROM:
Pat Milos, Community Development Director

RECOMMENDATION:
Staff recommends the City Council provide second reading and adopt an ordinance amending Title 2 of the Cathedral City Municipal Code restructuring the Planning Commission and reestablishing the Architectural Review Committee.

BACKGROUND:
On August 14, 2013 the City Council adopted the current sections, 2.29.010, 2.29.020, 2.29.030 and 2.29.040 of the Cathedral City Municipal Code to increase the membership of the planning commission from five to seven members, appointed in the manner and for the terms prescribed in Section 2.06.010.

At that time, the Council also eliminated the separate standalone Architectural Review Committee and Streets and Transportation Committee and reassigned the tasks of those committees to Planning Commission subcommittees. The purpose of these changes was to improve efficiency and streamline the development review process. The Code currently states the following with respect to each subcommittees' duties:

"A. Architectural Review Subcommittee (ARC). The subcommittee shall include three members of the planning commission and consist of a licensed architect and landscaped architect. The subcommittee shall meet when necessary to perform the duties identified in the Cathedral City Development Code. The meetings of the subcommittee are subject to the Brown Act. The subcommittee shall review projects for compliance with the applicable provisions of the Development Code and submit a recommendation to the full planning commission. The architectural review

subcommittee will ensure the following:

1. That all projects will create an image with a high degree of quality that improves the built environment, and incorporates quality amenities with regard to architecture, landscaping, and the streetscape.

2. That effective design guidelines are created and to assist in the formulation of policy and code amendments related to architectural design and landscaping.

3. That recommendations are forwarded to the planning commission regarding the architectural design and landscaping for all development projects.

The architectural review subcommittee is authorized to take final action on architectural design and landscaping for administrative design reviews and modifications to conditional use permits where appropriate.

B. Streets and Transportation Subcommittee. The subcommittee shall include three members of the planning commission and shall meet when necessary to perform the duties identified in the Cathedral City Development Code. The meetings of the subcommittee are subject to the Brown Act. The subcommittee shall review projects for compliance with the applicable provisions of the Development Code and submit a recommendation to the full planning commission."

DISCUSSION:

The City Planning Department has worked within the confines of the current municipal code since its adoption in 2013. The streamlining benefits anticipated with the expansion of the planning commission and the associated creation of the sub-committees has proven to be less than desired and initially anticipated and has created some unintended processing difficulties such as limiting flexible scheduling for the sub committees, filling the ARC sub-committee with qualified architects and landscape architects. The seven member planning commission has also created logistical challenges related to the audio visual broadcasting system and related voting software.

Due to these concerns the item was discussed during the March 22, 2017 Cathedral City Council Study Session. The discussion included considering returning to a five person planning commission bound by residency and appointing an architectural review committee including qualified architects and landscape architects that are independent of the Planning Commission with a residency exemption, if needed, for up to two members of the ARC.

On April 5, 2017 The City Council met jointly with the Planning Commission and discussed the associated options.

In summary the proposed ordinance does the following:

-Establishes a separate five-member Architectural Review Committee.

-Requires that the ARC include one registered Architect and one registered Landscape Architect. The other three seats on the committee have no special qualifications attached. A residency exemption is allowed for the two specialized slots in the event that qualified residents cannot be found. The other three seats have no residency exemption.

-Establishes initial appointments to the ARC to enact staggered terms. Three initial appointments are for three-year terms and two are for two-year terms.

Restructures the Planning Commission as a five-member commission with no residency exemption for any of the seats.

At the time of first reading of the ordinance, on April 12, 2017, the Council motion included a provision that the terms of any members appointed to the Architectural Review Committee using the non-resident exemption be for one-year only with reappointment subject to Council action each year. This provision is included in the proposed ordinance.

FISCAL IMPACT:
There is no fiscal impact related to this action.

ATTACHMENTS:
Ordinance

ORDINANCE NO. _____,

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY RESTRUCTURING THE PLANNING COMMISSION AND ESTABLISHING A SEPARATE ARCHITECTURAL REVIEW COMMITTEE.

WHEREAS, on August 14, 2013, the City Council adopted Ordinance No. 726 eliminating the City's Architectural Review Committee, assigning the duties of the committee to the Planning Commission, and increasing the membership of the Planning Commission to seven members and requiring two of the Commissioners to be architects; and

WHEREAS, the purpose of Ordinance No. 726 was to improve the efficiency of the development review process; and

WHEREAS, the City Council has determined that Ordinance No. 726 has not resulted in significantly improved efficiency of the development review process; and

WHEREAS, this Ordinance restores the structure and duties of the Planning Commission to what they were prior to Ordinance No. 726 and re-establishes a streamlined version of the Architectural Review Committee that existed prior to Ordinance No. 726.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1 AMENDMENT OF SECTION 2.06.010.

Paragraph C of Section 2.06.010 of the Cathedral City Municipal Code is amended to read as follows:

"C. Unless otherwise provided by law, or by ordinance or resolution of the city council, all members of boards and commissions of the city appointed by the city council shall be initially, and during their incumbencies, bona fide residents and registered voters of the city, except the licensed architect and landscape architect of the ~~planning commission~~**architectural review committee** and two members of the public arts commission, may come from throughout the Coachella Valley. **The appointment of a non-resident made under this provision shall be limited to a term of one year.** No such member at or during such time shall be an employee of the city."

SECTION 2 AMENDMENT OF SECTION 2.29.010

Section 2.29.010 of the Cathedral City Municipal Code is amended to read as follows:

"Pursuant to Section 65100 et seq., of the California Planning and Zoning Law, the functions of the planning agency are assigned to the department, division or office of the city which carries out the responsibilities of a planning department, and to a planning commission. The planning commission shall consist of ~~seven~~**five** members appointed in the manner and for the terms prescribed in Section 2.06.010 of this title. Members may receive

such compensation as is prescribed by resolution of the city council. The planning commission shall have the powers, functions and duties prescribed in the Planning and Zoning Law, and in the Cathedral City Development Code, Cathedral City Municipal Code and other local ordinances."

<u>SECTION 3</u> AMENDMENT OF SECTION 2.29.020

Section 2.29.020 of the Cathedral City Municipal Code is amended to read as follows:

"**2.29.020 Secretary, staff support, committees.**

The planning commission shall be authorized to appoint and fix the membership of such number of standing and temporary committees as it may find expedient for the performance of its duties. The city manager shall appoint a person to act as secretary to the commission, and shall be responsible for providing the necessary staff support. At a minimum, the planning commission shall maintain ~~the following subcommittees:~~

~~A. Architectural Review Subcommittee. The subcommittee shall include three members of the planning commission and consist of a licensed architect and landscaped architect. The subcommittee shall meet when necessary to perform the duties identified in the Cathedral City Development Code. The meetings of the subcommittee are subject to the Brown Act. The subcommittee shall review projects for compliance with the applicable provisions of the Development Code and submit a recommendation to the full planning commission. The architectural review subcommittee will ensure the following:~~

~~1. That all projects will create an image with a high degree of quality that improves the built environment, and incorporates quality amenities with regard to architecture, landscaping, and the streetscape.~~

~~2. That effective design guidelines are created and to assist in the formulation of policy and code amendments related to architectural design and landscaping.~~

~~3. That recommendations are forwarded to the planning commission regarding the architectural design and landscaping for all development projects.~~

~~The architectural review subcommittee is authorized to take final action on architectural design and landscaping for administrative design reviews and modifications to conditional use permits where appropriate.~~

~~B.~~ **<u>a</u>** Streets and Transportation Subcommittee. The subcommittee shall include three members of the planning commission and shall meet when necessary to perform the duties identified in the Cathedral City Development Code. The meetings of the subcommittee are subject to the Brown Act. The subcommittee shall review projects for compliance with the applicable provisions of the Development Code and submit a recommendation to the full planning commission."

<u>SECTION 4</u> ADDITION OF CHAPTER 2.30

A new Chapter 2.30 (Architectural Review Committee) is hereby added to the Cathedral City Municipal Code as shown in Exhibit "A" hereto.

SECTION 5 **SEVERABILITY**

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

SECTION 6 **EFFECTIVE DATE**

This Ordinance shall take effect on July 1, 2017.

SECTION 7 **POSTING**

The City Clerk shall, within fifteen (15) days after passage of this Ordinance, cause it to be posted in at least three (3) designated public places; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of this City.

SECTION 8 **CERTIFICATION**

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on the ____ day of _____, 2017, by the following vote:

Ayes:
Noes:
Abstain:
Absent:

_____
Stan Henry, Mayor

ATTEST:

_____
Gary F. Howell, City Clerk

APPROVED AS TO FORM:

_____
Eric S. Vail, City Attorney

Exhibit "A"

Chapter 2.30 Architectural Review Committee

2.30.010 Architectural Review Committee Established.

A. An architectural review committee for the city of Cathedral City is created which shall consist of five members selected by the city council, serving without compensation, appointed in the manner and for the terms prescribed in Section 2.06.010 of this municipal code. Consistent with Section 2.06.010(A), two of the initial committee members shall be appointed to serve a two year term and three of the initial committee members shall be appointed to serve a three year term so that thereafter the terms are staggered.

B. The committee shall consist of a licensed architect, a licensed landscaped architect, and three at large members. The City Council may waive the residency requirements in Section 2.06.010 for the architect and landscape architect if the City Council determines it is in the best interest of the City to appoint a non-resident.

2.30.020 Organization.

Designation of a chairperson for the architectural review committee shall be governed by Section 2.06.020 of this municipal code. The city manager may appoint an executive secretary and other staff and provide such compensation for their services as may be authorized by the city council. The architectural review committee shall be authorized to establish and fix the membership of standing and temporary subcommittees as it may find expedient for the performance of its duties.

2.30.030 Meetings.

Meetings of the architectural review committee shall be held as necessary to fulfill its duties at such time and place as shall be fixed by the committee. A majority of the appointed members of the committee shall be considered a quorum for the transaction of business. The committee may establish such rules and regulations as it deems necessary for the conduct of its business. In matters relating to holding and conducting regular and special meetings, the committee shall be bound by the provisions of the Ralph M. Brown Act of the state, as it may be amended, applicable to advisory committees.

2.30.040 Functions, Powers and Duties.

The architectural review committee shall review projects for compliance with the applicable provisions of the Development Code. The architectural review architectural review committee will ensure the following:

1. That all projects will create an image with a high degree of quality that improves the built environment, and incorporates quality amenities with regard to architecture, landscaping, and the streetscape.

2. That effective design guidelines are created and to assist in the formulation of policy and code amendments related to architectural design and landscaping.

3. That its recommendations are forwarded to the planning commission regarding the architectural design and landscaping for all development projects.

The architectural review subcommittee is authorized to take final action on architectural design and landscaping for administrative design reviews consistent with Section 9.78.050 of this code.

Cathedral City

Agenda Report

File #: 2017-165 **Item No:** 3.A.

City Council

MEETING DATE: 4/26/2017

TITLE:
Public Hearing to Receive Public Comments on the Composition of Potential Council Election Districts

FROM:
Charlie McClendon, City Manager

RECOMMENDATION:
Staff recommends the City Council hold a public hearing and receive comments from the public regarding the composition of potential Council election districts.

BACKGROUND:
The City Council was elected under an at-large election system, whereby Council Members are elected by voters of the entire City. On March 8, 2017, the Council adopted a Resolution of Intent to Change Election Systems. Moving to by-district elections would require a Council Member (and all candidates for that position) to reside within a designated district boundary, and each Council Member would be elected only by voters of the appropriate district. On April 12, 2017 Council held the first public hearing to receive comments regarding the composition of potential Council election districts prior to draft maps being developed. Information was also made available regarding the on-line mapping feature, which allows anyone to try their hand at developing district maps.

DISCUSSION:
On March 8, 2017, the Council adopted Resolution 2017-07, adopting line drawing criteria for creating Council district boundaries. The adopted resolution states the following:

Specification of Criteria to Guide the Establishment of Electoral Districts

-The boundaries of the electoral districts shall be established so that the electoral districts are equal in population as defined by law.

-The boundaries of the electoral districts shall not be gerrymandered in violation of the principles established by the United States Supreme Court in Shaw v. Reno, 509 U.S. 630 (1993), and its

progeny.

-The boundaries of the electoral districts shall be established so that the electoral districts do not result in a denial or abridgement of the right of any citizen to vote on account of race or color as provided in Section 2 of the federal Voting Rights Act.

-The boundaries of the electoral districts shall observe communities of interest as identified in public comment or identified by the city council, including, but not limited to rural or urban populations; social interests; agricultural, industrial or service industry interests; residential and commercial areas, the location of city facilities and historical sites, and the like, insofar as practicable.

-The boundaries of the electoral districts shall be compact, insofar as practicable.

-The boundaries of the electoral districts shall be created to contain cohesive, contiguous territory, insofar as practicable.

-The boundaries of the electoral districts may observe topography and geography, such as the existence of mountains, flat land, forest lands, man-made geographical features such as highways, major roadways and canals, etc., as natural divisions between districts, insofar as practicable.

-Unless otherwise required by law, the electoral districts shall be created using whole census blocks, insofar as practicable.

-The boundaries of the electoral districts may avoid the “pairing” of incumbents in the same electoral district, insofar as this does not conflict with the constitution and laws of the State of California and the United States.

-The boundaries of the electoral districts shall comply with such other factors which become known during the districting process and are formally adopted by the City Council.

The City will have at least two (2) public hearings prior to the release of draft maps of Council election districts. Council will then hold an additional two (2) or more public hearings to solicit public input regarding the content of the draft maps and the proposed sequence of elections. Then an additional public hearing will be held prior to the approval of an ordinance implementing a Council election district map.

Today’s hearing, along with the public hearing already held on April 12, 2017, partially fulfills the requirement of California Elections Code Section 10010 that states:

“(1) Before drawing a draft map or maps of the proposed boundaries of the districts, the political subdivision shall hold at least two public hearings over a period of no more than thirty days, at which the public is invited to provide input regarding the composition of the districts.

The intention of this hearing is to identify the neighborhoods, other “communities of interest,” and other local factors that should be considered or used as ‘building blocks’ when the drawing of draft maps begins. The public is welcome to propose complete districting maps, but it is not required.

FISCAL IMPACT:
None associated with the public hearing. Council approved a contract award to National Demographics Corporation (NDC) on January 11, 2017 along with a budget amendment of $25,000 to fund the contract.

ATTACHMENTS:
Resolutions adopted on March 8, 2017 (2)

RESOLUTION NO. 2017-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, INITIATING PROCEDURES FOR ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS FOR CITY COUNCIL MEMBERS

WHEREAS, members of the City Council of the City of Cathedral City ("City") are currently elected in "at-large" elections, in which each City Council member is elected by the registered voters of the entire city, held concurrently with the Statewide General Election in November of even numbered years; and

WHEREAS, California Government Code section 34886, effective January 1, 2016, permits the City Council of a city with a population of fewer than 100,000 people, to change the city's method of election by ordinance, with certain formalities, to a "by-district" system in which each City Council member is elected only by the voters in the district in which the candidate resides; and

WHEREAS, on January 11, 2017, the City Council approved a contract with National Demographics Corporation to commence the process of establishing Council districts; and

WHEREAS, by letter dated February 7, 2017, the law firm of Shenkman and Hughes, apparently unaware that the City had already started the process of establishing districts, threatened litigation against the City if it does not convert to district-based elections for City Council members; and

WHEREAS, on February 22, 2017, the City Council, after meeting in closed session with the City Attorney to discuss the threatened litigation reaffirmed its commitment to switching from "at-large" elections to a "by-district" electoral system; and

WHEREAS, California Elections Code section 10010 requires a total of four public hearings before a public hearing is held for the adoption of an ordinance to establish district boundaries for a by-district electoral system is approved; and

WHEREAS, as a charter city the City is not required to adhere to the procedural requirements of Elections Code section 10010, but is choosing to follow those procedures to maximize public participation.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. The above recitals are true and correct.

B. The City Council hereby resolves to adopt a by-district election system as authorized by Government Code section 34886 for use in the City's General Municipal Election for City Council Members in November 2018.

C. The City Council hereby approves the tentative timeline contained in Exhibit A hereto, and incorporated herein by this reference, for conducting a public process to solicit public input and testimony on proposed by-district electoral plans before adopting any such plan.

D. This timeline contained in Exhibit A shall be subject to adjustment by the City Council as it deems necessary, provided that such adjustments shall not prevent the City from meeting its goal of finalizing the change to by-district elections in time for the November 2018 elections.

E. The City Manager shall consult with legal counsel to resolve all legal issues necessary to give effect to this Resolution.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Cathedral City held on this 8th day of Marc, 2017, by the following vote:

Ayes: Council Members Aguilar, Carnevale and Kaplan; Mayor Pro Tem Pettis and Mayor Henry

Noes: None

Absent: None

Abstain: None

Stanley E. Henry, Mayor

ATTEST:

Gary F. Howell, City Clerk

APPROVED AS TO FORM:

Eric S. Vail, City Attorney

RIV #4836-4331-8852 v1

CERTIFICATION

I, Gary F. Howell, City Clerk to the City of Cathedral City, hereby certify that the foregoing Resolution was regularly introduced, passed, and adopted by the City Council at its regular meeting held on March 8, 2017.

DATED: March 8, 2017

Gary F. Howell
City Clerk

EXHIBIT A
TENTATIVE TIMELINE: ADOPTION OF "BY-DISTRICT" ELECTION METHOD

March 8	Adopt Resolution of Intent to Change Elections and Criteria Resolution Discussion of schedule and outreach efforts **NDC presentation**
April 12	1st public hearing prior to draft maps Demo of public online line-drawing tools **NDC presentation**
April 26	2nd public hearing prior to draft maps **(NDC possibly needed)**
May 15	*No meeting.* Deadline for initial public map submissions
May 18	*No meeting.* NDC Draft Maps and any maps received from the public posted on City website
June 14	1st public hearing to discuss draft maps. Possible Council direction on map revisions. **NDC Presentation**
July 12	2nd public hearing to discuss draft maps. Possible Council direction on map revisions. **NDC Presentation**
August 9	Public Hearing and Vote to introduce ordinance (with map) **NDC in person to answer questions**
August 23	2nd reading and final adoption of ordinance **(NDC not needed)**
November 2018	First districts hold by-district elections
November 2020	Remaining districts hold by-district elections

RESOLUTION NO. 2017-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, SPECIFYING THE CRITERIA TO GUIDE THE ESTABLISHMENT OF ELECTORAL DISTIRCTS

WHEREAS, at its March 8, 2017 meeting, the City Council, adopted a resolution formally initiating the process of establishing by-district elections for the City Council, beginning in November 2018, and approving a timeline for conducting a public process and adopting an appropriate ordinance pursuant to Government Code section 34886; and

WHEREAS, pursuant to that timeline, on March 8, 2017, the City Council and the public received presentation regarding the procedures and legal and policy criteria governing districting, and received public comment regarding appropriate criteria; and

WHEREAS, the City Council has fully considered the presentations of its consultants and all of the public comments received; and

WHEREAS, the City Council now wishes to adopt criteria to guide the establishment of electoral districts consistent with legal requirements, including reasonably equal population and Section 2 of the federal Voting Rights Act, and which address other concerns and considerations important to the City.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. The above recitals are true and correct.

B. The City Council hereby adopts the criteria identified in Exhibit A to this Resolution as criteria to guide the establishment of electoral districts.

C. The City's demographic consulting firm, acting under the supervision of the City Manager, is hereby authorized and directed to formulate one or more electoral district plan scenarios based upon the criteria specified in Exhibit A for review by the public and by the City Council in accordance with the adopted timeline.

D. The City Manager shall consult with legal counsel to resolve all legal issues necessary to give effect to this Resolution.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Cathedral City held on this 8th day of March, 2017, by the following vote:

Ayes: Council MEmbers Aguilar, Carnevale and Kaplan; Mayor Pro Tem Pettis and MAyor Henry

Noes: None

Absent: None

Abstain: None

Stanley E. Henry, Mayor

ATTEST:

Gary F. Howell, City Clerk

APPROVED AS TO FORM:

Eric S. Vail, City Attorney

CERTIFICATION

I, Gary F. Howell, City Clerk to the City Council of the City of Cathedral City, certify that the foregoing Resolution was regularly introduced, passed, and adopted by the City Council at its regular meeting held on March 8, 2017.

DATED: March 8, 2017

Gary F. Howell
City Clerk

EXHIBIT A

Specification of Criteria to Guide the Establishment of Electoral Districts

1. The boundaries of the electoral districts shall be established so that the electoral districts are equal in population as defined by law.

2. The boundaries of the electoral districts shall not be gerrymandered in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.

3. The boundaries of the electoral districts shall be established so that the electoral districts do not result in a denial or abridgement of the right of any citizen to vote on account of race or color as provided in Section 2 of the federal Voting Rights Act.

4. The boundaries of the electoral districts shall observe communities of interest as identified in public comment or identified by the city council, including, but not limited to rural or urban populations; social interests; agricultural, industrial or service industry interests; residential and commercial areas, the location of city facilities and historical sites, and the like, insofar as practicable.

5. The boundaries of the electoral districts shall be compact, insofar as practicable.

6. The boundaries of the electoral districts shall be created to contain cohesive, contiguous territory, insofar as practicable.

7. The boundaries of the electoral districts may observe topography and geography, such as the existence of mountains, flat land, forest lands, man-made geographical features such as highways, major roadways and canals, etc., as natural divisions between districts, insofar as practicable.

8. Unless otherwise required by law, the electoral districts shall be created using whole census blocks, insofar as practicable.

9. The boundaries of the electoral districts may avoid the "pairing" of incumbents in the same electoral district, insofar as this does not conflict with the constitution and laws of the State of California and the United States.

10. The boundaries of the electoral districts shall comply with such other factors which become known during the districting process and are formally adopted by the City Council.

Cathedral City

Agenda Report

File #: 2017-160 **Item No:** 3.B.

City Council

MEETING DATE: 4/26/2017

TITLE:
Rio Vista Village Specific Plan Amendment No. 97-55C

FROM:
Pat Milos, Community Development Director

RECOMMENDATION:
Staff and Planning Commission recommend the City Council adopt a Resolution approving a Mitigated Negative Declaration and adopt an Ordinance to amend the Rio Vista Village Specific Plan (97-55C) text 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 Rio Vista Specific Plan text referring to the development standards of Section 5.8.

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.

On October 26, 2016 the City Council approved Specific Plan Amendment 97-55B to amend the text 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 Applicant filed an application for Tentative Tract Map 37124 (TTM 37124) on May 25, 2016. The design of TTM 37124 was reviewed by Staff and found that while the Specific Plan allowed 'Cluster Lots' on minimum 2,000 square feet lots at a density of up to 15 units per acre, it 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 contained in the Planning Commission Staff Report,

(Attachment 3).

TTM 37124 is a visual representation and development plan to implement Section 5.8 of the Specific Plan. TTM 37124 was approved subject to Conditions of Approval, as amended by the Planning Commission, in conjunction with their action on the Specific Plan Amendment. The Planning Commission's approval of TTM 37124 was final, as no appeal was filed of the Planning Commission's action.

DISCUSSION:

FINDINGS: The Findings for all actions are included in the City Council Resolution (Attachment No. 1) and Ordinances (Attachment Nos. 2 and 3).

The City Council is being asked to consider approval of the following applications:

1. California Environmental Quality Act.

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 mitigation measures to reduce potential environmental impacts to a level of insignificance.

2. Specific Plan Amendment (SPA) 97-55C / Text Amendment.

The Specific Plan is unique in that it limits the maximum number of residences that may be developed within the overall Verano Community to 1,362 units even though the range of units designated within each residential category totals more than 1,745 units. The Specific Plan originally provided this flexibility to address changing market conditions and diverse styles of residential development. Adding Section 5.8 and related references to the Specific Plan text will respond to market conditions and variation on housing products, while remaining faithful to the goals and objectives of the Specific Plan as a walkable community. It is recommended that Section 5.8 GENERAL RESIDENTIAL SITE DEVELOPMENT STANDARDS FOR R-2-CLUSTER SFD DEVELOPMENT be added to provide development standards and regulations for TTM 37124, while retaining the maximum (“not to exceed”) number of dwelling units within the Specific Plan.

REVIEW PROCESS

1. Environmental Review: An Initial Study (IS) was prepared to analyze potential impacts that could result from the proposed project. A Mitigated Negative Declaration is recommended for approval. A Notice of Intent to approve the Mitigated Negative Declaration was advertised on March 6, 2017. No comments were received.

2. Airport Land Use Commission (ALUC) Review: The site lies within Zone E of the Palm Springs

International Airport Influence Area. A review has been performed by Airports Land Use Commission on February 9, 2017 and they determined that the project is CONSISTENT with the Palm Springs Airport land Use Compatibility Plan subject to conditions contained in Attachment 4.

3. Consistency with Senate Bill (SB) 18 and Assembly Bill (AB) 52: The Project was circulated in compliance with SB 18 and AB 52. No significant issues were identified that required consultation with recognized tribal entities. The Agua Caliente Tribe provided a letter dated December 7, 2016 (Attachment 5) requesting that conditions be applied to TTM 37124 for monitoring grading. This was accomplished under the Conditions of Approval for TTM 37124 and as mitigation measures in the Initial Study.

4. Planning Commission Review: The Planning Commission conducted a Public Hearing on March 15, 2017 and voted 5-0 to approve the resolution recommending approval of Specific Plan Amendment SP 97-55C to the City Council and approving TTM 37124.

5. Public Hearing Notification: The Project and environmental determination were noticed in accordance with CEQA and the Cathedral City Municipal Code (Attachment 6).

SUMMARY: The Rio Vista Village Specific Plan Amendment improves the framework within which the Project area can continue to develop. The Amendment carries forward the policies and guidelines established by the Rio Vista Village Specific Plan for a walkable community.

FISCAL IMPACT:

The objective of the Specific Plan Amendment is to enhance market demand by offering housing products at densities that would appeal to the local home buyer. Continued development within Rio Vista Village, and pursuant to the Purchase and Performance Agreement, would generate increased revenues to maintain parks, open spaces, and public services in that community.

ATTACHMENTS:

Attachment 1 City Council Resolution certifying the Mitigated Negative Declaration

Attachment 2 Ordinance approving Specific Plan Amendment No. 97-55C

Attachment 3 Planning Commission Staff Report

Attachment 4 Airport Land Use Commission Approval

Attachment 5 Agua Caliente Band of Cahuilla Indians AB 52 recommendations

Attachment 6 Initial Study/MND

Attachment 7 Planning Commission Resolution

Attachment 8 Public Hearing Notice

ATTACHMENT 1

CITY COUNCIL OF CATHEDRAL CITY
RESOLUTION NO. 2017-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR RIO VISTA VILLAGE SPECIFIC PLAN AMENDMENT NO. 97-55C

WHEREAS, an application was initiated by Verano Recovery, LLC ("Applicant"), for the approval of a Specific Plan Amendment under the provisions of the Cathedral City Municipal Code involving certain real property depicted in Exhibit 'A'; and

WHEREAS, the Planning Commission recommended that the City Council that it adopt a Mitigated Negative Declaration for the Rio Vista Village Specific Plan Amendment ("Action"), as depicted in Exhibit 'B' after a public hearing held on March 15, 2017; and

WHEREAS, the Applicant requests a change to the text for the Rio Vista Village Specific Plan area located north of Verona Rd., west of Landau Blvd. and south of Interstate in the City limits of Cathedral City; and

WHEREAS, the City of Cathedral City, acting as Lead Agency, has determined that the requested Specific Plan Amendment will not have a significant impact on the environment and a Mitigated Negative Declaration is appropriate; and

WHEREAS, the City has circulated the proposed Specific Plan Amendment for Tribal Consultation in accordance with SB 18 and AB 52.

WHEREAS, the project are lies within Zone E of the Palm Springs Airport Land Use Compatibility Plan, (PSALUCP) and Airport Land Use Commission Staff have determined that the Project is CONSISTENT with the PSALUCP.

THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. ADMINISTRATIVE RECORD

The City Council has considered all of the evidence submitted into the administrative record adopting the General Plan Amendment for the Project area, including, but not limited to, the following:

(a) Cathedral City General Plan and Cathedral City Municipal Code;

(b) Rio Vista Village Specific Plan;

(c) Initial Study for Rio Vista Village Specific Plan Amendment;

(d) City Council Staff Report;

(e) Staff presentation at the public hearings conducted at the Cathedral City Planning Commission on March 15, 2017;

(f) The record, testimony and/or comments from interested parties submitted to the City in both written and oral form at, or prior to, the public hearing conducted at the Planning Commission hearing on March 15, 2017; and

(g) Public comments, both written and oral, received and/or submitted at, or prior to, the public hearing conducted by the City Council hearing held on April 26, 2017.

Section 2 **ENVIRONMENTAL**

A. Pursuant to the provisions of the California Environmental Quality Act (CEQA), the City Council makes the following findings:

(a) As required by CEQA Guidelines Section 15074, the City Council hereby certifies that, as the decision-making body of the Lead Agency, it has reviewed and considered the information contained in the Mitigated Negative Declaration (MND) prior to approving the Project.

(b) The City Council finds that its review of the MND reflects the Lead Agency's independent review and judgment as required by CEQA.

B. Pursuant to the provisions of the CEQA, the City Council hereby approves the Negative Declaration.

Based on the MND and the record before the City Council, the City Council hereby approves the MND prepared for the Rio Vista Village Specific Plan Amendment and represents the independent judgment of the City and that, based upon the analysis referenced therein, the Proposed Project will not have a significant impact upon the environment.

The documents and other material that constitute the record on which this decision is based are located in the Community Development Department in the custody of the City.

Section 6. **CERTIFICATION**

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

Ayes:
Noes:
Abstain:

Absent:

APPROVED and ADOPTED this 26th day of October 2016.

_____
Stan Henry. Mayor

ATTEST:

_____
Gary Howell
City Clerk

APPROVED AS TO CONTENT:

_____
Pat Milos
Community Development Director

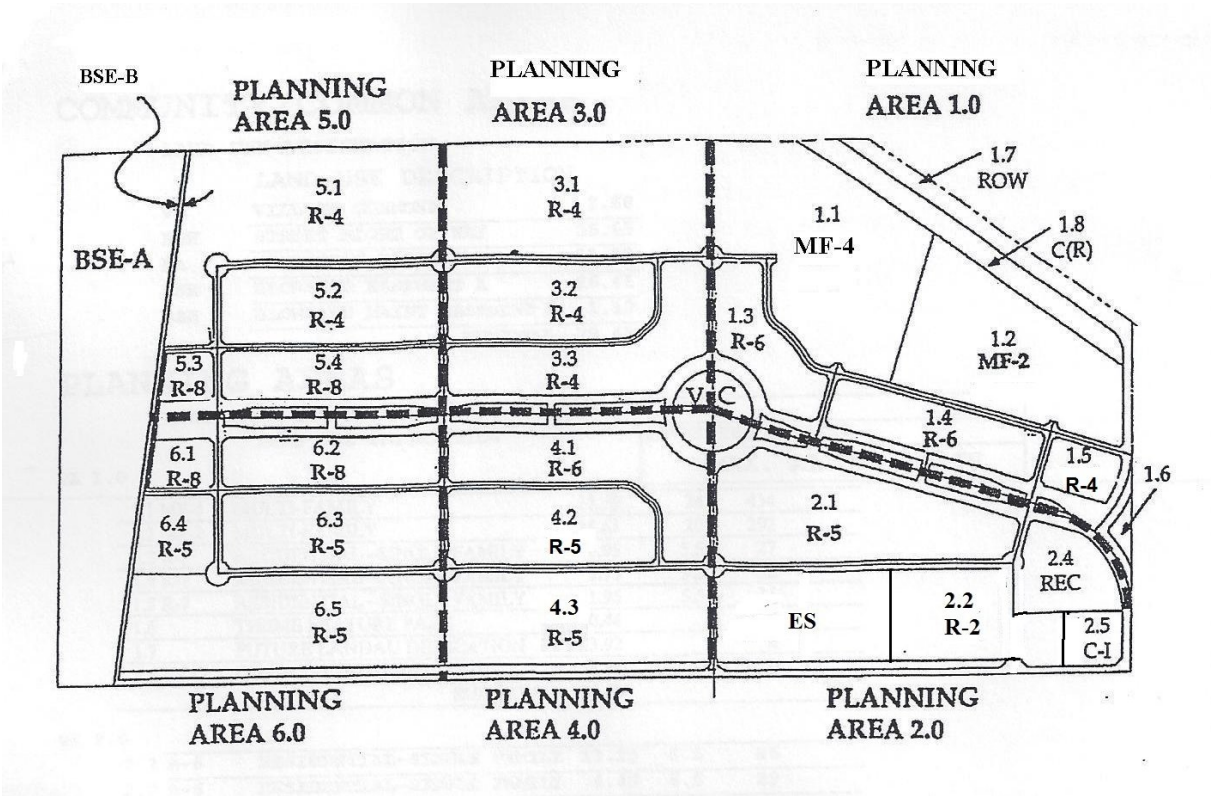
APPROVED AS TO FORM:

_____
Eric Vail
City Attorney

REVIEWED BY:

_____
Charles McClendon
City Manager

EXHIBIT 'A'


BSE-B
PLANNING AREA 5.0
PLANNING AREA 3.0
PLANNING AREA 1.0
BSE-A
5.1 R-4
3.1 R-4
1.1 MF-4
1.7 ROW
1.8 C(R)
5.2 R-4
3.2 R-4
1.3 R-6
1.2 MF-2
5.3 R-8
5.4 R-8
3.3 R-4
V C
1.4 R-6
6.1 R-8
6.2 R-8
4.1 R-6
1.5 R-4
1.6
6.4 R-5
6.3 R-5
4.2 R-5
2.1 R-5
2.4 REC
6.5 R-5
4.3 R-5
ES
2.2 R-2
2.5 C-I
PLANNING AREA 6.0
PLANNING AREA 4.0
PLANNING AREA 2.0

ATTACHMENT 2

CITY COUNCIL OF CATHEDRAL CITY
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, TO ADOPT RIO VISTA VILLAGE SPECIFIC PLAN AMENDMENT (SPA 97-55C).

WHEREAS, an application was initiated by Verano Recovery LLC ("Applicant") involving certain real property located within the City as depicted in Exhibit 'A' and which is more commonly referred to as the Rio Vista Village Specific Plan ("RVVSP"); and

WHEREAS, in order to implement the RVVSP, the City is required to take the following actions to adopt a Mitigated Negative Declaration for certain actions involving Planning Areas 1.1 and 2.2 of the RVVSP:

- Adopt a Mitigated Negative Declaration;
- Adopt the Rio Vista Village Specific Plan (RVVSP) Amendment (SPA 97-55C), which will add a new Section 5.8 within the specific plan text to outline comprehensive development standards for Cluster Single Family Development, and modify other sections of the specific plan document to refer to the new Section 5.8 as described in Exhibit 'B'.

WHEREAS, the City, acting as Lead Agency, prepared an Initial Study that determined that the above-noted applications will create environmental impacts that can be mitigated to a level of insignificance and a Mitigated Negative Declaration is appropriate; and

WHEREAS, following a duly noticed Public Hearing on April 26, 2017 the City Council of Cathedral City approved this Ordinance approving this Amendment to the RVVSP.

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

Section 1. EVIDENCE

The City Council has considered all of the evidence submitted into the administrative record in making the recommendations listed in this Ordinance No. ____ including, but not limited to, the following:

(a) Cathedral City General Plan and Cathedral City Municipal Code;

(b) The Rio Vista Village Specific Plan;

(c) The Initial Study supporting a Mitigated Negative Declaration;

(e) The Staff Reports;

(f) The Staff presentation at the Public Hearing conducted at the City Council meeting held on April 26, 2017;

(g) Testimony and/or comments from interested parties submitted to the City in both written and oral form at, or prior to, the Public Hearings conducted at the Planning Commission meeting held on March 15, 2017; and

(h) Testimony and/or comments from interested parties submitted to the City in both written and oral form at, or prior to, the Public Hearing conducted at the City Council meeting held on April 26, 2017; and

(i) Public Comments, both written and oral, received and/or submitted at, or prior to, the Public Hearing conducted at the City Council meeting held on April 26, 2017; supporting and/or opposing the Staff recommendation.

Section 2. FINDINGS

The City Council has considered all of the evidence submitted into the administrative record for the proposed Rio Vista Village Specific Plan Amendment and bases its action to adopt this Ordinance approving the Specific Plan based on the following findings:

(a) The proposed Amendments to the RVVSP are consistent with the established goals, policies, and objectives of the General Plan and the Rio Vista Village Specific Plan;

(b) The proposed Amendments will implement the goals of the RVVSP for development subject to the development standards outlined in Exhibit ‘B’.

(c) The Land Use Policies contained in the Rio Vista Village Specific Plan provide appropriate land uses for the area, respond to market demands, create opportunities for community development, create housing opportunities that are consistent with the New Urbanism (i.e. walkable) community espoused by the Rio Vista Village Specific Plan.

(d) The proposed Specific Plan Amendment is necessary and proper at this time, and is not likely to be detrimental to adjacent properties or residents.

Section 3. ADOPTION OF ORDINANCE

In view of all of the evidence, and based on the foregoing findings and conclusions, the City Council hereby ordains as follows:

(a) Adopt this ordinance approving the Rio Vista Village Specific Plan Amendment (SPA) No. 97-55C.

Section 4. SEVERABILITY

The City Council declares that should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance, as adopted, shall remain in full force and effect.

Section 5. EFFECTIVE DATE

This Ordinance shall be not become effective until no fewer than 30 days after the second reading of this Ordinance.

Section 6. POSTING

Within 15 days after its passage, the city clerk shall cause each ordinance to be published at least once, with the names of those city council members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the city, or if there is none, he or she shall cause it to be posted in at least three public places in the city or published in a newspaper of general circulation printed and published in the county and circulated in the city. A summary must be prepared and sent to the Desert Sun.

Section 7. CERTIFICATION

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on April 26, 2017, by the following vote:

Ayes:
Noes:
Abstain:
Absent:

_____
Stan Henry, Mayor

ATTEST: APPROVED AS TO CONTENT:

_____	_____
Gary F. Howell	Pat Milos
City Clerk	Community Development Director

APPROVED AS TO FORM:

_____
Eric Vail
City Attorney

REVIEWED BY:

_____
Charles McClendon
City Manager

EXHIBIT 'A'
Rio Vista Village Specific Plan

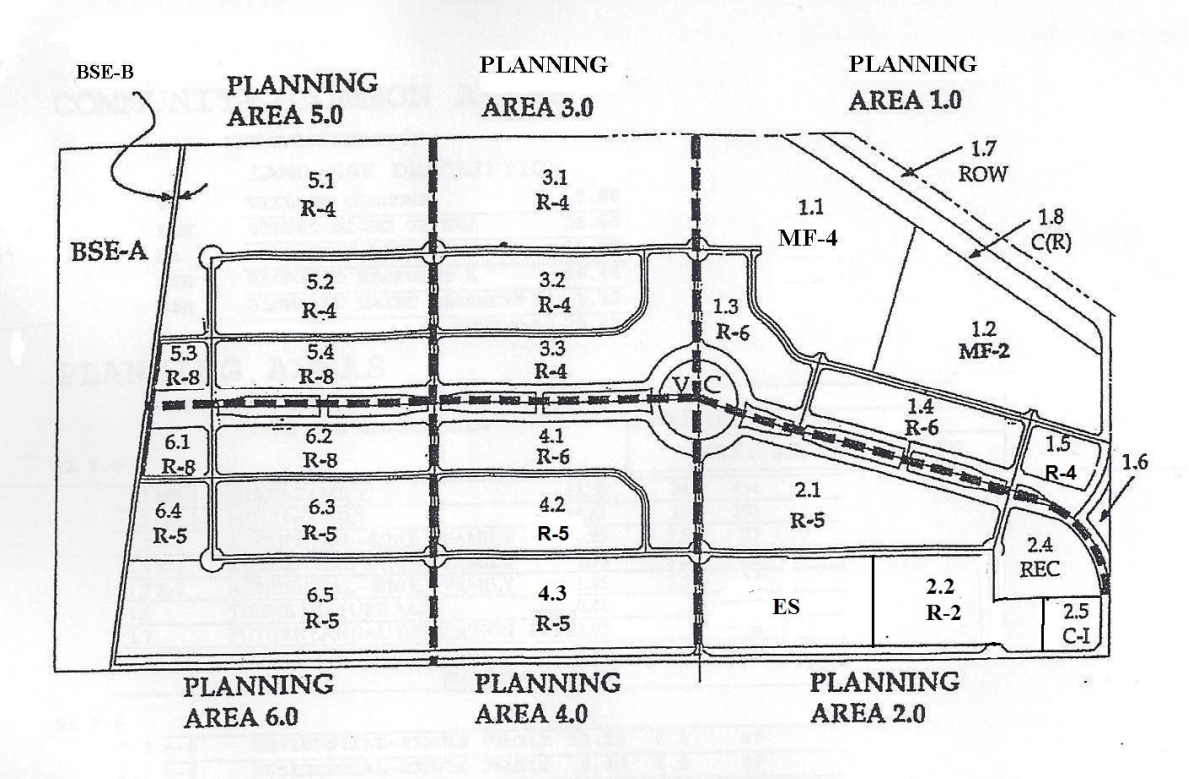


EXHIBIT 'B'
Rio Vista Village Specific Plan Text Amendments

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 minimum15 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.

ATTACHMENT 3

Cathedral City

STAFF REPORT
for consideration by the
CATHEDRAL CITY PLANNING COMMISSION

MEETING DATE: March 15, 2017

CASE NO: Verano at Rio Vista Village
Specific Plan Amendment No. 97-55C
Tentative Tract Map 37124

APPLICANT: City of Cathedral City

STAFF PLANNER: David Leonard, Contract Planner

REQUEST: To recommend APPROVAL of a Specific Plan Amendment to revise the text to add Section 5.8 establishing development standards for Cluster Single Family homes and to APPROVE Tentative Tract Map 37124

RECOMMENDED MOTION: **APPROVE** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP).

ADOPT RESOLUTIONS recommending that the City Council adopt an Ordinance approving Specific Plan Amendment No. 97-55C, Tentative Tract Map 37124, and approve the associated Mitigated Negative Declaration

FINDINGS

RECOMMEND THAT THE CITY COUNCIL APPROVE THE MITIGATED NEGATIVE DECLARATION based on the following:

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;

3. In accordance with Section 15074, Chapter 3, Title 14, of the California Code of Regulations (State CEQA Guidelines), the Mitigation Monitoring and Reporting Program contained in Chapter 3 of the Draft Initial Study and Mitigated Negative Declaration, dated November 13, 2014, shall serve as the City's reporting program for monitoring the mitigation measures specified in the Mitigated Negative Declaration; and

4. 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.

- **RECOMMENDING TO THE CITY COUNCIL ADOPTION OF THE ATTACHED RESOLUTION APPROVING SPECIFIC PLAN AMENDMENT NO. SPA 97-55C WITH 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; and

2. The proposed Specific Plan Amendment is consistent with the established goals, policies and objectives in the Rio Vista Village Specific Plan because the amendment addresses all development regulations, standards, and guidelines; 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 TO THE CITY COUNCIL, SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL AND BEASED 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; and

2. The proposed land division is consistent with the Rio Vista Village Specific Plan as amended by SPA 97-55C; and

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; and

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 development; and

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; and

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

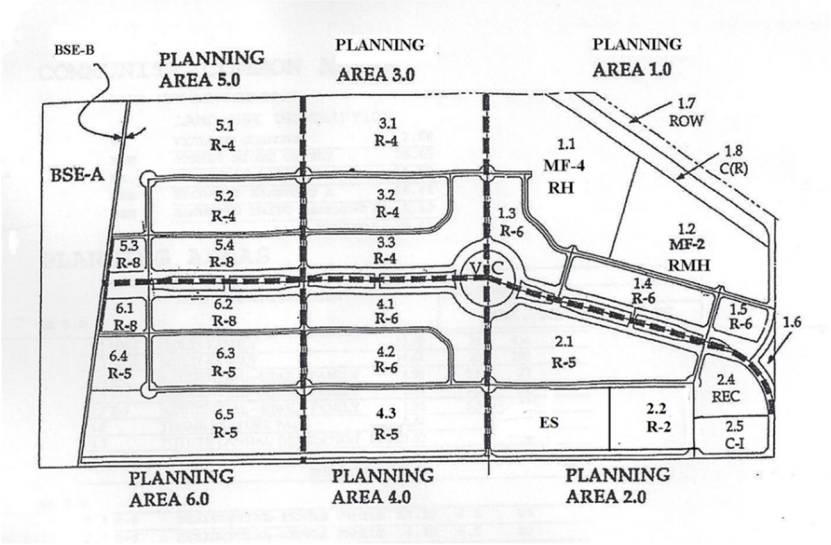
8. In arriving at its decision, the Planning Commission has considered all testimony, written and oral, submitted in relation to this proposal.

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.

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
		Subtotal	**54.40**		**695**
PA 2.0					
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
		Subtotal	**34.82**		**144**
PA 3.0					
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
		Subtotal	**34.38**		**275**
PA 4.0					
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
		Subtotal	**31.53**		**173**
PA 5.0					
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
		Subtotal	**33.24**		**240**
PA 6.0					
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
		Subtotal	**35.82**		**218**
		Total:	**302.62**		***1745**

*Maximum 1,362 units allowed

Proposed Specific Plan Text Amendment

On November 2, 2016 the City Council adopted Specific Plan Amendment 97-55B to amend the text of the MF-4 Zone of the Rio Vista Village Specific Plan, approved General Plan Amendment Case 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 Case 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 adopted by the City Council.

The Specific Plan allowed 'Cluster lots' on minimum 200 SF 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 minimum15 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.

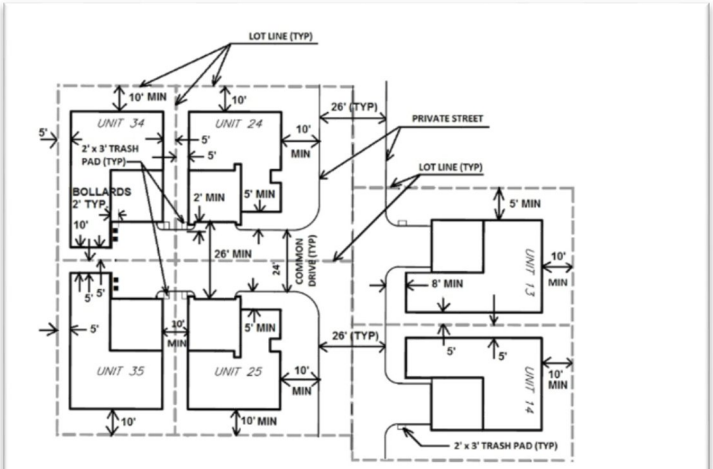


EXHIBIT "A"
TYPICAL CLUSTER SFD RESIDENTIAL DEVELOPMENT LAYOUT

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.

<u>Tentative Tract Map 37124</u>

Tentative Tract 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 boundary have 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 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 Date Palm Drive 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 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 it located in the most distant portion of the influence zone, Zone 'E'. There are no use restrictions on residential development, but major sports stadiums, amphitheaters, 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. Planning Commission Resolution
2. Initial Study/Negative Declaration
3. Tract 37124 Tract Map
4. Tract 37124 Preliminary Landscape Plan
5. Public Hearing Notice

Prepared by:

_____

David Leonard
Contract Planner

AIRPORT LAND USE COMMISSION
RIVERSIDE COUNTY

Riverside County
Airport Land Use Commission
RCALUC

CHAIR
Simon Housman
Rancho Mirage

VICE CHAIRMAN
Rod Ballance
Riverside

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Riverside

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Desert Hot Springs

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Director
Ed Cooper

John Guerin
Paul Rull
Barbara Santos

County Administrative Center
4080 Lemon St., 14th Floor.
Riverside, CA 92501
(951) 955-5132

www.rcaluc.org

February 14, 2017

Mr. David Leonard, Contract Planner
City of Cathedral City Planning Department
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234

RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW – DIRECTOR'S DETERMINATION

File No.:	ZAP1044PS17
Related File No.:	SPA97-55C (Specific Plan Amendment), TTM37124 (Tentative Tract Map – Condominium Purposes)
APN:	677-050-023

Dear Mr. Leonard:

As authorized by the Riverside County Airport Land Use Commission (ALUC) pursuant to a specific delegation of authority issued at its February 9, 2017, meeting, I have reviewed City of Cathedral City Case No. SPA 97-55C (Specific Plan Amendment), a proposal to amend the text of the Rio Vista Village Specific Plan (RVVSP) to establish design standards for the R-2 Zone within that Specific Plan, which is located southerly of Interstate 10 Freeway, northerly of Verona Road, westerly of Landau Boulevard, and easterly of Rio Guadalupe Road.

Additionally, under the delegation of ALUC pursuant to Policy 1.5.2(d) of the Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan, staff reviewed Tentative Tract Map No. 37124, a proposal to divide 8.56 acres located northerly of Verona Road, westerly of Landau Boulevard, and southerly of Rio Largo Drive into condominium lots for a 58-unit single-family detached cluster development.

The site is located within Airport Compatibility Zone E of the 2005 Palm Springs Airport Influence Area (AIA). Within Compatibility Zone E of the 2005 Palm Springs Airport Compatibility Plan, residential density is not restricted.

The elevation of Runway 13R-31L at Palm Springs International Airport at its northerly terminus is approximately 474.4 feet above mean sea level (AMSL). At a distance of 11,800 feet from the runway to the project property line, Federal Aviation Administration Obstruction Evaluation Services review would be required for structures exceeding a top point elevation of 592.4 feet AMSL. As the site elevation is 450 feet AMSL and building height is 35 feet, this level will not be exceeded and FAA review will not be required.

As ALUC Director, I hereby find the above-referenced project **CONSISTENT** with the 2005 Palm Springs Airport Land Use Compatibility Plan, subject to the following conditions:

CONDITIONS:

1. 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.

2. The following uses shall be prohibited:

   (a) Any use which would direct a steady light or flashing light of red, white, 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 safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, recycling centers containing putrescible wastes, and construction and demolition debris facilities.)

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

3. The attached "Notice of Airport in Vicinity" shall be provided to all potential purchasers of the proposed dwelling units and any tenants therein.

4. 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.

If you have any questions, please contact Paul Rull, ALUC Urban Regional Planner IV, at (951) 955-6893, or John Guerin, ALUC Principal Planner, at (951) 955-0982.

Sincerely,
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

Edward C. Cooper, Director

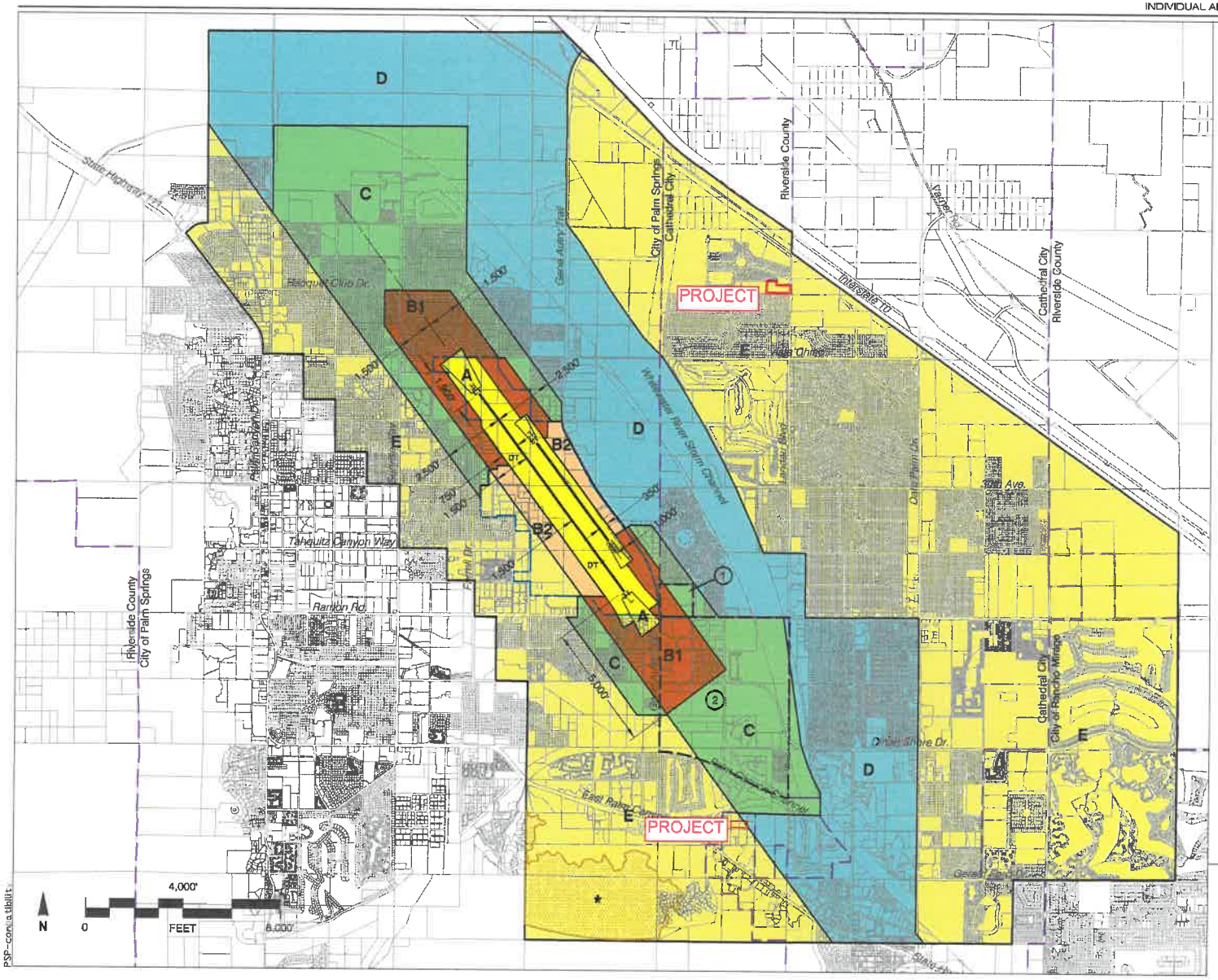
Attachment: Notice of Airport in Vicinity

cc: Verano Recovery, LLC Attn: Mohamad Younes (applicant/property owner)
Mr. Thomas Nolan, Executive Director, Palm Springs International Airport
ALUC Case File

Y:\AIRPORT CASE FILES\Palm Springs\ZAP1044PS17\ZAP1044PS17.LTR.doc

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b)(13)(A)



Legend

Compatibility Zones

- Airport Influence Area Boundary
- Zone A
- Zone B1
- Zone B2
- Zone C
- Zone D
- Zone E
- Height Review Overlay Zone

Boundary Lines

- Airport Property Line
- City Limits

Notes

All dimensions measured from runway ends and centerlines.

DT = Displaced Threshold

See Chapter 2, Table 2A for compatibility criteria associated with this map.

(#) See Policy PS.2.1.

Riverside County
Airport Land Use Commission

Riverside County
Airport Land Use Compatibility Plan
Policy Document

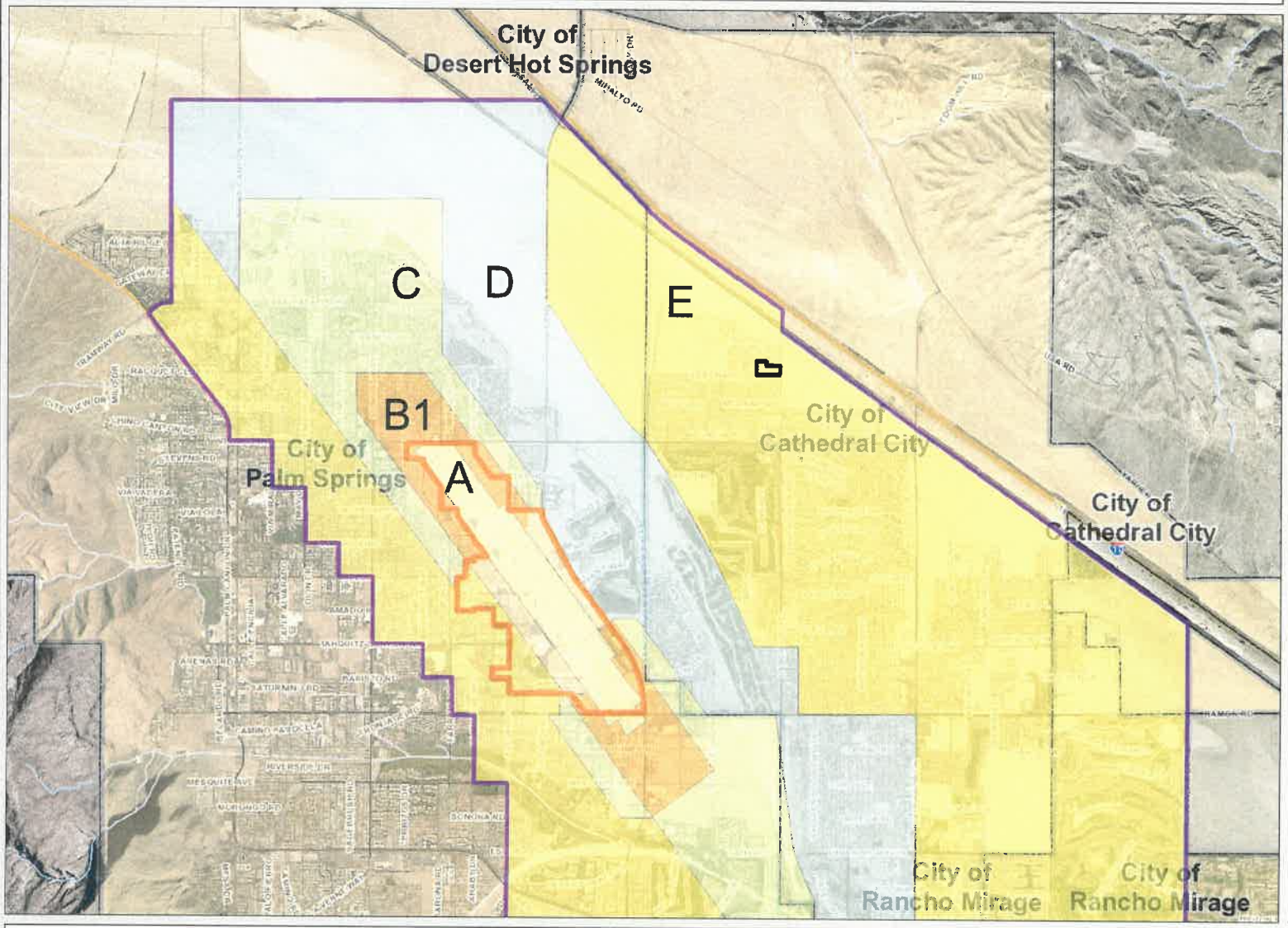
(Adopted March 2005)

Map PS-1

Compatibility Map

Palm Springs International Airport

My Map



Legend

- Airports
- AIA

Airport Compatibility

- OTHER ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6
- C2-HIGHT

0 7,132 14,264 Feet

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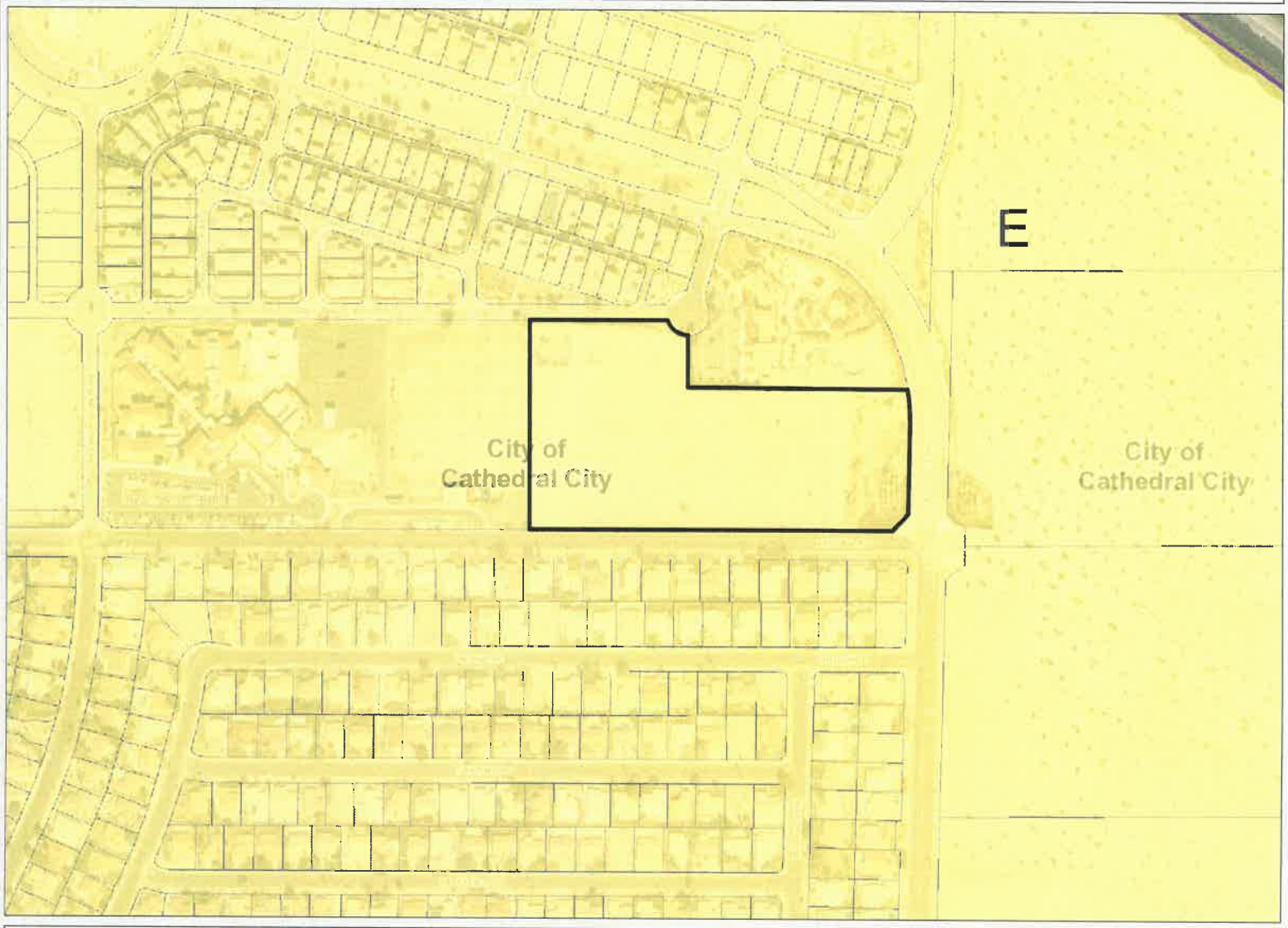

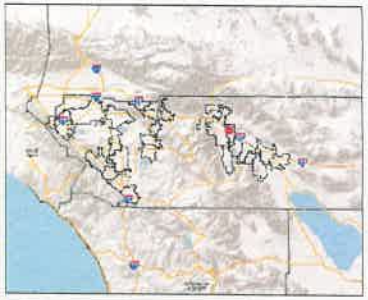

Legend

- Display Parcels
- Airports
- AIA

Airport Compatibility

- OTHER ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
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- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6

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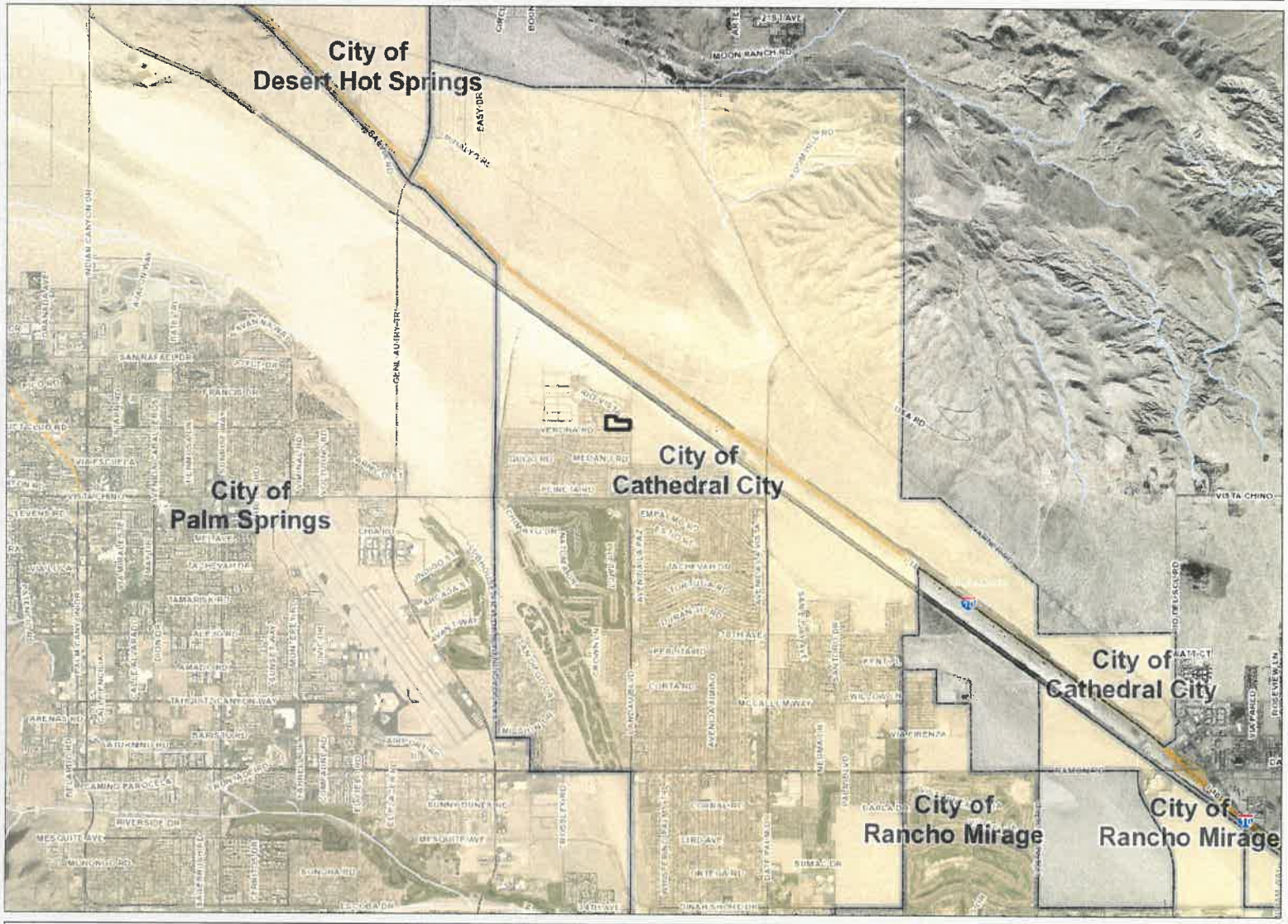

Legend

- City Boundaries
- Cities
- highways_large
  - HWY
  - INTERCHANGE
  - INTERSTATE
  - USHWY
- majorroads
- counties
- cities

Notes

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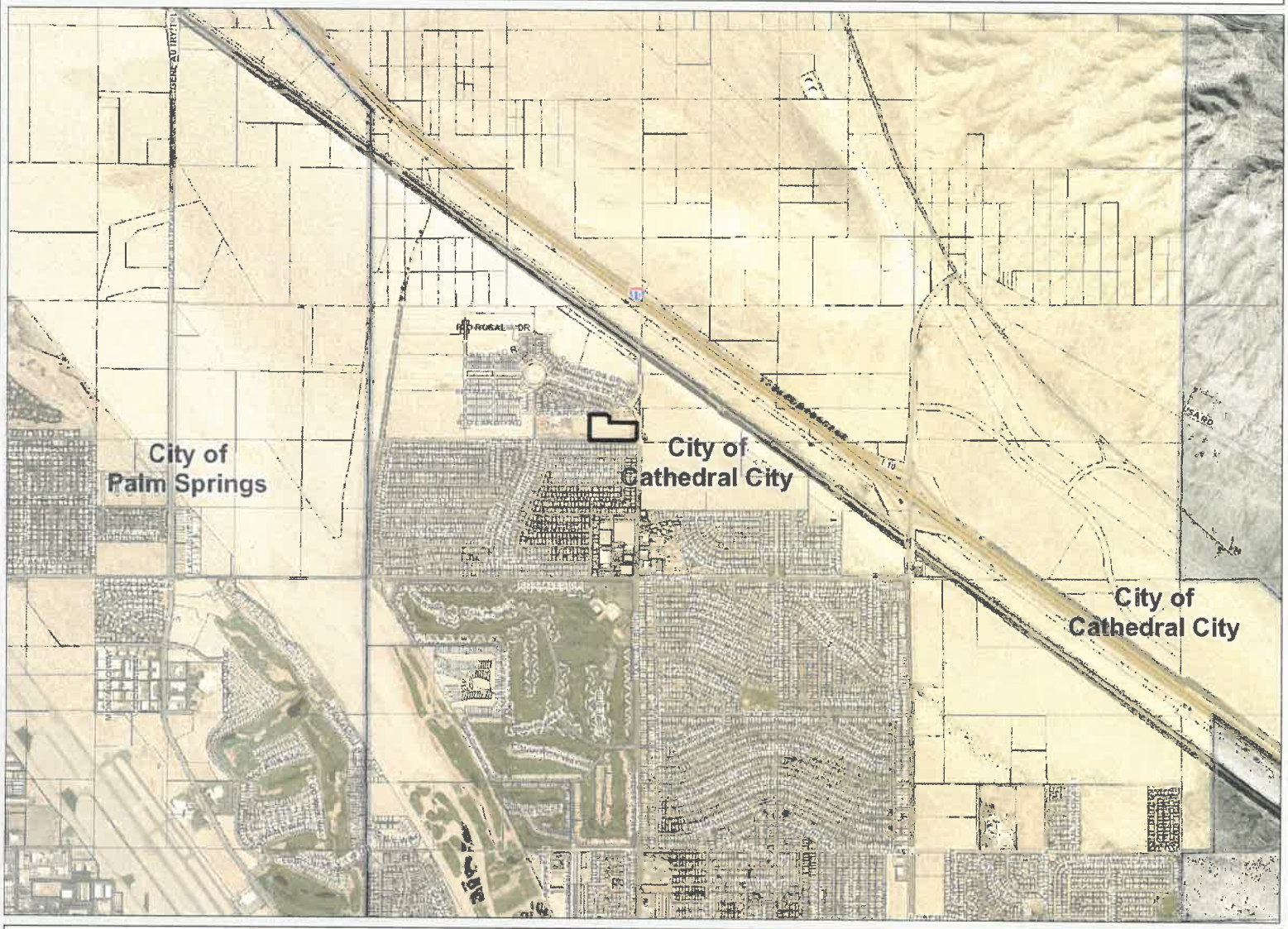

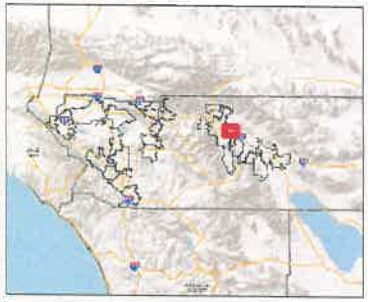

Legend

- City Boundaries
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- hydrographylines
- waterbodies
  - Lakes
  - Rivers

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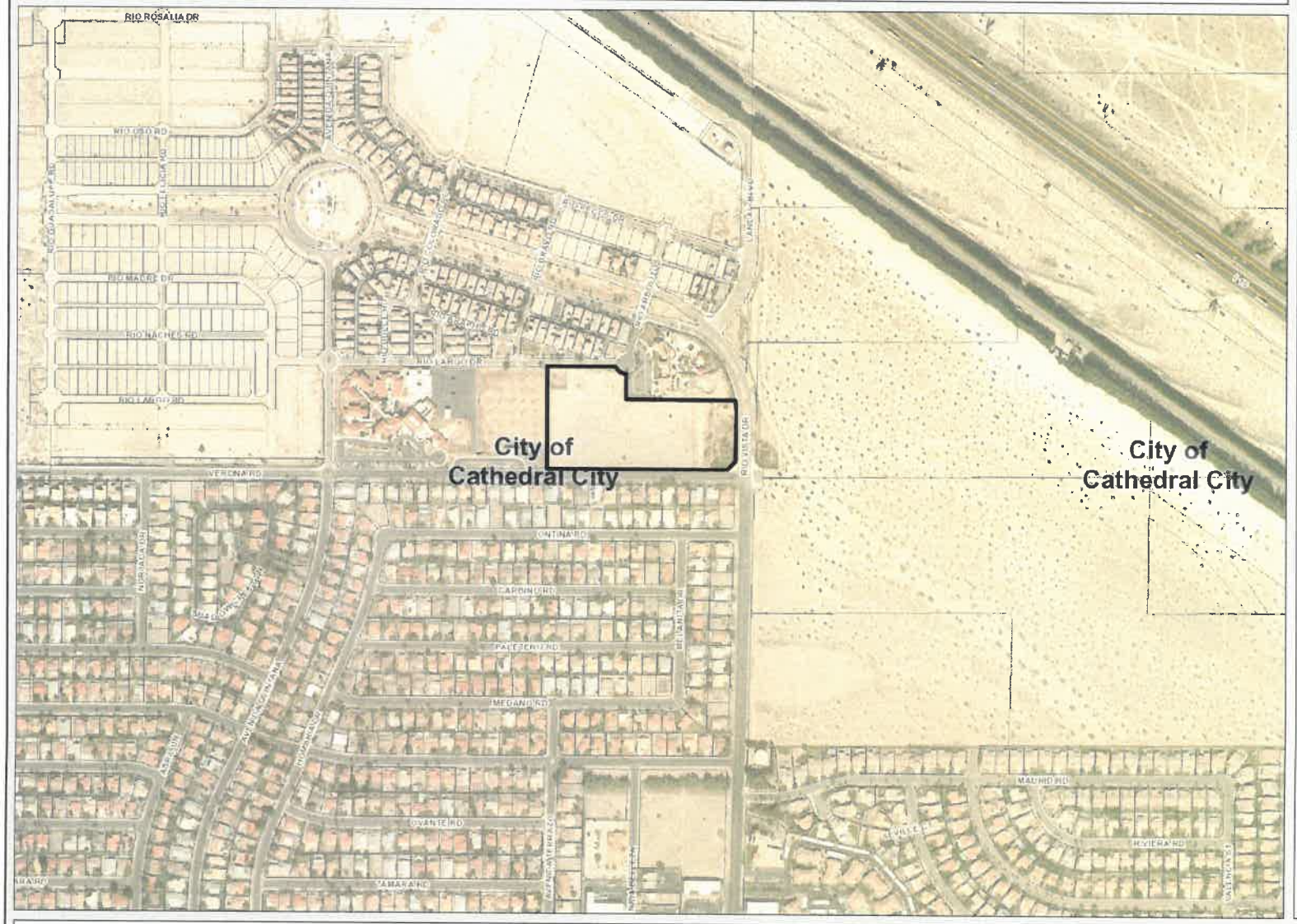

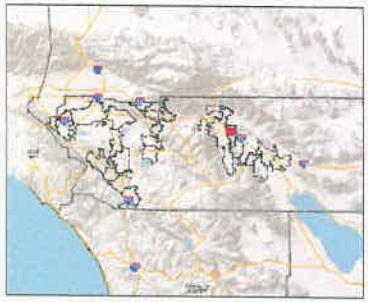

Legend

- Display Parcels
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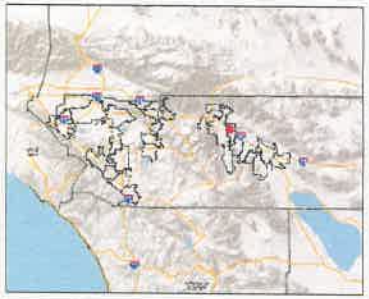

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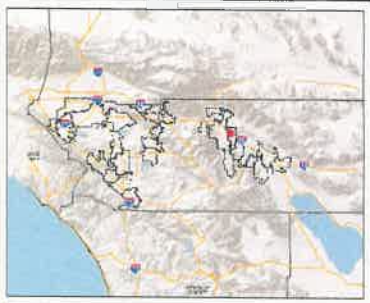

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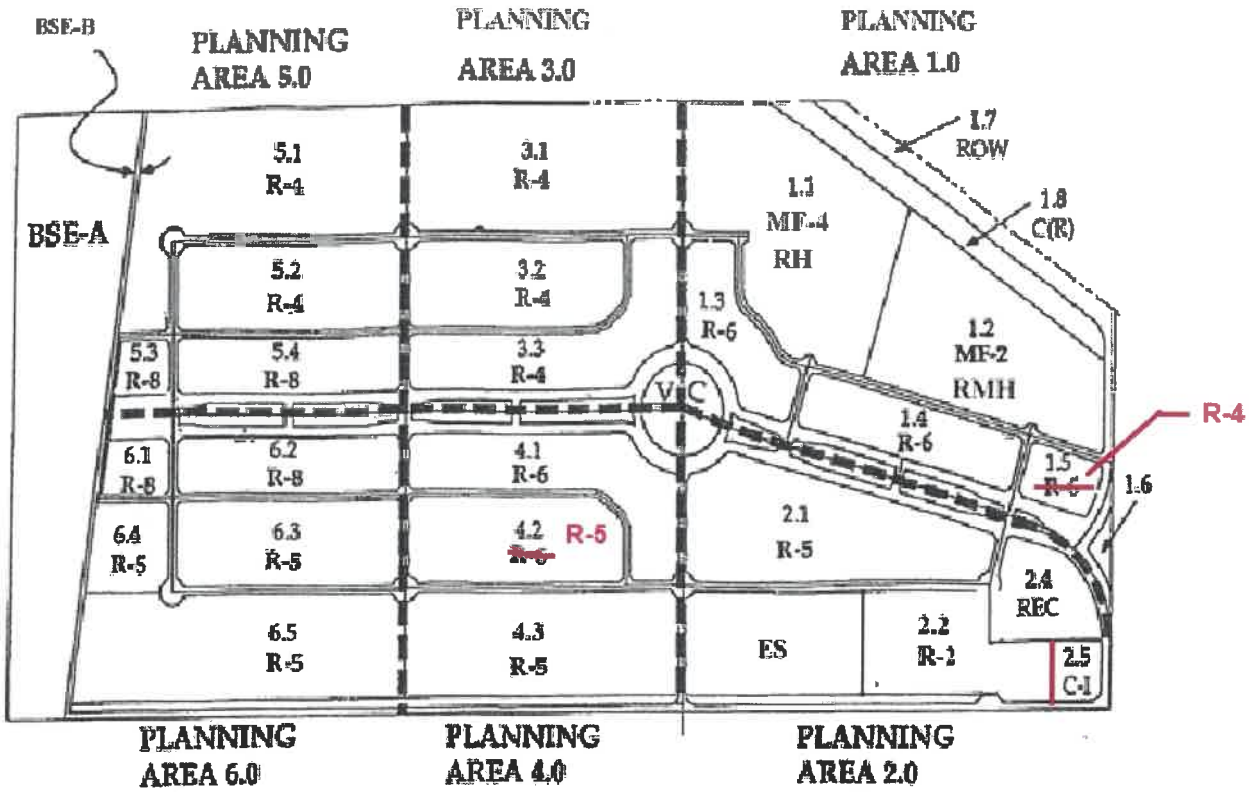
Notes

4.5 CIRCULATION PLAN

Rio Vista Village is intended to be pedestrian friendly while providing safe streets for automobiles and service traffic. The hierarchy of streets is simple and limited. The use of service lanes (alleys) is encouraged, but not required. However, to reduce the impact of curb cuts and driveways accessing local streets, any lot with less than 50 feet of frontage must utilize a service lane for vehicular access to on-site parking. The exception to this rule are small lots plotted in a cluster concept.

4.5.1 The design and layout of streets shall be on an interconnected grid system in which residents have a number of alternative routes from their dwelling to the other areas within the village boundaries. The street sizes and uses shall conform to the Circulation Plan and related street sections. All in-tract streets shall be 30 foot Local Streets *with an exception for Cluster SFD Residential Development where the minimum local street width, public or private, is 26 feet when no street parking is allowed.* Refer to Section 6, Implementation Plan of this document for additional detail on the financing, construction and phasing of circulation system improvements.



SECTION 5.0

DEVELOPMENT PLAN REGULATIONS

5.1.5 DEFINITIONS AND USE OF TERMS: The use of new urbanism and neo-traditional planning concepts requires some new descriptive language. The application of the specific plan regulations in this section use the following terms.

TERM	APPLICATION
Common Drive: is 24 feet wide paved driveway to access the garages for two or more detached residential units. Common Drive is also classified as "Emergency Access	and Fire Lanes" in which parking is prohibited." Is commonly used in Cluster SFD Residential Development

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. ~~*with the exception for the R-2 – Cluster SFD Residential Development in Planning Area 2.2. For Cluster SFD Residential Site Development Standards, refer to Section 5.8*~~

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.

5.2.2 SETBACK REQUIREMENTS FOR RESIDENTIAL SITES. (For R-2 – Cluster SFD Residential Development Setback Requirements, refer to Section 5.8.1),

5.3 SPECIAL RESIDENTIAL SITE DEVELOPMENT STANDARDS. The following standards deal with areas of concern regarding the implementation of new urbanism concepts and for complying with applicable local ordinances. *(For R-2 – Cluster SFD Residential Development Special Residential Site Development Standards, refer to Section 5.8.3),*

5.3.8 SECOND DWELLING UNITS: An additional dwelling is permitted on any lot served by a service lane on which the following standards shall apply.

A Second dwelling units may only be developed on lots with single family detached homes in land use designations "R".

B Only lots served by a service lane may develop second dwelling units.

C The second dwelling unit may be used for rental purposes or for the exclusive use of the residents of the primary dwelling. When used as a rental unit, the second dwelling unit is required to be maintained and managed in accordance with the CC&Rs of the Rio Vista Village Community Association.

D The second dwelling unit may be attached or detached from the primary

dwelling unit. When detached, the separations between structures shall be a minimum of 10 feet. All other setbacks and site development standards shall apply as though the second dwelling unit were attached to the primary structure.

E A one car carport or garage is required for the resident of the second dwelling unit. This carport or garage must have a secure separation from the service lane a minimum of 8 feet high and lockable.

F Second dwelling units must have a separate entry from the primary dwelling, whether attached or detached, and directly accessible to the designated on- site parking space.

G Second dwelling units constructed above the garage must have at least one window from a living area overlooking the service lane.

H Second dwelling units must be provided with a private outdoor open space of 90 square feet with a minimum dimension of 6 feet.

~~I Second dwelling units require a Conditional Use Permit.~~

5.7 SPECIAL RECREATION SITE DEVELOPMENT STANDARDS. *(For R-2 – Cluster SFD Special Recreation Site Development Standards, refer to Section 5.8.9),*

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 ~~property line/~~lot line between them for the purpose of measuring setbacks. The minimum building separations shall be 10 feet.

~~A The standards for setbacks shall define the required building separations. Buildings with entries facing each other across an open space, courtyard or plaza shall be deemed to be facing front to front and each shall meet front setback criteria.~~

~~B If only one of two facing structures has an entry, it shall respond to front setback criteria, the other building shall meet side setback criteria.~~

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 ~~only for the purpose of~~ to establish~~ing~~ pedestrian circulation links to areas within and beyond the project boundary. ~~an amount of common open space that exceeds the requirement and approval of this specific plan which will constitute approval of the common open space requirement. Individual projects will not be required to provide additional calculations validating common open space provisions.~~

5.8.3.2 PRIVATE OPEN SPACE: ~~However,~~ 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 ~~SERVICE LANES~~COMMON DRIVES: Use Private Street

A. ~~Service lanes~~ Common drives serving ~~are not applicable for~~ Cluster SFD Residential Development shall be in the form of a private drive having a minimum width of 24~~26~~ 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 ~~the~~ non-traditional lot ~~block~~ 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) ~~Punctuated by~~ Alternative varieties of trees, minimum 15 gallon size, ~~(Jacaranda, Mimosa, etc), various~~ shall be planted at ~~local streets will become~~ gateways into distinct neighborhoods. ~~These trees shall be placed on a similar grid pattern, to those identified for the Mesquite grove~~.

(4) ~~Parkway~~ Street trees, minimum 15 gallon size, shall be planted in any island ~~the parkway portion~~ 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 minimum15 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.

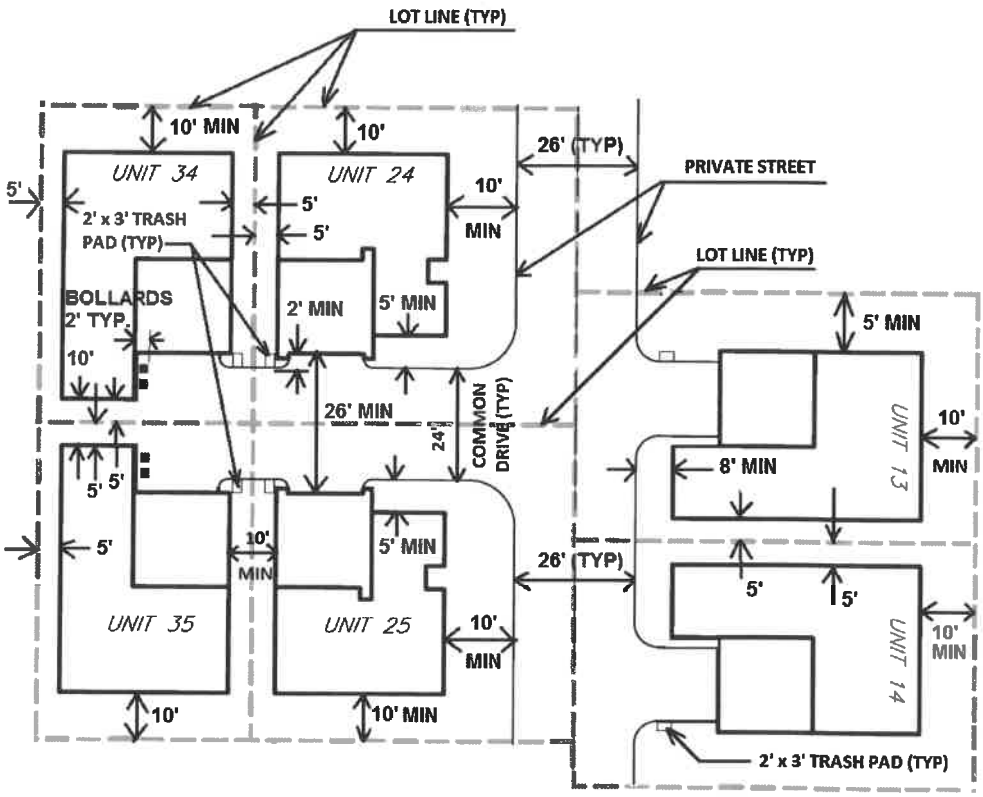


EXHIBIT "A"

TYPICAL CLUSTER SFD RESIDENTIAL DEVELOPMENT LAYOUT

TENTATIVE TRACT MAP 37124
FOR CONDOMINIUM PURPOSES

CATHEDRAL CITY, CALIFORNIA

MAY 2016

EXHIBIT "A" SITE PLAN

VICINITY MAP
NOT TO SCALE

OWNER/DEVELOPER

VERANO RECOVERY, LLC
INLAND COMMUNITIES CORP.
8430 W. SUNSET BLVD., STE. 400
LOS ANGELES, CA. 90028
PHONE 323.874.8000
FAX 323.874.8800

ENGINEER

SDH & ASSOCIATES INC.
5235 CANYON CREST DRIVE 71439
RIVERSIDE, CA. 92507
PHONE (951) 683-3691
FAX (951) 788-2314

ASSESSORS PARCEL NO.

677-030-023

LAND USE

EXISTING: VACANT
PROPOSED: RESIDENTIAL

LEGAL DESCRIPTION:

LOT 293 OF TRACT MAP NO. 28639-1
MB 300/75-86
CITY OF CATHEDRAL CITY,
COUNTY OF RIVERSIDE, CALIFORNIA

EXISTING GENERAL PLAN DESIGNATION

PR

EXISTING SPECIFIC PLAN DESIGNATION

RIO VISTA VILLAGE (SP 97-33)

NUMBER OF UNITS

NUMBERED 58

AVERAGE S.F.R. SIZE

2,301 S.F.

EARTHWORK QUANTITIES:

CUT=3,432 C.Y.
FILL=3,432 C.Y.

LEGEND

F.G.	- FINISHED GRADE	PRIV.	- PRIVATE
F.L.	- FLOW LINE	COMM.	- COMMON
H.P.	- HIGH POINT	O/S	- OPEN SPACE
EXIST.	- EXISTING	ST.	- STREET
F.E.	- FIRE ELEVATION	AC.	- ACRE
G.B.	- GRADE BREAK		

TRACT BOUNDARY
CENTERLINE
CURB AND GUTTER
1280 EXISTING CONTOUR LINE
LOT LINE
SLOPE (2:1 TYP.)

AREA TABULATIONS

UNIT	TO/PRI S.F.	PRIV. O/S	COMM. O/S	UNIT	TO/PRI S.F.	PRIV. O/S	COMM. O/S
1	5,091	960	1,436	30	6,621	970	1,246
2	[illegible]	460	1,825	31	[illegible]	970	430
3	11,445	510	866	32	11,[illegible]	715	365
4	3,[illegible]	1,024	430	33	11,[illegible]	715	356
5	3,[illegible]	461	[illegible]	34	11,[illegible]	715	365
6	6,[illegible]	711	2,380	35	3,[illegible]	715	365
7	[illegible]	460	615	36	[illegible]	970	252
8	[illegible]	461	1,120	37	5,[illegible]	970	[illegible]
9	4,[illegible]	456	1,649	38	6,2[illegible]	2,167	1,200
10	[illegible]	489	1,918	39	7,[illegible]	1,294	1,530
11	[illegible]	460	[illegible]	40	3,[illegible]	1,294	558
12	10,[illegible]	500	1,700	41	3,[illegible]	1,039	473
13	[illegible]	532	1,259	42	[illegible]	1,039	473
14	4,384	828	868	43	3,[illegible]	1,039	471
15	4,[illegible]	831	875	44	3,[illegible]	1,039	470
16	[illegible]	831	872	45	3,[illegible]	1,294	558
17	[illegible]	893	2,304	46	6,[illegible]	1,294	558
18	[illegible]	471	[illegible]	47	4,413	461	777
19	[illegible]	986	331	48	[illegible]	986	595
20	[illegible]	460	1,314	49	10,[illegible]	460	2,773
21	4,[illegible]	460	906	50	[illegible]	460	1,112
22	[illegible]	460	1,781	51	[illegible]	460	1,396
23	4,[illegible]	460	1,057	52	[illegible]	460	1,397
24	[illegible]	460	1,[illegible]	53	[illegible]	460	1,396
25	4,[illegible]	460	1,056	54	[illegible]	442	1,403
26	4,[illegible]	460	770	55	5,5[illegible]	460	1,115
27	[illegible]	460	1,819	56	[illegible]	460	[illegible]
28	[illegible]	461	778	57	3,2[illegible]	460	1,919
29	[illegible]	987	[illegible]	58	6,14[illegible]	988	1,331

AREA TOTALS

ST. CIRCULATION	90,533	(2.08 AC.)
PRIVATE OPEN SPACE	42,017	(0.97 AC.)
COMMON OPEN SPACE	74,852	(1.72 AC.)
TOTAL LOT 2	307,471	(7.06 AC.)

LOT SUMMARY

LOT 1	13,264	(0.30 AC.)
LOT 2	307,471	(7.06 AC.)
LOT 3	52,889	(1.21 AC.)
TOTAL SITE	373,624	(8.57 AC.)

UTILITIES

WATER — COACHELLA VALLEY WATER DISTRICT
75525 HOVLEY LN
PALM DESERT, CA 92211
(760) 398-2651

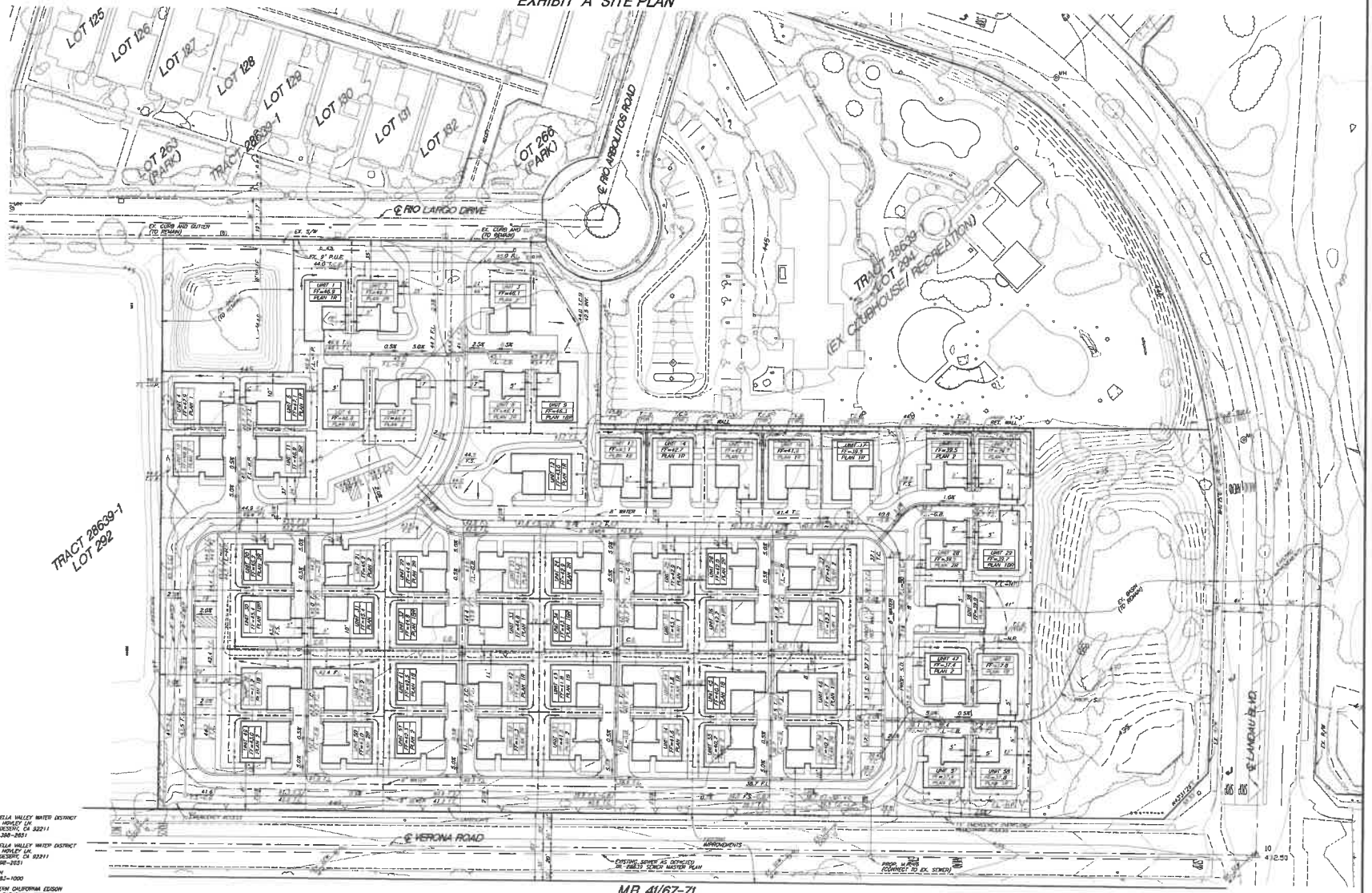
SEWER — COACHELLA VALLEY WATER DISTRICT
75525 HOVLEY LN
PALM DESERT, CA 92211
(760)398-2651

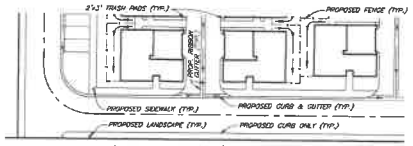
PHONE — VERIZON
(800)483-1000

ELECTRIC — SOUTHERN CALIFORNIA EDISON
36100 CATHEDRAL CITY DR.
CATHEDRAL CITY, CA 92234

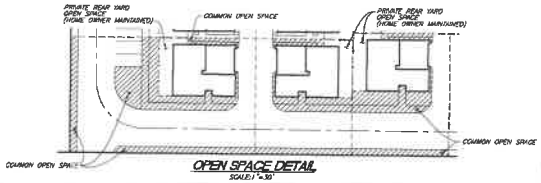
GAS — SOUTHERN CALIFORNIA GAS
211 SUNRISE WAY
PALM SPRINGS, CA 92262

CABLE — TIME WARNER CABLE
A 41-725 COOK ST.
PALM DESERT, CA 92211





TYPICAL CLUSTER/ LOT DETAIL
SCALE:1"=30'



OPEN SPACE DETAIL
SCALE:1"=30'

SDH ASSOCIATES INC.
5235 CANYON CREST DRIVE 71439
Riverside, California 92507
TEL: (951) 683-3691 FAX (951) 788-2314

TENTATIVE TRACT MAP 37124
FOR CONDOMINIUM PURPOSES

CATHEDRAL CITY, CALIFORNIA

MAY 2016

VICINITY MAP
NOT TO SCALE

OWNER/DEVELOPER

VERONA RECOVERY, LLC
INLAND COMMUNITIES CORP.
8439 W. SUNSET BLVD., STE. 480
LOS ANGELES, CA. 90028
PHONE 323.874.8000
FAX 323.874.8899

ENGINEER

SDH & ASSOCIATES INC.
5225 CANYON CREST DRIVE 71439
RIVERSIDE, CA. 92507
PHONE (951) 683-3691
FAX (951) 788-2314

ASSESSORS PARCEL NO.

677-050-023

LAND USE

EXISTING: VACANT
PROPOSED: RESIDENTIAL

NUMBER OF LOTS

3

LEGAL DESCRIPTION

LOT 293 OF TRACT MAP NO. 28639-1
MB 300/75-85
CITY OF CATHEDRAL CITY,
COUNTY OF RIVERSIDE, CALIFORNIA

NUMBER OF OPEN SPACE LOTS

2

EXISTING GENERAL PLAN DESIGNATION

RL

EXISTING SPECIFIC PLAN DESIGNATION

RIO VISTA VILLAGE (SP 97-53)

LEGEND

F.G.	- FINISHED GRADE	PRIV.	- PRIVATE
F.L.	- FLOW LINE	COMM.	- COMMON
H.P.	- HIGH POINT	O/S	- OPEN SPACE
EXIST.	- EXISTING	ST.	- STREET
P.E.	- PAD ELEVATION	AC.	- ACRE
G.B.	- GRADE BREAK		

TRACT BOUNDARY
CENTERLINE
CURB AND GUTTER
1290 EXISTING CONTOUR LINE
LOT LINE
SLOPE (2:1 TYP.)

AREA TABULATIONS

UNIT	TOTAL S.F.	PRIV. O/S	COMM. O/S	UNIT	TOTAL S.F.	PRIV. O/S	COMM. O/S
1	1,097	990	1,436	30	[illegible]	970	1,446
2	[illegible]	460	[illegible]	31	[illegible]	970	[illegible]
3	1,485	510	5,466	32	1,[illegible]	715	355
4	1,[illegible]	1,[illegible]	430	33	1,[illegible]	715	[illegible]
5	1,805	461	1,300	34	1,[illegible]	715	365
6	6,588	711	2,380	35	1,[illegible]	715	365
7	[illegible]	480	2,613	36	[illegible]	970	252
8	[illegible]	461	[illegible]	37	[illegible]	970	367
9	4,41[illegible]	459	1,830	38	2,[illegible]	2,187	1,[illegible]
10	1,37[illegible]	489	1,918	39	[illegible]	1,[illegible]	1,539
11	5,08[illegible]	480	1,532	40	[illegible]	1,[illegible]	358
12	9,71[illegible]	390	4,239	41	[illegible]	1,[illegible]	473
13	4,391	632	1,259	42	[illegible]	1,039	473
14	4,304	828	[illegible]	43	[illegible]	1,039	471
15	4,[illegible]	871	873	44	[illegible]	1,039	470
16	[illegible]	871	873	45	[illegible]	1,294	556
17	6,[illegible]	683	1,304	46	[illegible]	1,294	556
18	4,[illegible]	472	1,367	47	[illegible]	481	777
19	[illegible]	988	531	48	[illegible]	[illegible]	592
20	8,[illegible]	460	1,314	49	[illegible]	460	2,773
21	[illegible]	480	800	50	5,8[illegible]	460	1,117
22	9,67[illegible]	460	1,79[illegible]	51	5,91[illegible]	[illegible]	1,[illegible]
23	4,[illegible]	460	[illegible]	52	5,91[illegible]	460	1,367
24	4,69[illegible]	460	1,057	53	5,91[illegible]	460	1,398
25	4,68[illegible]	460	1,036	54	5,91[illegible]	442	1,403
26	4,254	[illegible]	776	55	5,5[illegible]	[illegible]	1,112
27	[illegible]	480	1,619	56	9,15[illegible]	460	2,537
28	4,[illegible]	[illegible]	2,[illegible]	57	[illegible]	[illegible]	1,919
29	3,[illegible]	987	366	58	4,[illegible]	508	1,331

AREA TOTALS

ST. CIRCULATION	90,533 (2.08 AC.)
PRIVATE OPEN SPACE	42,077 (0.97 AC.)
COMMON OPEN SPACE	74,862 (1.72 AC.)
TOTAL LOT 2	307,471 (7.06 AC.)

LOT SUMMARY

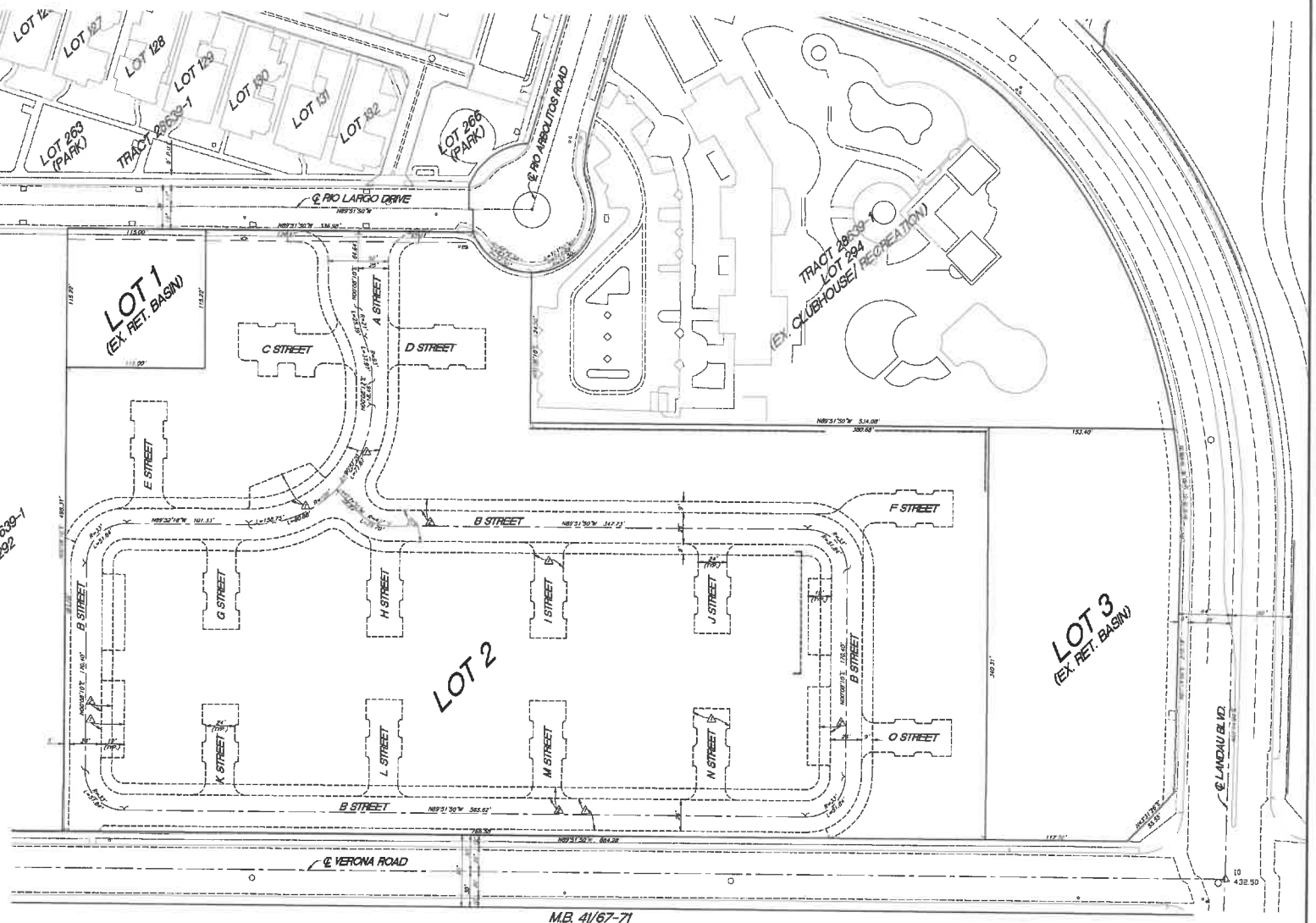
LOT 1	13,384 (0.30 AC.)
LOT 2	307,471 (7.06 AC.)
LOT 3	52,869 (1.21 AC.)
TOTAL SITE	373,724 (8.57 AC.)

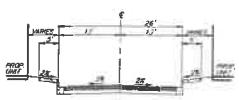
EASEMENT NOTES

1. PROPOSED EASEMENT FOR ACCESS AND PUBLIC UTILITIES TO BE DEDICATED ON THE FINAL MAP
2. PROPOSED 9' P.U.E. EASEMENT

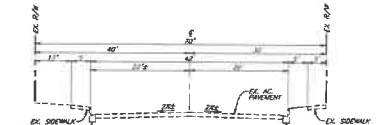
UTILITIES

WATER	COACHELLA VALLEY WATER DISTRICT 75525 HOVLEY LN PALM DESERT, CA 92211 (760) 398-2651
SEWER	COACHELLA VALLEY WATER DISTRICT 75525 HOVLEY LN PALM DESERT, CA 92211 (760)398-2651
PHONE	VERIZON
ELECTRIC	SOUTHERN CALIFORNIA EDISON 36100 CATHEDRAL CITY DR. CATHEDRAL CITY, CA 92234
GAS	SOUTHERN CALIFORNIA GAS 311 SUNRISE WAY, PALM SPRINGS, CA 92262
CABLE	TIME WARNER CABLE A 41-725 COOK ST. PALM DESERT, CA 92211





"A" STREET
"B" STREET
TYPICAL STREET SECTION
NOT TO SCALE



VERONA ROAD TYPICAL SECTION
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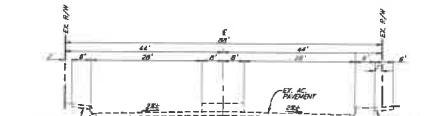


LANDAU BLVD. TYPICAL SECTION
NOT TO SCALE

RIO LARGO DR. TYPICAL SECTION
NOT TO SCALE

0 15 30 60 90 120
SCALE 1" = 30'

SDH AND ASSOCIATES INC.
5225 CANYON CREST DRIVE 71439
Riverside, California 92507
TEL: (951) 683-3691 FAX (951) 788-2314

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION

03-007-2006-003

February 03, 2017

[VIA EMAIL TO:leonarddla@earthlink.net]
City of Cathedral City
Mr. David Leonard

Cathedral City, CA 92234

Re: SPA 97-55C & TTM 37124

Dear Mr. David Leonard,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Rio Vista Village Specific Plan (SPA 06-005 and GPA 06-002) project. The project area is not located within the boundaries of the ACBCI Reservation. However, it is within the Tribe's Traditional Use Area (TUA). For this reason, the ACBCI THPO requests the folllowing:

> *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.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760)699-6829. You may also email me at acbci-thpo@aguacaliente.net.

Cordially,

Katie Croft

Katie Croft
Archaeologist
Tribal Historic Preservation Office
AGUA CALIENTE BAND
OF CAHUILLA INDIANS

5401 DINAH SHORE DRIVE, PALM SPRINGS, CA 92264
T 760/699/6800 F 760/699/6924 WWW.AGUACALIENTE-NSN.GOV

Draft Initial Study and Negative Declaration

SPA Case No. 97-55C
Tentative Tract Map 37124

Applicant:

Verano Recovery LLC
Mr. Mohamad Younes
6430 W. Sunset Blvd. Suite 460
Los Angeles, CA 90028

Date:

March 2, 2017

Prepared for:

Verano at
Rio Vista Village Specific Plan

Cathedral City

Prepared by:
Cathedral City Planning Department
David Leonard, Contract Planner
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234
760-770-0339

TABLE OF CONTENTS

Page number

Chapter 1 – Introduction
1.1 Purpose and Authority ……...3
1.2 Determination …… ……3

Chapter 2 – Project Summary
2.1 Project Location ……..4
2.2 Project Description ……4
2.3 Summary of Mitigation Measures ……9

Chapter 3 – Environmental Checklist

I Aesthetics ……16
II Agriculture ……17
III Air Quality ……18
IV Biological Resources ……...31
V Cultural Resources ……..33
VI Geology ……35
VII Hazards and Hazardous Materials ……37
VIII Hydrology and Water Quality ……40
IX Land Use and Planning ……..44
X Mineral Resources ……...45
XI Noise ……..45
XII Population and Housing ……..51
XIII Public Services ……51
XIV Recreation ……51
XV Transportation ……..……54
XVI Utilities and Service Systems ……55
XVII Green House Gas Emissions ……58
XVIII Mandatory Findings of Significance ……..61

LIST OF FIGURES

2-1 Vicinity Map ……5
2-2 Project Site ……6
2-3 Tentative Tract Map 37124 ……..7
2-4 Landscape Plan ……..8

CHAPTER ONE – INTRODUCTION

1.1 Purpose and Authority

This Initial Study has been prepared to evaluate the environmental effects associated with an amendment to the Rio Vista Village Specific Plan (SP 97-55C) and Tentative Tract Map 37124. The Rio Vista Specific Plan encompasses approximately 303 acres that is partially developed with residential dwelling units, recreation facilities, infrastructure, and storm water control facilities. The proposed Amendment would establish new standards for cluster single family development within the R-2 Zone, and update other sections of the specific plan text that are applicable to the new section. These new standards could be applied to any land within the specific plan. However, the current implementation of the new standards is limited to 7.08 acres contained within Tract 37124.

Land use density and zoning for the 7.06 acre tract map was established under Specific Plan Amendment 97-55B for a maximum of 58 lots within the R-2 Zone. The proposed subdivision features condominium 'air space' residential ownerships, consisting of traditional street frontage and four-unit clusters, served by a common driveway. All streets would be privately maintained and not gated. Three areas are designated for guest parking. There are three common open space areas to link with lands adjoining the subdivision. The subdivision includes a 1.21 acre retention basin and entry feature along the east end, and a .30-acre retention basin at the northwest corner of the subdivision. The site has been rough graded as part of the overall grading of the specific plan.

This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq. The City of Cathedral City will serve as the lead agency for this project pursuant to CEQA.

1.2 Determination

On the basis of the Initial Study and the evaluation of the City of Cathedral City's General Plan and the Environmental Impact Report thereon, it has been determined that the project will not have a significant impact on the environment, and a Mitigated Negative Declaration is proposed for adoption.

CHAPTER TWO – PROJECT SUMMARY

2.1 Project Location

The Rio Vista Village Specific Plan is located south of Interstate 10, west of Landau Blvd., east of Avenida Quintana, and north of Verona Road as further described as located within the north half of the northeast quarter of Section 5, T4S, R5E and as shown in Figure 2-1.

Tentative Tract 37124 is located within the Rio Vista Village Specific Plan. Rio Largo Drive and the Rio Vista Community Center exist along the north boundary, and Verona Rd. along the south boundary. Landau Blvd. exists along the east boundary, and the Rio Vista Elementary School exists along the west boundary, as shown in Figure 2-2.

2.2 Project Description

Specific Plan Amendment 97-55C establishes a new Section 5.8 of the Specific Plan text that outlines building setbacks and separation, common open space requirements, access requirements, guest parking, and landscape requirements.

Land use density and zoning for the 7.06 acre tract map was established under Specific Plan Amendment 97-55B for a maximum of 58 lots within the R-2 Zone. The proposed subdivision features condominium 'air space' residential ownerships, consisting of traditional street frontage and four-unit clusters, served by a common driveway. All streets would be privately maintained and not gated. Three areas are designated for guest parking. There are three common open space areas to link with lands adjoining the subdivision. The subdivision includes a 1.21 acre retention basin and entry feature along the east end, and a .30-acre retention basin at the northwest corner of the subdivision. The site has been rough graded as part of the overall grading of the specific plan. The tentative tract map is shown in Figure 2-3.

Access to the subdivision will be provided from and ungated entry on Rio Largo Drive. A 26-foot private street system will extend from Rio Largo Dr. into a looped system where homes with either front onto the street or be served from a 24-foot common driveway. Three guest parking areas will be provided along the private street. An emergency access gated access will be provided at the southwest corner of the subdivision with access directly to Verona Rd. The streets, common open space, and parking areas will all be privately maintained.

Rio Largo Dr., Verona Road, and Landau Blvd. presently exist. All dry utilities, water and sewer services are provided at the site.

Landscape plans have been submitted and reviewed by staff for consistency with the CVWD Lush and Efficient Gardening in the Coachella Valley guidelines as required under the proposed specific plan amendment. The landscape plan is shown in Figure 2-4.

Figure 2-1
Project Vicinity Map

Figure 2-2
Project Site

Figure 2-3
Tentative Tract Map 37124

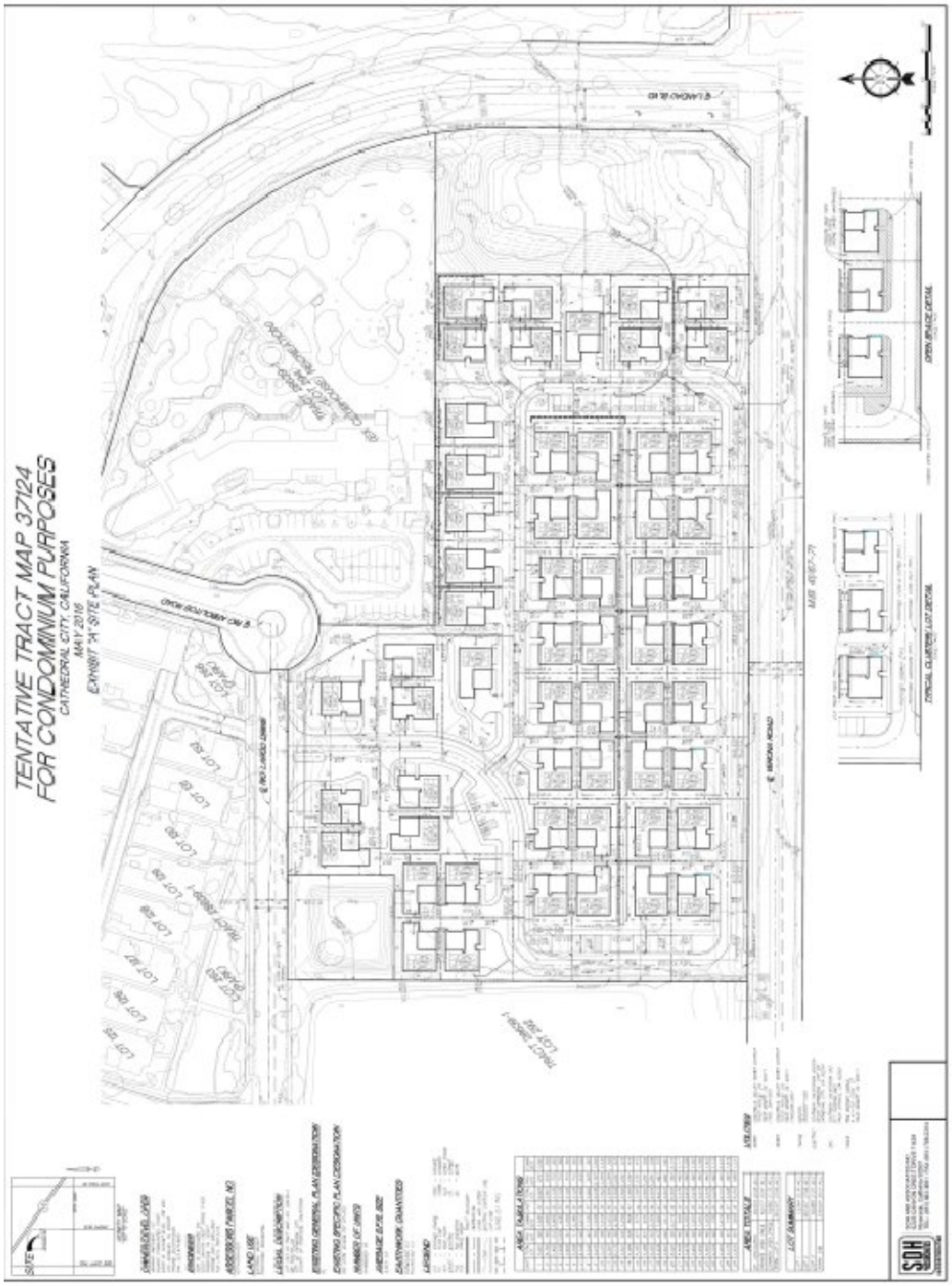


Figure 2-4
Landscape Plan

2.3 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 Date Palm Drive 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.

CHAPTER THREE – ENVIRONMENTAL CHECKLIST

1. **Project Name:** Specific Plan Amendment No. 97-55C and Tentative Tract Map 37124

2. **Lead Agency Name and Address:** City of Cathedral City Planning Department, 68-700 Avenida Lalo Guerrero, Cathedral City, CA 92234

3. **Contact Person and Phone Number:** David Leonard (951) 782-9868

4. **Project Location:** The Specific Plan area is located south of Interstate 10, west of Landau Blvd., east of Avenida Quintana, and north of Verona Road within the Rio Vista Village Specific Plan.

   Tentative Tract 37124 is located within the Rio Vista Village Specific Plan. Rio Largo Drive and the Rio Vista Community Center exist along the north boundary, and Verona Rd. along the south boundary. Landau Blvd. exists along the east boundary, and the Rio Vista Elementary School exists along the west boundary.

5. **Project Applicants' Name and Address:**
   Verano Recovery LLC
   Mr. Mohamad Younes
   6430 W. Sunset Blvd. Suite 460
   Los Angeles, CA 90028

6. **General Plan Designation:**
   RL Rio Vista Village Specific Plan: R-2

7. **Zoning Designation:**
   R-2

8. **Description of Project:**
   Specific Plan Amendment 97-55C establishes a new Section 5.8 of the Specific Plan text that outlines building setbacks and separation, common open space requirements, access requirements, guest parking, and landscape requirements.

   Land use density and zoning for the 7.06 acre tract map was established under Specific Plan Amendment 97-55B for a maximum of 58 lots within the R-2 Zone. Tentative Tract 37124 would implement the provisions of Section 5.8 of the Rio Vista Village Specific Plan. The tract features 58 condominium 'air space' residential ownerships, consisting of traditional home layouts fronting a street and four-unit clusters, served by a common driveway. All streets would be privately maintained and not gated. Three areas are designated for guest parking. There are three common open space areas to link with lands adjoining the subdivision. The subdivision includes

a 1.21 acre retention basin and entry feature along the east end, and a .30-acre retention basin at the northwest corner of the subdivision. The site has been rough graded as part of the overall grading of the specific plan.

9. **Surrounding Land Uses and Setting**: Land uses surrounding Specific Plan Area consist of the Union Pacific Railroad to the north, single family homes to the south, and vacant land to the east and west.

   Land uses surrounding Planning Area Tentative Tract Map 37124 consist of single family homes and a recreation center to the north, single family homes to the south, a detention basin to the east, and the Rio Vista Elementary school to the west.

10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** CVWD for water and sewer. An agreement between CVWD and the developer is already in place.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology /Soils
☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality	☐ Land Use / Planning
☐ Mineral Resources	☐ Noise	☐ Population/ Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities/Service Systems	☐ Greenhouse Gas Emissions	☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Lead Agency Signature Date
Planner

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒

Response to I a): Scenic views are oriented to the San Jacinto Mountains to the west and the Santa Rosa Mountains to the south. View to the north are blocked by an earthen berm. The proposed specific plan amendment and subdivision will maintain the height provisions that are already in place. The most prominent scenic visa is the Indio Hills to the north. By maintaining the height limits, views of the Indio Hills will not be impeded. No mitigation is required. (Source: Rio Vista Village Specific Plan Amendment text, field review)

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒

Response to I b): The specific plan area has been developed or rough graded. The site for Tract 37124 will be surrounded by a masonry wall that is designed it conform to the overall specific plan design guidelines. There are no trees or rock outcrops on the site and it is miles away form a scenic highway. A cultural resource survey concluded there are no surface cultural resources on the site. No impact has been identified and no mitigation is required (Field review, aerial photo, Cultural Resources Report, E. Gary Stickle, Nov. 10, 2016)

c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒

Response to I c): The overall specific plan has been rough graded or developed. The site for Tract 37124 has been graded and future residential development will comply with the provisions of the amended specific plan. The proposed development represents infill development that will not alter the visual character of quality of life on the surrounding area. No impact is identified and no mitigation is required. (Source: Rio Vista Village Specific Plan, field review, Tract 37124)

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

Response to I d): The proposed development will maintain the lighting standards set forth on the Specific Plan and will not introduce substantial new light or glare sources within the development. No mitigation is required. (Source: Rio Vista Village Specific Plan, Tract 37124)

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒

Response to II a): The project sites are designated on the General Plan and zoned for residential land use. Therefore, the proposed subdivision will not cause the conversion of any farmland to non-agricultural use. No mitigation is required. (Source: Rio Vista Village Specific Plan

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒

Response to II b): The overall specific plan and Tract 37124 project site are not within a Williamson Act contract or zoned for agricultural use. Therefore, the proposed development will not cause a conflict with agricultural land or lands under a Williamson Act contract. No mitigation is required. (Source: Rio Vista Village Specific Plan)

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

Response to II d): The proposed development involves lands designated on the General Plan, zoned for residential use, and prepared for residential use by rough grading and infrastructure improvements. Therefore the proposed project will not result in the conversion of farmland for non- agricultural use. No mitigation is required. (Source: Rio Vista Village Specific Plan)

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒

Response to III a): The project site is located within the Salton Sea Air Basin (SSAB). Air quality conditions within the SSAB are monitored by the South Coast Air Quality Management District (SCAQMD). SCAQMD is responsible for development of the regional AQMP and efforts to regulate pollutant emissions from a variety of sources.

Cathedral City is located within the Coachella Valley region. This region is impacted by the transport of pollutants, primarily ozone, from coastal air basins to the west and locally generated PM 10 (course particulate matter less than 10 micrometers in size). The Coachella Valley is surrounded by Mountains that create strong winds conditions periodically that suspend and transport large quantities of sand and dust, which constitutes a significant health threat.

For purposes of analyzing consistency with the AQMP, if a proposed project would have a development density and vehicle trip generation that is substantially greater than what was anticipated in the General Plan, then the proposed project would conflict with the AQMP. On the other hand, if a project's density is consistent with the General Plan, its emissions would be consistent with the assumptions in the AQMP, and the project would not conflict with SCAQMD's attainment plans. In addition, the SCAQMD considers projects consistent with the AQMP if the project would not result in an increase in the frequency or severity of existing air quality violations or cause a new violation.

The SCAQMD CEQA Handbook identifies two key measures of consistency:
1. Whether the project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

2. Whether the project will exceed the assumptions in the AQMP in 2012 or increments based on the year of project buildout and phase.

Criterion 1 – Increase in the frequency or severity of violations:
Based on the air quality modeling analysis contained in the air analysis, short-term construction impacts will not result in significant impacts based on the SCAQMD regional and local thresholds of significance. The air analysis performed for the project also found that long-term operational impacts will not result in significant impacts based on the SCAQMD local and regional thresholds of significance. Therefore, the proposed project is not projected to contribute to the exceedance of any air pollutant concentration standards and is found to be consistent with the AQMP for the first criterion.

Criterion 2 – Exceed Assumptions in the AQMP:
Consistency with the AQMP is determined by performing an analysis of the proposed project with assumptions in the AQMP. The purpose of this criterion is to ensure that the analysis for the proposed project is based on the same forecasts as the AQMP. The "2012-2035 Regional Transportation/Sustainable Communities Strategy" prepared by SCAG in 2012 consists of three sections: Core Chapters, Ancillary Chapters, and Bridge Chapters. The Growth Management, Regional Mobility, Air Quality, Water Quality, and Hazardous Waste Management chapters constitute the core chapters of the document. These chapters currently respond directly to federal and state requirements placed on SCAG. Local governments are required to use these as the basis of their plans for purposes of consistency with applicable regional plans under CEQA. For this project, the City of Cathedral City's General Plan Land Use Plan defines the assumptions that are represented in the AQMP.

The project site will be a part of the Rio Vista Village Specific Plan. The proposed cluster development would be consistent with the zoning amendment. Since the proposed project will be consistent with the current land use designation in the City's General Plan and the Rio Vista Village Specific Plan the proposed cluster development is not anticipated to exceed the AQMP's assumptions for the project site and is found to be consistent with the AQMP for the second criterion.

Based on the above analysis, the proposed project will not result in an inconsistency with the SCAQMD AQMP and will result in a less than significant impact from a conflict with or obstruction of the implementation of the applicable air quality plan. (Source: TTM 37124 Cluster Development Air Quality and Greenhouse Gas Assessment. Entech Consulting Group, January 10, 2017)

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

Response to III b): Coachella Valley Dust Control Ordinance adopted by Cathedral City in 2003 requires a Fugitive Dust Control Plan for projects requiring a grading permit be submitted and approved by the City before a grading permit can be issued.
Criteria Pollutants and Ambient Air Quality Standards
Criteria pollutants are those for which the U.S. Environmental Protection Agency (EPA) and

California Air Resources Board (CARB) have established air quality standards. Criteria Pollutants include ozone, nitrogen dioxide, carbon monoxide, sulfur dioxide, lead and particulate matter. These pollutants are designated as “criteria” air pollutants due to their harmful effects on public health and the environment. The EPA sets National Ambient Air Quality Standards for the six criteria pollutants. Although the Federal Clean Air Act (CAA) requires the EPA to set outdoor air quality standards for the nation, the CAA permits states to adopt additional or more protective standards. California has set standards for certain pollutants such as particulate matter and ozone that are stricter than the federal standards and has also set standards for some pollutants not addressed by the federal standards. The air quality standards are levels of contaminants that represent safe levels that avoid specific adverse health effects associated with each pollutant. Areas that meet ambient air quality standards are classified as attainment areas.

Table 1 includes a description of the criteria pollutants, state and federal air quality standards and health effects and attainment status for the Salton Sea Air Basin (SSAB).

As shown in Table 2, air quality in the SSAB exceeds state and federal standards for fugitive dust (PM10), and ozone (O3), and is in attainment/unclassified for PM2.5. Ambient air quality in the SSAB, including the project site, does not exceed state and federal standards for carbon monoxide, nitrogen dioxides, sulfur dioxide, lead, sulfates, hydrogen sulfide, or vinyl chloride.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

Table 1- State and Federal Air Quality Standards1

Ambient Air Quality Standards						
Pollutant	Averaging Time	California Standards [1]		National Standards [2]		
		Concentration [3]	Method [4]	Primary [3,5]	Secondary [3,6]	Method [7]
Ozone (O_3)[8]	1 Hour	0.09 ppm (180 µg/m³)	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m³)		0.070 ppm (137 µg/m³)		
Respirable Particulate Matter (PM10)[9]	24 Hour	50 µg/m³	Gravimetric or Beta Attenuation	150 µg/m³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m³		—		
Fine Particulate Matter (PM2.5)[9]	24 Hour	—	—	35 µg/m³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m³	Gravimetric or Beta Attenuation	12.0 µg/m³	15 µg/m³	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m³)	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m³)	—	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9.0 ppm (10 mg/m³)		9 ppm (10 mg/m³)	—	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m³)		—	—	
Nitrogen Dioxide (NO_2)[10]	1 Hour	0.18 ppm (339 µg/m³)	Gas Phase Chemiluminescence	100 ppb (188 µg/m³)	—	Gas Phase Chemiluminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m³)		0.053 ppm (100 µg/m³)	Same as Primary Standard	
Sulfur Dioxide (SO_2)[11]	1 Hour	0.25 ppm (655 µg/m³)	Ultraviolet Fluorescence	75 ppb (196 µg/m³)	—	Ultraviolet Flourescence; Spectrophotometry (Pararosaniline Method)
	3 Hour	—		—	0.5 ppm (1300 µg/m³)	
	24 Hour	0.04 ppm (105 µg/m³)		0.14 ppm (for certain areas)[11]	—	
	Annual Arithmetic Mean	—		0.030 ppm (for certain areas)[11]	—	
Lead[12,13]	30 Day Average	1.5 µg/m³	Atomic Absorption	—	—	High Volume Sampler and Atomic Absorption
	Calendar Quarter	—		1.5 µg/m³ (for certain areas)[12]	Same as Primary Standard	
	Rolling 3-Month Average	—		0.15 µg/m³		
Visibility Reducing Particles[14]	8 Hour	See footnote 14	Beta Attenuation and Transmittance through Filter Tape	No National Standards		
Sulfates	24 Hour	25 µg/m³	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m³)	Ultraviolet Fluorescence			
Vinyl Chloride[12]	24 Hour	0.01 ppm (26 µg/m³)	Gas Chromatography			

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

Table 2. Salton Sea Air Basin Attainment Status

Criteria Pollutants	Federal Designation	State Designation
Ozone – 8 hour standard	Nonattainment	Nonattainment
Ozone – 1 hour standard	N/A	Nonattainment
Carbon Monoxide	Attainment	Attainment
Nitrogen Dioxide	Attainment	Attainment
Sulfur Dioxide	Attainment/Unclassified	Attainment
PM10	Nonattainment	Nonattainment
PM2.5	Attainment/Unclassified	Attainment/Unclassified
Lead	Attainment	Attainment
Sulfates	No standard	Attainment
Hydrogen Sulfide	No standard	Unclassified
Vinyl Chloride	No standard	No sufficient Data

Source: CARB Air Quality Planning Branch, June 2013. US EPA Green Book last updated October 2015

Regional Air Quality

Many air quality impacts that derive from dispersed mobile sources, the dominant pollution generators in the SSAB, often occur hours later and miles away after photochemical processes have converted primary exhaust pollutants into secondary contaminants such as ozone. Since the incremental air quality impact of a single project is usually very small and difficult to measure, the SCAQMD developed significance thresholds based on the volume of pollution emitted rather than on actual ambient air quality. The SCAQMD CEQA Handbook states that any project in the SCAB with daily emissions that exceed any of the identified significance thresholds should be considered as having an individually and cumulatively significant air quality impact. For purposes of this air quality impact analysis, a regional air quality impact would be considered significant if emissions exceed the SCAQMD significance thresholds for the Coachella Valley identified in Table 3.

Local Air Quality

Project-related construction air emissions may have the potential to exceed state and federal air quality standards in the immediate vicinity of the project. As such, the SCAQMD developed Localized Significance Thresholds (LSTs) to assess localized air quality impacts from the project-related emissions on local air quality based on daily emissions of CO, NOx, PM10, and PM2.5. The SCAQMD also developed mass rate look-up tables by source receptor area (SRA) that can be used by public agencies to determine whether a project may generate significant adverse localized air quality impacts. The SCAQMD has provided Final Localized Significant Threshold Methodology (LST Methodology) in June 2003. If the calculated emissions for the project during construction or operation are below LST emission levels found on the look-up tables, then the project would not be considered as having the potential to have a significant impact on localized air quality.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

Toxic Air Contaminants

In addition to criteria pollutants, toxic air contaminants (TACs) are another group of pollutants of concern that are known to cause cancer and other serious health effects. TACs are considered either carcinogenic or noncarcinogenic based on the nature of the health effects associated with exposure to the pollutant. For regulatory purposes, carcinogenic TACs differ in that there is generally assumed to be no safe level of exposure and cancer risk is expressed as excess cancer cases per one million exposed individuals. Noncarcinogenic air toxins differ in that there is assumed to be a level below which no negative health impacts are expected to occur. These levels are determined on a pollutant-by-pollutant basis. Exposure can result from accidental exposure, industrial processes, gas stations, and motor vehicle exhaust.

Table 3. SCAQMD Air Quality Significance Thresholds for Coachella Valley

Mass Daily Thresholds		
Pollutant	**Construction**	**Operation**
NOx	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM10	150 lbs/day	150 lbs/day
PM2.5	55 lbs/day	55 lbs/day
SOx	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Lead	3 lbs/day	3 lbs/day
Toxic Air Contaiminants (TACs), Order, and GHG Thresholds		
TACs (including carcinogens and non-carinogens)	Maximum incremental cancer risk > 10 in 1 million Cancer burden > 0.5 excess cancer cases (in areas > 1 in 1 million Chronic and acute hazard index > 1.0 (project increment)	
Odor	Project creates an odor nuisance pursuant to SCAQMD Rule 402	
Ambient Air Quality Standards for Criteria Pollutants		
NO2 1- hour average Annual arithmetic mean	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 0.18 ppm (state) 0.03 ppm (state) and 0.0534 ppm (federal)	
PM10 24-hour average Annual average	10.4 ug/m3 (construction) & 2.5 ug/m3 (operation) 1.0 ug/m3	
PM2.5 24-hour average	10.4 ug/m3 (construction) & 2.5 ug/m3 (operation)	
SO2 1-hour average 24-hour average	0.25ppm (state) & 0.075 (federal-99th percentile) 0.04 ppm (state)	
CO 1-hour average	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of	

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
8-hour average	the following attainment standards; 20 ppm (state) and 35 ppm (federal)			
	9.0 ppm (state/federal)			
Lead	1.5 ug/m3 (state)			
30-day average	0.15 g/m3 (federal)			
Rolling 3-month average				

a. Source: SCAQMD CEQA Handbook (SCAQMD, 1993)
b. Construction thresholds apply to both the South Coast Air Basin and Coachella Valley (Salton Sea and Mojave Desert Air Basins).
c. SCAQMD, March 2015

Construction-Related Air Quality Impacts
To estimate the potential emissions of criteria pollutants associated with the project, the air quality study used California Emissions Estimator Model (CalEEMod) Version 2016.3.1. For air quality analysis purposes, it was assumed that construction would extend over a one-year period from 2017 to 2018. No demolition will be required on site due to the lot being vacant.

Construction Emissions
Air pollutants are generated from construction such as site grading, and other ground disturbance, operation of construction equipment, stationary power, building construction, and related off-site travel, and off gassing from paving and architectural coatings. Construction-related air quality emissions are temporary and end once construction is complete.

CalEEMod produces emission data for both unmitigated and mitigated conditions. The application of standard dust control measures, use of Tier 4 construction equipment, applying dust control watering measured required as part of Rule 403 are captured in the unmitigated condition. Table 4 provides unmitigated, worst-case scenario for construction-related air quality impact for the project**.**

Table 4: Construction Emissions Summary of Maximum Daily Emissions (lbs/day)

	CO	**NOx**	**ROG**	**SOx**	**PM10**	**PM2.5**
Summer	39	61	23	0.06	21	13
Winter	39	61	23	0.06	21	13
SCAQMD Thresholds	550	100	75	150	150	55
Exceeds Threshold	No	No	No	No	No	No

Source: CalEEMod Version 2016.3.1. See Appendix A for detailed tables.
SCAQMD Air Quality Significance Thresholds prepared by South Coast Air Quality Management District March 2015. Construction thresholds apply to both the South Coast Air Basin and Coachella Valley (Salton Sea and Mojave Desert Air Basins)

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

Localized Construction-Related Significance Thresholds and Emissions
Construction-related air emissions may have the potential to exceed the State and Federal air quality standards in the project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the Salton Sea portion of the South Coast Air Basin. The purpose of analyzing Local Significance Thresholds (LST) is to determine whether or not a project may generate significant adverse localized air quality impacts on the nearest sensitive receptor. For the purposes of CEQA, the SCAQMD considers sensitive receptors to be a receptor such as a residence, hospital, convalescent facility where an individual may remain for 24 hours. The nearest sensitive receptors to the project site are single-family homes located immediately north and south of the project site.

Use of LSTs by local government is voluntary and, applicable to projects that are five acres or less. The project is approximately 7.04 acres in size. Although the project site is greater than the five-acre limit, the area of daily disturbance during grading will be limited to five acres per day. Therefore, the five-acre look-up table is expected to be sufficient to screen for localized air quality impacts from construction.

The mass rate look-up tables for LSTs were used to determine if the project would have the potential to generate significant adverse impacts on localized air quality during construction. The LST for Source Receptor Area (SRA) 30 (Coachella Valley) was used to determine LST thresholds for the project. The distance from the emission source and the maximum daily site disturbance also determines emission thresholds. The nearest single-family residence is within 25 meters of the project site and the maximum daily disturbance will be limited to five acres. Table 5 shows the results of the calculated project compared to LSTs for the project area. The results are based on adherence to a standard dust control management plan.

Table 5 – Localized Significance Thresholds for 5 Acres at 25 Meters

	CO	NOx	PM101	PM2.51
2017	75.3	109.7	9.37	7.99
SCAQMD Thresholds	2,292	304	14	8
Exceeds Threshold	No	No	No	No

Source: CalEEMod Version 2016.3.1. See Appendix A for detailed tables.
SCAQMD Air Quality Significance Thresholds prepared by South Coast Air Quality Management District March 2015. Construction thresholds apply to both the South Coast Air Basin and Coachella Valley (Salton Sea and Mojave Desert Air Basins)
1 Mitigated emissions based on implementation of Rule 403, Rule 1407. Assumes an overall PM10 reduction of 70% and PM2.5 of 80%

Results show the LST thresholds would not be exceeded during project development. The project will be developed in accordance with SCAQMD Rule 403 and Rule 403.1, and, thus apply best management practices to ensure impacts to sensitive receptors will be less than significant. However, since the project air quality analysis was based on a maximum daily

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

site of five acres during construction, the project will have a less than significant impact with the implementation of mitigation measure AQ-1 restricting daily site disturbance to five acres or less per day.

Construction-Related Toxic Air Contaminant Impacts

The greatest potential for toxic air contaminant emissions would be related to diesel particulate emissions associated with heavy equipment operations during construction of the proposed project. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of "individual cancer risk". "Individual Cancer Risk" is the likelihood that a person exposed to concentrations of toxic air contaminants over a 70-year lifetime will contract cancer, based on the use of standard risk-assessment methodology. Given the relatively limited number of heavy-duty construction equipment and the short-term construction schedule, the proposed project would not result in a long-term (i.e., 70 years) substantial source of toxic air contaminant emissions and corresponding individual cancer risk. Therefore, no significant short-term toxic air contaminant impacts would occur during construction of the project.

Long-Term Operational Impacts

The on-going operation of the proposed project would result in a long-term increase in air quality emissions. This increase would be due to emissions from the project-generated vehicle trips and through operational emissions from the proposed project. Air pollutant emissions from trip generated from the cluster development is the largest contributor to mobile source emissions.

Energy sources refer to direct and indirect use of fossil fuels for energy use, including natural gas and electricity usage in the condominium units, lighting for parking lots, ventilation, and operation of elevators. Area sources refer to consumable products such as landscaping, building maintenance and cleaning supplies, and periodic reapplication of architectural coatings. Table 6 summarizes the potential emissions of criteria pollutants from day-to-day from the proposed cluster development.

Table 6: Operational Emissions of Criteria Pollutants (lbs./day)

	CO	NOx	ROG	Sox	PM10	PM2.5
Summer	44	5	17	0.11	7	5
Winter	44	5	17	0.11	7	5
SCAQMD Thresholds	550	55	55	150	150	55
Exceeds Threshold	No	No	No	No	No	No

Source: CalEEMod Version 2016.3.1. See Appendix A for detailed tables.
SCAQMD Air Quality Significance Thresholds prepared by South Coast Air Quality Management District March 2015. Construction thresholds apply to both the South Coast Air Basin and Coachella Valley (Salton Sea and Mojave Desert Air Basins)

As shown in Table 6, none of the analyzed criteria pollutants would exceed the regional

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

emissions thresholds during operation of the project. It should be noted that the operational emissions presented in the table do not show added efficiencies from design techniques, use of an energy mix with a portion of non-emitting sources, or water efficient landscaping.

Therefore, the conservative calculation of operational emissions analysis yields emissions that are likely higher than expected to actually occur. In addition, the vehicles will likely shift in future years to include more electric vehicles, and alternative fuel vehicles, which could further reduce emissions associated with mobile sources. Therefore, a less than significant regional air quality impact would occur from operation of the project. (Source: TTM 37124 Cluster Development Air Quality and Greenhouse Gas Assessment. Entech Consulting Group, January 10, 2017)

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐

Response to III c): Cumulative air quality impacts were assessed on a regional scale given the dispersing nature of pollutant emissions and aggregate impacts from surrounding jurisdictions and air management districts. Any activity resulting in emissions of PM10, ozone, or ozone precursors will unavoidably contribute, at some level, to regional non-attainment designation of ozone, and PM10. However, the level of impact a single project may have on regional air quality is difficult to measure. The Coachella Valley enforces the SCAQMD 2012 Air Quality Management Plan and 2002 PM10 Coachella Valley State Implementation Plan (CVSIP) to ensure levels of criteria pollutants are regulated and minimized to the best of the region's ability, particularly through the enforcement of SCAQMD daily thresholds.

The SSAB is designated as nonattainment under both the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS) for ozone and PM10. Emission of CO, NOX, and ROG that exceed the SCAQMD operational thresholds would contribute to the ozone nonattainment designation, while emission of PM10 that exceed the SCAQMD thresholds would contribute to the PM10 nonattainment designation of the SSAB.

Construction and operational activities associated with development of the project will not exceed SCAQMD daily thresholds for criteria pollutants. Emissions of CO, NOX, ROG, and PM10 during construction and operation of the project are unavoidable and will marginally contribute to regional ozone and PM10 nonattainment designations. (Source: TTM 37124 Cluster Development Air Quality and Greenhouse Gas Assessment. Entech Consulting Group,

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
January 10, 2017)				
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐

Response to III d): Project-related air emissions from on-site sources such as architectural coatings, landscaping equipment, on-site usage of natural gas appliances as well as the operation of vehicles on-site may have the potential to exceed the State and Federal air quality standards in the project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the Air Basin. The nearest sensitive receptors that may be impacted by the proposed project are the residential uses approximately 40 feet to the north of the project site. Based on the air quality analysis, project air quality impacts will not result in a significant impact from exposure of sensitive receptors to toxic air contaminants, CO hotspots, or project operations.

Construction and operational emissions from the project will be less than significant with the implementation of a mitigation limiting the number of acres graded to five acres per day or less. Therefore, the project will result in a less than significant impact on sensitive receptors with the implementation of mitigation. (Source: TTM 37124 Cluster Development Air Quality and Greenhouse Gas Assessment. Entech Consulting Group, January 10, 2017)

e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Response to III e): Per the SCAQMD CEQA Air Quality Handbook, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project does not include any uses identified by the SCAQMD as being associated with unpleasant or objectionable odors.

The project is not expected to generate significant objectionable odors during any phase of construction or during operation. The project has the potential to result in short-term odors associated with asphalt paving and other construction activities. However, construction-related odors would be quickly dispersed below detectable thresholds as distance from the construction site increase. No other sources of objectionable odors have been identified for the project. Therefore, the project will result in less than significant impact from objectionable odors. (Source: TTM 37124 Cluster Development Air Quality and Greenhouse Gas Assessment. Entech Consulting Group, January 10, 2017)

Mitigation Measures:

AQ-1 During all phases of project construction, grading and earthmoving activities shall be

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

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 following are 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.

Table 7. Fugitive Dust Mitigation Measures

Emission Source	Mitigation Measure	Emission Reduction Efficiency	Favorable Factors
Fugitive dust/ Construction	Apply non-toxic chemical soil stabilizers according to manufactures' specifications, to all inactive construction areas (previously graded areas inactive for ten days or more)	30%-65%*	Stabilizers applied in sufficient concentration to provide erosion protection for at least on year
Fugitive dust/ Construction	Replace ground cover in disturbed areas as quickly as possible	15%-49%*	Small, densely planted ground cover
Fugitive dust/ Construction	Water active sites at least twice daily	34%-68%*	Water at sufficient frequency to keep soil moist enough so visible plumes are eliminated
Fugitive dust/ Construction	Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour	Not quantified	
Fugitive dust/ Construction	Monitor for particulate emissions according to District-specified procedures	Not quantified	
Fugitive dust from roads	All trucks hauling, dirt, sand, soil or other loose materials are to be covered, or should maintain at least two feet of	7%-14%*	Tightly secured covering to truck

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
	freeboard in accordance with CVC Section 23114, (freeboard means vertical space between the top of the load and top of the trailer)				
Fugitive dust from roads	Sweep streets once a day if visible soil materials are carried to adjacent streets	25%-60%*		Sweep streets immediately after period of heaviest vehicular track-out activity	
Fugitive dust from roads	Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.	40%-70%*		Set up truck washing area on paved access road area so subsequent truck travel on unpaved roads can be eliminated.	
Fugitive dust from roads	Apply water three times daily to all unpaved parking or staging areas or unpaved road surfaces	45%-85%*		Use water spraying for unpaved road surfaces	
Fugitive dust from roads	Traffic speeds on all unpaved roads to be reduced to 15 miles per hour or less	40%-70%*		Effective traffic control	

* Use the lowest value if better information is not known. If higher than the lowest value is used, please provide the supporting analysis and data in the environmental documentation.

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

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.

IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

Response to IV a): The Tract 37124 project site has been graded in compliance with City of Cathedral City requirements. Prior to any grading, a field survey was conducted to determine the presence of any sensitive species and their habitats by any resource agency. The Coachella Valley Fringe Toad Lizard was identified on the property and mitigation was accomplished by paying the Coachella Valley Habitat Conservation mitigation fee.

The Coachella Valley Milk-vetch was also found to existing in the area. Mitigation was accomplished by collecting top soil, milk-vetch seeds, and living milk-vetch plants under the direction of USFWS staff. As a result of these mitigation efforts, no impact will occur relating to the proposed development and no mitigation is required. (Source: Initial Study for Rio Vista Village).

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies,	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				

Response to IV b): Jurisdictional Delineation Reports were prepared by Glen Lukos Associates as part of the Initial Study for Rio Vista Village Specific Plan. From these reports, the Army Corps of Engineers determined that the project area would not discharge, dredge, or fill any waters of the Unites States. This report also concluded that no riparian habitat occurs in the project area. No impact will occur and no mitigation is required. (Source: Initial Study for Rio Vista Village).

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒

Response to IV c): The Jurisdictional Delineation Report prepared by Glen Lukos Associates led the Army Corps of Engineers to determine that the project site is not under the jurisdiction of the ACOE under Section 404 of the Clean Water Act. No impact will occur and no mitigation is required. (Source: Initial Study for Rio Vista Village).

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒

Response to IV-d): The project site for Tract 37124 has been fenced for several years and has been graded. No natural water sources occur in the project area. Therefore there will be no impact on migratory patterns, wildlife corridors, or wildlife nurseries. No mitigation is required. (Source: Field review)

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
preservation policy or ordinance?				

Response to IV-e): The proposed development is consistent with the provisions of the Coachella Valley Multiple Species Habitat Conservation Plan, (CVMSHCP). The City of Coachella Valley does not have a tree preservation ordinance or other policies that would be affected by the proposed development, whether directly or indirectly. The nature of the site as a graded fenced area results in no impact and no mitigation is required. (Source: CVMSHCP and Field review)

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Response IV-f): The proposed development of Tract 37124 is consistent with the conservation objectives of the CVMSHCP. Therefore there is no impact upon habitat or conservation plans, policies or regulations by any resource agency. No mitigation is required. (Source: field visit and Rio Vista Village Specific Plan Initial Study)

V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in □15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to □15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

formal cemeteries?

Response to V a-d -. A literature search and field investigation were performed for the site of Tr, 37124, where disturbance would occur as a result of project approval. The results of these searches yielded no evidence of cultural resources being present. The project site has been graded in compliance with a grading permit and prior environmental review. Although the site has been rough graded, there remains a potential for subsurface artifacts and paleontological resources at depths below the area of prior disturbance. The related impacts are less than significant with the mitigation measures provided below. Tribal consultations have occurred in accordance with SB 18 and AB 52 in conjunction with Specific Plan Amendment No. 97-55B. (Source: Rio Vista Village Specific Plan, Letter Report for Cultural Resources Survey for the Rio Vista Plan Amendment Tentative Tract Map (TTM) 37124, Cathedral City, Riverside County, California.).

CR-1 If during the course of excavation, grading or construction, artifacts or other archaeological resources are discovered, all work in the immediate area of the find shall be halted and the applicant shall immediately notify the City Planner. A qualified archaeologist shall be called to the site by, and at the cost of, the applicant to identify the resource and propose mitigation if the resource is culturally significant. Work shall resume after consultation with the City of Cathedral City and implementation of the recommendations of the archaeologist. If archaeological resources are discovered, the archaeologist will be required to provide copies of any studies or reports to the Eastern Information Center for the State of California located at the University of California Riverside and the Agua Caliente Tribal Historic Preservation Office (THPO) for permanent inclusion in the Agua Caliente Cultural Register.

CR-2 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-3 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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

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.

VI. **GEOLOGY AND SOILS** -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐

Response to VI a) i: The project site does not lie within an Alquist-Priolo Earthquake Fault Zone. The Cathedral City General Plan calls for all new development to be constructed in accordance with seismic design requirements set forth in the most recent edition of the California Building Code. Geotechnical design recommendations are routinely provided at the time the building pad sites are designed. This will be addressed through the conditions of approval for TTM 37124. (Source: Cathedral City General Plan)

ii) Strong seismic ground shaking?	☐	☐	☒	☐

Response to VI A) ii: The Coachella Valley region is susceptible to severe ground shaking due to the proximity to the San Andreas and Garnet Hill faults. The proposed text changes within the RVV Specific Plan will have no affect upon the seismic hazards at the project sites. The Cathedral City General Plan calls for all new development to be constructed in accordance with seismic design requirements set forth in the most recent edition of the

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

California Building Code. Geotechnical design recommendations are routinely provided at the time the building pad sites are designed. This will be addressed through the conditions of approval for TTM 37124. No mitigation is required. (Source: Cathedral City General Plan)

iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐

Response to VI a) iii: The proposed text changes within the RVV Specific Plan will have no effect upon the ground failure and liquefaction hazards. The project area has a low to very low liquefaction susceptibility according to Exhibit V-4 of the Cathedral City General Plan. The impact is less than significant and no mitigation is required. (Source: Cathedral City General Plan).

iv) Landslides?	☐	☐	☐	☒

Response to VI a) iv: The proposed text changes within the RVV Specific Plan will have no effect upon the landslide potential at the project site. The project area is not subject to landslides according to Exhibit V-6 of the Cathedral City General Plan. There is no impact and no mitigation is required. (Source: Cathedral City General Plan).

b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

Response to VI b): The proposed text changes within the RVV Specific Plan will have no affect upon erosion and loss of top soil at the project site. The Cathedral City General Plan calls for all new development to be constructed in accordance with site-specific geotechnical investigations as well as design requirements set forth in the most recent edition of the California Building Code. Best management practices will be provided under the project Storm Water Pollution Prevention Permit (SWPPP) to control erosion. These provisions will be addressed through the conditions of approval for TTM 37124. No impact is less than significant and no mitigation is required. (Source: Cathedral City General Plan)

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

Response to VI c): The proposed text changes within the RVV Specific Plan will have no effect upon the soil stability, landslides, lateral spreading, subsidence, liquefaction, or collapse. No wells are proposed that could induce soil subsidence and collapse. The General Plan calls for all new development to be constructed in accordance with seismic design requirements set forth in the most recent edition of the California Building Code. Geotechnical design recommendations are routinely provided at the time the building pad sites are designed. This will be addressed through the conditions of approval for TTM 37124. No impact is identified and no mitigation is required. (Source: Cathedral City General Plan)

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒

Response to VI d): The proposed text changes within the RVV Specific Plan will have no effect upon expansive soil potential. The Cathedral City General Plan calls for all new development to be constructed in accordance with site-specific geotechnical investigations as well as design requirements set forth in the most recent edition of the California Building Code. Best management practices will be provided under the project Storm Water Pollution Prevention Permit (SWPPP) to address soil shrinkage and expansion. These provisions will be addressed through the conditions of approval for TTM 37124. No impact is identified and no mitigation is required. (Source: Cathedral City General Plan)

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Response to VI e): The proposed text changes maintain the requirement for new development to connect to a community sewer system. Sewer service will be addressed through the conditions of approval for TTM 37124. No impact is identified and no mitigation is required. (Source: Rio Vista Village Specific Plan)

VII. **HAZARDS AND HAZARDOUS MATERIALS --** Would the project:

a) Create a significant hazard to the public or the environment through the	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
routine transport, use, or disposal of hazardous materials?				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐

Response to VII a-c): The proposed text revisions to the Rio Vista Specific Plan, and the residential nature of TTM 37124, will not result in the transport or disposal of hazardous materials. With the construction of homes, petroleum-based fuels and hydraulic fluid will be used by the construction equipment where there is a possibility of accidental release. However, risk from accidental spills would not be significant due to the small volume and low concentration of hazardous materials used during construction. During construction, BMPs would be required to be implemented by the City as well as standard construction controls and safety procedures that would avoid or minimize the potential for accidental release of these substances. Standard construction practices would be observed so that any materials released are appropriately contained and remediated as required by local, stated, and federal law. The Rio Vista Elementary School exists adjacent to TTM 37124. Any accidental spills as stated above would be minimal and required to adhere to standard construction practices. After construction only typical cleaning products and landscape maintenance chemicals will be used and stored on the site. Therefore, the risk of exposure to hazardous materials by school children would not be significant and no mitigation is required. (Rio Vista Specific Plan and TTM 37124)

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

Response to VII d): Government Code Section 65962.5 requires the California Environmental Protection Agency to compile a list of hazardous waste and substance sites (Cortese List) that is updated at least annually. The data resources that provide information

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

regarding the facilities or sites meeting the Cortese List requirements were reviewed as required by CEQA included the following sources:

- List of Hazardous Waste and Substances sites from Department of Toxic Substances Control (DTSC) EnviroStor database
- List of Leaking Underground Storage Tank Sites by County and Fiscal Year from Water Board GeoTracker database
- List of solid waste disposal sites identified by Water Board with waste constituents above hazardous waste levels outside the waste management unit.
- List of "active" CDO and CAO from Water Board.

Neither the project site nor any adjoining properties were found on any of the above lists. Therefore, the project would not result in any impacts resulting from location or near on a hazardous waste site and no mitigation is required.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

Response to VII e-f): The project area is located approximately two miles east of the Palm Springs International Airport. The project site is located within Zone E on Table 2A: Basic Compatibility Criteria of the *Riverside County Airport Land Use Compatibility (ALUC) Plan Policy Document (Adopted October 2004),* which provides land use policies for development in the Palm Spring International Airport vicinity. The proposed project would not exceed the height limit and is consistent with the land use restrictions for Zone E. There are no private airstrips within the project vicinity. The project site was recently reviewed by the ALUC staff under Rio Vista Village Specific Plan Amendment No. 97-55B and the proposed development was determined to be consistent with the 2005 Palm Springs Airport Land Use Compatibility Plan. This finding was made subject to conditions and prohibitions that will be addressed in the conditions of approval for TTM 37124. The project would not result in any impacts that would cause a safety hazard for people residing or working in the project area from location near an airport. The impact is less than significant and no mitigation is required. (Source: ALUC 2005 Palm Springs Airport Land Use Compatibility Plan and staff).

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐

Response to VII g): The Cathedral City Fire Department will review the proposed text revisions to the Rio Vista Village Specific Plan and TTM 37124 to evaluate emergency response. Their evaluation will be addressed in the conditions of approval for TTM 37124. Construction of the proposed project may require some temporary work within Rio Largo Drive and Verona Road. Any street closure or reduced travel lanes would require to be reviewed and approved by the City's Public Works Department and alternative routes provided as needed. Fire and Police Department personnel would also be notified of any street closures. TTM 37124 is designed with one point of entry to serve the proposed 50 homes, as well as a gated emergency access to Verona Road. The project would result in a less than significant impact to emergency response or emergency evacuation plans and no mitigation is required. (Source: TTM 37124)

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Response to VII h): The project site is located within an urbanized area and is not near any wildlands. Therefore, the project would not result in any impacts relating to exposure of people or structures to significant risk from wildlands fires. There is no impact and no mitigation is required. (Source: Rio Vista Village Specific Plan)

VIII. **HYDROLOGY AND WATER QUALITY** -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐

Response to VIII a): The applicant is required to comply with all local standards and permitting requirements regarding water quality and storm water discharge to eliminate or reduce non-storm water discharges to storm water systems and other waters of the nation, develop and implement any related storm water pollution prevention plans, and perform inspections of storm water control structures and pollution prevention measures. The applicant will be required to submit a Water Quality Management Plan (WQMP) at the time of application for a grading permit to ensure compliance. Compliance with standard city

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
rules and regulations will reduce project impacts to below a level of significance. (Cathedral City Municipal Code)				
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐

Response to VIII b): Water will be supplied to the site by the Coachella Valley Water District (CVWD) pursuant to a Domestic Water and Sanitation Installation Special Agreement and CVWD'S Urban Water Management Plan 2010 Update. The Update provides a long-term planning program that helps the CVWD plan for current and future water demands. Before approval of the project, the developer/project applicant is required to receive approval from the CVWD indicating sufficient water supplies are available for the project's needs. Therefore, in the absence of private well water use, the project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. (Source: CVWD Domestic Water and Sanitation Installation Special Agreement)

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐

Response to VIII c-f): The remaining undeveloped portions of the Rio Vista Village Specific Plan, including the site of TTM 37124, and been rough graded to direct storm water runoff into existing drainage facilities within the specific plan. Short-term construction activities have the potential to impact surface water quality as a result of minor soil erosion during grading and soil stockpiling, subsequent siltation, and conveyance of other pollutants into local storm drains. Post construction, the project would involve the introduction of impervious surfaces on a currently unimproved site. As such the project will result in the increase in surface runoff and some alteration of an existing drainage patterns on the site. There are no streams or rivers on or adjacent to the property.

Activities that have the potential to discharge pollutants into the waters of the United States are regulated under the authority of the federal Clean Water Act's National Pollution Discharge

Elimination System (NPDES) permit program. In California, the NPDES permit program is administered through the State Water Boards. The City of Cathedral City requires the submittal of a Water Quality Management Plan (WQMP) before construction of projects that meet certain criteria. The project would be required to prepare and submit a WQMP to the City before issuance of construction permits in compliance with the NPDES permit program. Construction-related impacts will be reduced through the implementation of measures to reduce runoff during construction through the implementation of s Storm Water Pollution Prevention (SWPPP). The SWPPP must list Best Management Practices (BMPs) the discharger will use to protect storm water runoff.

As part of the WQMP, the project would also be required to show how storm water will be retained on site after construction. With the implementation of the WQMP, the project will be in compliance with NPDES permit program requirements and result in a less than significant impact from erosion or siltation, flooding and polluted runoff or otherwise degrade water quality. Implementation of the WQMP and NPDES programs will reduce potential impacts to a level of insignificance and no further mitigation is required. (Source: Rio Vista Village Specific Plan and TTM 37124)

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
Flood Insurance Rate Map or other flood hazard delineation map?				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒

Response to VIII g-h): The Federal Emergency Management Agency (FEMA) maps areas of significant potential flooding and has developed FEMA Flood Insurance Rate Maps (FIRMs) that serve as the basis for determining the need for flood insurance. The City's General Plan Flooding and Hydrology Element contains a composite map, Exhibit V-7, of all FIRMs for the City. Exhibit V-7 indicates that the project site has historically been subject to 100-year flood inundation. The flooding was due to tributary flows from breech in a levee along the Morongo Wash. The Coachella valley Water District (CVWD) is responsible for flood control of the wash. CVWD undertook improvements to the levee that have eliminated the tributary flooding situation. Consequently, a Conditional Letter of Map Revision CLOMR) was issued by FEMA in October 2016 to remove the flood plain designation form the project area. (Source: Cathedral City General Plan and Rio Vista Village Initial Study, CLOMR Case No. 16-09-2273C)

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐

Response to VIII i): The project are is protected by a levee along the Morongo Wash that is owned and maintained by the Coachella Valley Water District (CVWD). The levee has been engineered to address storage and seismic threats. The resulting impact to future residents is therefore less than significant. No further mitigation is required. (Source: Cathedral City General Plan and Rio Vista Village Initial Study)

j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Response to VIII j: There are no large bodies of water near the City of Cathedral City that would present a hazard from seiches. Tsunamis are large ocean waves that result from earthquake or volcanic activity that can have devastating consequences when they reach the shore. The project site is located over 75 miles from the Pacific Ocean and not within any areas prone to tsunamis as determined by the California Department of Conservation. Therefore, the project would not be subject to risks from tsunamis. The project site is also not located near any areas with mudslide potential (Exhibit V-6, General Plan Geotechnical Element) such that mudslides would present a hazard at the project site. Therefore the

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

project would not result in the placement or people or structures where there is potential for inundation from a seiches, tsunamis or mudslides and would result in no impacts from these hazards. (Source: Cathedral City General Plan)

IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?	☐	☐	☐	☒

Response to IX a): The proposed text changes to the RVV Specific Plan will serve to implement the Rio Vista Village Specific Plan as set forth by Specific Plan Amendment 97-55B. TTM 37124 serves to implement the proposed text changes. Therefore, the proposed actions will not cause the division of an established community. No mitigation is required. (Source: Rio Vista Village Specific Plan)

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Response to IX b): The proposed text changes will serve to implement the goals, polices and land uses of the Rio Vista Village Specific Plan. TTM 37124 will serve to implement the proposed text changes. Therefore, these changes remain consistent with standards, regulations, and intensity of the Rio Vista Specific Plan. No mitigation is required. (Source: Rio Vista Village Specific Plan)

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Response to IX c: The City of Cathedral City has adopted the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) which encompasses the Coachella Valley region of Riverside County. The CVMSHCP is a regional conservation plan comprising close to 1.14 million acres. The CVMSHCP currently includes a number of permittees taking part in the plan including eight cities, Riverside County, Coachella Valley Association of Government and various water and public land agencies.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

The purpose of the CVMSHCP is to act as a multi-agency conservation plan to ensure ecological diversity and the preservation of habitat and sensitive species residing in the Coachella Valley. The CVMSHCP establishes conservation areas that ensure the conservation of covered species and natural communities. According to the CVMSHCP Conservation Areas Map (Fig. 4-1), the project site is not within a designated conservation area, as defined in the plan, and will have no impact to conservation areas. Since the site is within the plan boundaries, the developer would be required to pay a fee to offset incremental impacts to plants and wildlife protected under the CVMSHCP. The project would, therefore, not conflict with the provisions of the CVMSHCP and result in a no impact response. (Source: Cathedral City General Plan, and CVMSHCP)

X. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Response to X a-b): According to the City's General Plan, Exhibit IV-10 (Mineral Resources in the Planning Area), the majority of the City including the project site is within Mineral Resource Zone 3 (MRZ-3), which designates areas containing mineral resources where the significance cannot be evaluated from available data. MZ-3 generally refers to areas where development has the ability to determine the presence or amount of mineral resources. The General Plan Energy and Mineral Resources Element describes sand and gravel, found throughout the valley, as the sole locally important mineral resources. The project site does not have any known mineral resources except for sand and gravel and no mineral production occurs on or adjacent to the site. Mineral product is not compatible with the project area due to urbanization and location of residential use adjacent to the east. Therefore, the project would result in adverse impacts to a significant mineral resource. (Source: Cathedral City General Plan)

XI. NOISE: Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
applicable standards of other agencies?				

Response to XI a): The City of Cathedral City General Plan Noise Element provides noise standards that are intended to guide location of future noise generators (p. V-45). Table V-2 of the Noise Element shows established noise levels for land use compatibility for sensitive uses. As shown on the table, unacceptable noise levels for single-family residential uses are 70 CNEL (dBA) and above. The City's noise ordinance restricts construction noise to daytime hours Monday through Saturday.

The project would result in both short-term and long-term noise impacts. Short-term noise impacts would result from construction of the project where noise is generated by operation of heavy construction equipment. Long-term noise impacts would result from operation of the project. An elementary school exists west of TTM 37124. Single-family residences are separated by streets form the site to the north and south of TTM 37124. These uses may be adversely impacted by noise generated by construction activities.

Typical noise levels of construction equipment shown in the following table would thereby exceed the noise levels compatible with sensitive uses established in the General Plan. Mitigation measures N-1 through N-9 will act to reduce noise impacts on adjacent residential during the construction phase to less than significant.

Table 8: Typical Noise Levels of Construction Equipment		
Equipment	**Typical Sound Level at 50 feet (dBA)**	**Exceeds 70 CNEL (Dba) threshold**
Air compressors	80 dBA	Yes
Backhoe	80 dBA	Yes
Bulldozer, Concrete mixer, cranes	85 dBA	Yes
Concrete pump	82 dBA	Yes
Dump trucks, tractors	84 dBA	Yes
Excavator, scraper/grader	85 dBA	Yes
Front end loader	80 dBA	Yes
Generators	82 dBA	Yes

Source: U.S. Department of Transportation, August 2006, Construction Noise Handbook

All construction vehicles and equipment will be required to use available noise suppression devices and be equipped with mufflers during construction activities. Due to the restricted hours, equipment restrictions, and relatively short period of construction, and that most of construction activities will take place away from the nearest homes, noise resulting from construction-related activities is not considered a significant impact with the implementation of mitigation measures N-1 through N-7.

Long-term noise impacts from operation of the project and would result from traffic and outdoor activities associated with the church. Single-family residences adjacent to the east

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

are the closest sensitive receptors and would be most impacted by noise from the operation of the church. Residential activities do not generate high levels of noise and a six-foot masonry wall will be constructed around the perimeter of the site. The impact will be less than significant with the recommended mitigation measures. (Cathedral City General Plan EIR and TTM 37124 site plan)

Mitigation Measures.

N-1. Construction equipment and construction-related traffic shall enter and leave the site from the Date Palm Drive 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.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

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.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐

Response to XI b): During construction, nearby residences have the potential to be exposed to excessive vibration from the use of large bulldozers. No pile drivers will be used during construction of the project. The Caltrans *Transportation- and Construction-Induced Vibration*

Guidance Manual (Caltrans 2004) shows the vibration damage threshold for continuous/frequent intermittent sources as 0.25 peak particle velocity (PPV) inches/second for historic and old building, 0.3 PPV inches/second for old residential structures, and 0.5 PPV inches/second for new residential structures. The same manual shows vibration annoyance potential criteria to be barely perceptible at 0.01 PPV inches/second, distinctly perceptible at 0.04 PPV inches/second and strongly perceptible at 0.10 PPV inches/second.

The Caltrans *Transportation- and Construction-Induced Vibration Guidance Manual* (Caltrans 2004) shows that a large bulldozer would generate approximately 0.089 PPV inches/second when measured at 25 feet. The closest residences are located approximately 30 feet from the construction boundary and may be subject to a worst-case ground borne vibration of 0.089 PPV inches/second. Therefore, vibration levels associated with construction of the project would be below the damage threshold for new residential buildings. None of the residences located near the construction boundary are considered historic and susceptible to structural failure from vibration. The use of bulldozers during construction would also produce ground-borne vibration and noise. However, most construction activities would take place and the western portion of the site away of adjacent education and residential uses. Although the vibration levels would be distinctly perceptible to nearby residential, ground-borne vibration and noise would be intermittent and temporary. In addition, implementation of mitigation measures N-1 through N-7 would reduce any ground-borne vibration and noise levels to less than significant.

Typically, residential uses are not major sources of ground-borne vibration or noise. In addition, operation of the project would not introduce new sources of ground borne

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

vibration or ground borne noise. Consequently the project would result in less than significant impact with mitigation from ground borne vibration or noise. (Source, Cathedral City General Plan EIR and Caltrans *Transportation- and Construction-Induced Vibration Guidance Manual)*

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

Response to IX c): The project would result in a minor contribution to ambient noise levels currently existing in the area. Any additional permanent noise introduced by the project would result from traffic. The project is designed to maintain low speeds of travel and to encourage non-vehicular travel. Therefore, generally, the proposed project would not result in a substantial permanent increase in ambient noise above existing levels. (Source: TTM 37124)

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐

Response to IX d): The project would result in construction-related noise impacts from an increase in ambient noise levels from construction activities. Mitigation measures N-1 through N-7 would reduce temporary increase in ambient noise levels to less than significant. Therefore, the project would not result in substantial temporary or periodic increase in ambient noise levels with the imposition of mitigation. (Source, Cathedral City General Plan EIR and TTM 37124)

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

Response to IX e): Riverside County Airport Land Use Compatibility Plan Policy Document (the Plan)(March 2005) establishes compatibility zones for areas within the airport flight paths for airports within Riverside County. The Plan also indicates noise contours

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

surrounding airports within Riverside County (Fig. 8-6, *Airport Noise Contours*). The airport land use compatibility map for Palm Springs International Airport shows that the project site is located within Compatibility Zone E, Other Airport Environs, of the Palm Springs compatibility map. Zone E indicates an area where the noise generated by aircraft will be low and beyond the 55-CNEL contour with occasional overflights that may be intrusive to some outdoor activities.

The City of Cathedral City Comprehensive General Plan shows the project site is also outside of the peak season 65 CNEL noise contours which are projected to be entirely within the City of Palm Springs beginning in 2005. (p. V-40, City of Cathedral City General Plan Noise Element) Therefore the project will result a less than significant impact from location within an airport land use plan with the mitigation measures below. (Source: Palm Springs International Airport Land Use Compatibility Map, Airports Land Use Commission)

Mitigation Measures

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.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

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.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Response IX f): The project site is not located within two miles of a public or private airport. There is no impact and no Mitigation Measures are required. (Source: Aerial photos)

XII. POPULATION AND HOUSING -- Would the project:

A)Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Response XII a-c): The proposed text changes to the Rio Vista Village Specific Plan serve to promote the goals and objectives of the plan as a walkable community. RVV SP has been partially constructed and occupied with most forms of infrastructure already in place to serve TTM 37124 The site of TTM 37124 is vacant and will not cause the removal of population or housing as a result of its implementation. No Mitigation Measures are required. (Source: Rio Vista Village Specific Plan)

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response time or other performance objectives for any of the public services.				
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐

Fire and Police Protection

The City of Cathedral City operates its own fire and emergency services from three stations located within the City. The nearest station is located at 27610 Landau Blvd. and lies within a three-minute response time to a call. The City also has its own police force that operates out of City Hall. Since the project involves construction of a 48 new homes on a vacant undeveloped parcel, it would result in a minor increase in the need for police and fire services. The current General Plan (2002, amended 2009) indicates that the existing ratios of firefighters and police to number of residents, (1.0 firefighters to 1,000 residents and 1.5 officers to 1,000 residents respectively) is adequate at this time. The project would generate an increase of approximately 130 people, the ratios would not be altered to a level of impacting overall service. However, the project will pay development impact fees to offset the cost of services in the city. The impact is less than significant and no mitigation is required. (Source: Cathedral City General Plan and website).

Schools?	☐	☐	☒	☐

Schools

The Palm Springs Unified School District (PSUSC) provides kindergarten through 12th grade educational services and facilities to the City of Cathedral City. The project would involve the construction of 48 residential units which would increase student population and impact local schools. The schools serving the project would be the adjacent Rio Vista Elementary School, James Workman Middle School, and Cathedral City High School. The developer will be required to pay school impact mitigation fees under state law that will

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

reduce the impact to less than significant. No further mitigation is required. (Source: Palm Spring Unified SD website)

Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

Parks and other facilities.
TTM 37124 lies within the Rio Vista Village Specific Plan for which recreational facilities have been established to serve the local population. While many of the parks and recreation facilities are open and operating, some still remain undeveloped or unfinished. The delivery of completed facilities is documented in a Purchase and Performance Agreement between the developer and the city. These facilities will be privately owned and maintained. The proposed project will not generate any additional demand than has been planned under the Rio Vista Village Specific Plan. The impact is less than significant and no further mitigation measures are required. (Source: Rio Vista Village Specific Plan, Purchase and Performance Agreement)

The Cathedral City public library is located on Date Palm Drive next to Cathedral City High School. Funding for the library is derived from the City General Fund. Revenues from the project will be generated through property taxes, a portion of which will find library service. This reduces the impact to a level of insignificance and no mitigation is required. (Cathedral City General Fund)

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Response to XIV a-b): The Rio Vista Village Specific Plan established a master plan for parks and recreation facilities within the development. The proposed text changes and density transfer within the RVV Specific Plan will not alter the provision for common parks

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

and open space established within the specific plan. The proposed project will allow a reduction of private open space from 400 square feet (SF) per unit to 300 SF per unit. This reduction is offset by the proximity to the adjoining recreation facility. The overall number of units will remain with the same service implications and impacts that were originally analyzed in conjunction with the Rio Vista Village Specific Plan. No Mitigation Measures are required. (Source: Rio Vista Village Specific Plan, TTM 37124).

XV. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐

Response to XV a and b): The Rio Vista Specific Plan established a master circulation plan that has largely been implemented within the development. A traffic study was prepared to analyze the impacts of 1365 single family, apartment, and condominium units; a 700-student elementary school, and 15,000 square feet of commercial. The proposed text changes and TTM 37124 would maintain the transportation system characteristics because the overall number of units allowed within the Specific Plan will not change. Therefore, there would not be capacity and/or volume increases, either individually or cumulatively, that were not previously analyzed and implemented within the specific plan. (Rio Vista Traffic Analysis, Cathedral City, CA, RKJK, October 8, 1997)

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	☐	☐	☒	☐

Response to XV c): Riverside County Airport Land Use Compatibility Plan Policy Document (the Plan)(March 2005) establishes compatibility zones for areas within the

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

airport flight paths for airports within Riverside County. The Plan also indicates noise contours surrounding airports within Riverside County (Fig. 8-6, *Airport Noise Contours*). The airport land use compatibility map for Palm Springs International Airport shows that the project site is located within Compatibility Zone E, Other Airport Environs, of the Palm Springs compatibility map. Mitigation Measures N-8 through N-10 reduce the impact to a level of insignificance. (Source: Airport land Use Commission letter dated October 4, 2016)

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒

Response to XV d): All street have or will be designed in conformance with Cathedral City standards to avoid dangerous intersections. The design of TTM 37124 has been reviewed by the City Engineer and conditions of approval have been prepared to assure traffic safety. The impact is less than significant and no further mitigation is required. (Source: Rio Vista Village Specific Plan and TTM 37124)

e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Response to XV e through g):
The text changes would not alter any of the referenced parking and access provisions within the specific plan. TTM 37124 proposes a primary access and a gated emergency access subject to review and approval by the Cathedral City Fire Department. Parking has been maintained with a two-car garage for each unit and a minimum of one guest parking space for every two units. The proposed project supports alternative travel by enhancing walk-ability within the tract and to the adjoining recreation facility and school through the means of pedestrian access trails. Therefore, no further Mitigation Measures are required. (Source: Rio Vista Village Specific Plan, TTM 37124)

XVI. UTILITIES AND SERVICE SYSTEMS: Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐

Response to XVI a and b): The developer of Rio Vista Village Specific Plan addressed water and sewer infrastructure with the water and sewer provider, Coachella Valley Water District under Domestic Water and Sanitation System Installation Special Agreement recorded on November 12, 2002. The agreement set a baseline of water service at 3000 gallons per minute (gpm) for the elementary school, 1500 gpm for any commercial uses, and 1000 gpm for residential uses for a duration of two (2) hours.

The Agreement required the development of a water reducer/booster station, three (3) well sites, one (1) offsite reservoir, and related facilities, including power, security, noise attenuation, landscaping, and ventilation. The Agreement also addressed water distribution lines throughout the development. The Agreement also addressed internal sewer distribution lines. Once constructed and inspected, all facilities wold be irrevocably dedicated to the Coachella Valley Water District for ownership and maintenance The proposed text changes and density transfer within the RVV Specific Plan will not result in an overall increase in the number of units allowed and therefore will have no effect on wastewater services that differ from what was originally approved and analyzed. No Mitigation Measures are required. (Source: Domestic Water and Sanitation System Installation Special Agreement Nov. 12, 2002)

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environment effects?	☐	☐	☐	☒

Response to XVI c): The proposed text changes and TTM 37124 will have no affect on community storm water facilities. TM 37124 includes two storm water retention facilities that were constructed as part of a storm water management plan for the entire specific plan. The tract is designed to convey onsite flows to the basin that was designed to accept

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

them Therefore, no mitigation measures are required. (Source: Rio Vista Village Specific Plan and TTM 37124)

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?	☐	☐	☐	☒

Response to XVI d and e): The developer of Rio Vista Village Specific Plan addressed water supply under a *Domestic Water and Sanitation System Installation Special Agreement* with Coachella Valley Water District, recorded on November 12, 2002. The proposed text changes and TTM 37124 will not alter water demand anticipated under the agreement and no mitigation measures are required. (Source: Rio Vista Village Domestic Water and Sanitation System Installation Special Agreement Nov. 12, 2002)

f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Response to XVI f and g): TTM 37124 involves construction of 58 dwelling units. As such, the project will produce in a minor amount of solid waste disposal.

Burrtec Waste Industries provides solid waste collection and disposal services to the City of Cathedral City through an exclusive franchise agreement and is required to meet all local, state and federal standards for solid waste disposal. According to the City's General Plan, solid waste from the City is transported to the Copper Mountain Landfill, which has a remaining capacity of 50 years. Burrtec is also seeking permits for a green waste composting facility within the City at Edom Hill.

California Assembly Bill 939 (AB 939) was signed into law on September 29, 1989. AB 939 established an integrated waste management hierarchy that included source reduction,

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

recycling and composting and environmentally safe transformation and land disposal of solid wastes. AB 939 requires that California cities prepare a SRRE (Source Reduction Recycling Element) report which shows how they will divert 50% of their jurisdiction's waste stream from landfill disposal each year. Cathedral City has implemented a number of diversion programs that have resulted in the City consistently surpassing the 50% goal.

The project would not generate a significant amount of solid waste and the City's diversion programs would act to further contain the need to dispose solid waste in landfills. The project would be accommodated in the landfills serving the City and comply with federal, state, and local statutes and regulations related to solid waste, and thereby result in a less than significant impact. The proposed Specific Plan text changes and TTM 37124 will not result in an overall increase in the number of units allowed and will therefore have no effect on solid waste disposal beyond the analysis provided for the original project. The development must comply with the statutes and regulations governing waste management by all levels of government. No Mitigation Measures are required. (Source: Rio Vista Village Specific Plan Initial Study and TTM 37124)

XVII. GREENHOUSE GAS EMISSIONS. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐

Response to XVII a):. GHG impacts are considered on a global scale, as single projects are not substantial enough to result in a measurable increase in global concentrations of GHG emissions, GHG impacts of a project are considered on a cumulative basis.

Construction Emissions

Construction activities would be temporary and occur over 12-18 months. Construction activities would consist of construction of the site preparation, precise grading, installation of wet and dry utilities, building construction, paving and architectural coating. No demolition is required as the site is currently mass graded. The construction activities would result in the emission of GHGs from equipment exhaust, construction-related vehicular activity and construction worker automobile trips. Emission levels for construction activities would vary depending on the number and type of equipment, duration of use, operation schedules, and the number of construction workers. Total estimated construction-related GHG emissions for the proposed project are shown in Table 8. As shown, the project's total estimated mitigated GHG emissions during construction would equal approximately 54.399 MTCO2e. This would equal to approximately 1.813 MTCO2e per year after amortization over 30 years per SCAQMD methodology.

Table 8. Estimated Total Construction-Related GHG Emissions

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

Emission Source	**Estimated Emissions CO2e**
Construction Emissions	
Total	232.93 (MT)
Annual Construction (Amortized over 30 years)	7.76 (MT/Yr)

Notes: CO2e= carbon dioxide equivalent; MT =metric tons; MT/yr = metric tons per year.

Operational Emissions

Area and indirect sources associated with the proposed project would primarily result from electricity and natural gas consumption, water usage and solid waste generation. GHG emissions from electricity consumed within the project site would be generated off-site by fuel combustion at the electricity provider. GHG emissions from water transport are also indirect emissions resulting from the energy required to transport water from its source. In addition, the proposed project would generate GHG emissions from motor vehicle trips.

The estimated operational GHG emissions that would be generated from implementation of the proposed project are shown in Table 9. Additionally, in accordance with SCAQMD's recommendation, the project's amortized construction-related GHG emissions from Table 8 are added to the operational emissions estimate in order to determine the project's total annual GHG emissions.

As shown in Table 9, the proposed project's total net annual GHG emissions would be approximately 752.24 MTCO2e per year (detailed calculations are included in the Appendix). This would not exceed the County's screening threshold of 3,000 MTCO2e per year. Therefore, the net increase in GHG emissions resulting from implementation of the proposed project would be less than significant.

Table 9. Estimated Construction and Operations-Related GHG Emissions

Emission Source	**Estimated Emissions CO2e (MT/yr)**
Construction	
Annual Mitigated Construction (Amortized over 30 years)	7.76
Project Operations	
Area Sources	18.97
Energy Consumption	195.98
Mobile Sources	498.80
Waste	5.42
Water	25.31
Total (Construction and Operational Emissions)	752.24
Significance Threshold	3,000
Exceed thresholds?	No

NOTES: CO2e= carbon dioxide equivalent; MT/yr = metric tons per year.

As described above, the proposed project would result in 752.24 MTCO2e/year, which is

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

less than the Tier 3 GHG screening threshold. (Source: TTM 37124 Cluster Development Air Quality and Greenhouse Gas Assessment, Entech Consulting Group, January 10, 2017)

b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	☐	☐	☒	☐

Response to XVII b): The California Air Resources Board has established an action Scoping Plan to achieve consistency with the Climate Action Plan. The Scoping Plan includes Recommended Actions that are listed in Table 10, the actions that are most applicable to the project would be Actions E-1 (increased Utility Energy efficiency programs including more stringent building and appliance standards), CR-1 (Energy Efficiency), GB-1 (Green building), and W-1 (Increased water use efficiency). CARB Scoping Plan Action E-1, together with Action CR-1 (Energy Efficiency), and GB-1 (Green Building), aims to reduce electricity demand by increased efficiency of Utility Energy Programs and adoption of more stringent building and appliance standards, while Action W-1 aims to promote water use efficiency. The proposed project would be designed to comply with the CalGreen Code to ensure that the new facilities would use resources (energy, water, etc.) efficiently and significantly reduce pollution and waste. Therefore, the proposed project would be consistent with the Scoping Plan measures through incorporation of stricter building and appliance standards. (Source: TTM 37124 Cluster Development Air Quality and Greenhouse Gas Assessment, Entech Consulting Group, January 10, 2017)

Table 10. Consistency with CARB Scoping Plan

Scoping Plan Measure	Project Consistency with Measure
California Light-Duty Vehicle Greenhouse Gas Standards. Implement adopted standards and plan second phase of the program. Align zero-emission vehicle, alternative and renewable fuel and vehicle technology programs with long-term climate change goals.	Consistent. These are CARB enforced standard vehicles that access the project site would b required to comply with the standards and will b consistent with the measure.
Energy Efficiency. Maximize energy efficiency building and appliance standards; pursue additional efficiency including new technologies, policy, implementation mechanisms. Pursue comparable investment in energy efficiency from all retail providers in California.	Consistent. The project will be compliant with th current Title 24 standards.
Low Carbon Fuel Standard. Develop and adopt the Low Carbon Fuel Standard.	Consistent. These are CARB enforced standard vehicles that access the project site would b required to comply with the standards and will b consistent with the measure.
Vehicle Efficiency Measures. Implement light-duty vehicle efficiency measures.	Consistent. These are CARB enforced standard vehicles that access the project site would b required to comply with the standards and will b consistent with the measure.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
Medium/Heavy-Duty Vehicles. Adopt medium and heavy-duty vehicle efficiency measures.	Consistent. These are CARB enforced standards; vehicles that access the project site would be required to comply with the standards and will be consistent with the measure.			
Green Building Strategy. Expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings.	Not applicable to this project.			
High Global Warming Potential Gases – Adopt measures to reduce high global warming potential gases	Consistent. CARB identified five measures that reduce emissions from vehicular and commercial refrigeration systems; vehicles that access the project that are required to comply with these measures.			
Recycling and Waste – Reduce methane emissions at landfills. Increase waste diversion, composting, and commercial recycling. Move toward zero-waste.	Not applicable to this project.			
Water – Continue efficiency programs and use cleaner energy sources to move and treat water	Not applicable to this project.			

Construction source emissions would not exceed applicable regional thresholds of significance established by the SCAQMD. As the project will comply with all applicable SCAQMD construction source emission reduction rules and guidelines, construction-related impacts would not cause or substantially contribute to violation of CAAQS or NAAQS. Operational emissions would not exceed applicable regional thresholds of significance established by the SCAQMD. Project operational emissions would also not result in or cause significant localized air quality impacts. Additionally, project generated traffic will not cause or result in CO concentrations exceeding applicable state and federal standards (CO hotspots). Operational emissions would, therefore, not adversely affect sensitive receptors within the project vicinity. The project's emissions meet SCAQMD regional thresholds and will not result in a significant cumulative impact.

Based on the above analysis, the project would result in a less than significant impact from either: a) violation of any air quality standard or contribute substantially to an existing or project air quality violation either during construction or operation of the project; or b) a cumulatively considerable net increase in any criteria pollutant for which the region is in non-attainment. (Source: TTM 37124 Cluster Development Air Quality and Greenhouse Gas Assessment, Entech Consulting Group, January 10, 2017)

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				

Response to XVIII a): The Tract 37124 project site has been graded in the past in compliance with City of Cathedral City requirements and has been fenced. Therefore, the proposed project would not reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal

A cultural resource literature search and field investigation yielded no evidence of cultural resources being present. Although the site has been rough graded, there remains a potential for subsurface artifacts and paleontological resources at depths below the area of prior disturbance. The related impacts are less than significant with the mitigation measures provided.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒

Response XVIII b): The proposed text changes and TTM 37124 follow the sequence of analysis of cumulative impacts conducted with the original approval of the specific plan. The text changes and TTM would not intensify overall development within the Specific Plan and would therefore not result in greater cumulative impacts than were previously analyzed. No mitigation measures are required. (Source: Rio Vista Village Specific Plan)

c) Does the project have environmental effects which will cause substantial adverse effects on	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
human beings, either directly or indirectly?				

Response XVIII c): As demonstrated in this analysis, the project may have short-term impacts associated with construction noise. However, implementation of the project will require mitigation measures that will reduce construction noise to less than significant. All other impacts on humans resulting from the project are expected to be less than significant either directly or indirectly. (Source: Rio Vista Village Specific Plan)

ATTACHMENT 7

PLANNING COMMISSION RESOLUTION NO. P17-0

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CATHEDRAL CITY, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL: 1) ADOPT AN ORDINANCE APPROVING SPECIFIC PLAN AMENDMENT NO. 97-55C, AND 2) APPROVE TENTATIVE TRACT MAP 37124.

WHEREAS, the City of the Cathedral City, California ("City") is requesting that the City take the following actions on the subject parcel:

- Specific Plan Amendment 97-55C amending the text of the Rio Vista Village Specific Plan to add Section 5.8 establishing development standards for Cluster Single Family Development; and

- Tentative Tract Map 37124 to subdivide 7.06 acres into thee lots to accommodate 58 dwelling units.

WHEREAS, the City, acting as Lead Agency, has determined that Specific Plan Amendment No. 97-55C ("SPA 97-55C") and Tentative Tract Map 37124 (TTM 37124) will not have a significant impact on the environment and a Mitigated Negative Declaration is recommended;

WHEREAS, following a duly noticed public hearing on March 15, 2017, the Cathedral City Planning Commission recommended that the City Council approve SPA 97-55C and TTM 37124 and the associated adoption of the Mitigated Negative Declaration.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

<u>Section 1</u>. The Planning Commission has considered all of the evidence submitted into the administrative record for the recommendations listed in this Planning Commission Resolution No. P17-0___, including, but not limited to, the following:

(a) Cathedral City Municipal Code and Cathedral City General Plan;

(b) Specific Plan Amendment 97-55C and Tentative Tract Map 37124;

(c) The staff report prepared by David Leonard, Contract Planner, dated March 15, 2017;

(d) Staff presentation at the public hearing conducted at the Planning Commission Meeting held on March 15, 2017;

(e) Testimony and/or comments from interested parties submitted to the City in either written or oral form at, or prior to, the public hearing conducted at the Planning Commission Meeting held on March 15, 2017;

(f) Public comments, both written and oral, received and/or submitted at, or prior to, the public hearing conducted at the Planning Commission Meeting held on March 15, 2017, supporting and/or opposing the staff recommendation.

Section 2. Pursuant to the provisions of the California Environmental Quality Act (CEQA), the Planning Commission makes the following environmental determinations and recommendations:

(a) The record as a whole, including the initial study and any comments received, demonstrates that there is no substantial evidence that the project will have a significant effect on the environment;

(b) The Mitigated Negative Declaration reflects the lead agency's independent judgment;

(c) The City of Cathedral City Planning Department is custodian of the documents or other material which constitute the record of proceedings upon which this decision is based.

Section 3. The Planning Commission has considered all of the evidence submitted into the administrative record for proposed Specific Plan Amendment No. 97-55C and Tentative Tract Map 37124, and bases its recommendation for the City Council to adopt an Ordinance to approve Specific Plan Amendment No. 97-55C and adopt a Resolution to approve Tentative Tract Map 37124 based on the following findings:

(a) The proposed Specific Plan Amendment text changes and Tentative Tract Map are consistent with the established goals, policies and objectives of the General Plan;

(b) The proposed Specific Plan Amendment and Tentative Tract Map are in the best interests of the public health, safety, necessity, convenience, general welfare, and is in accordance with good zoning practice; and

(c) The proposal is to amend the text of the Rio Vista Village Specific Plan, SP-55C, and Tentative Tract Map 37124 to establish development standards and a design based on those standards for the Cluster Single Family land use category of the Rio Vista village Specific Plan.

Section 4. In view of all of the evidence, and based on the foregoing findings and conclusions, the Planning Commission hereby recommends as follows:

1. Recommend that the City Council adopt a Resolution to approve Specific Plan Amendment 97-55C; and

2. Recommend that the City Council adopt a Resolution to approve Tentative Tract Map 37124.

<u>Section 5.</u> The Secretary shall certify as to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

THE FOREGOING RESOLUTION WAS APPROVED AND ADOPTED on this 15th day of March 2017, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
, Chair

ATTEST AND APPROVED AS TO CONTENT:

_____
Robert Rodriguez, Development Services Manager/
Secretary to the Planning Commission

PREPARED BY:

_____
David Leonard
Contract Planner

APPROVED AS TO LEGAL FORM:

_____
Jennifer Mizrahi
Deputy City Attorney

City of Cathedral City
Public Hearing Notice
Notice of Availability for Public Review and Environmental Determination

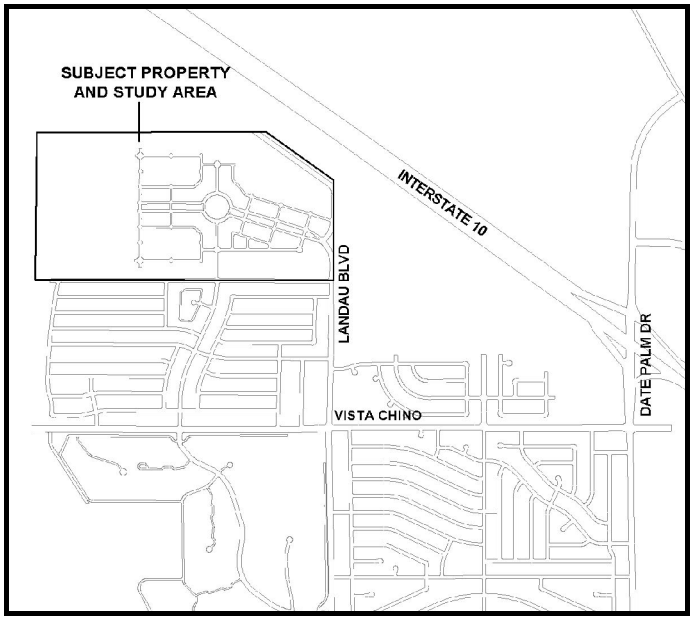
Notice is hereby given that the Cathedral City City Council will hold a Public Hearing on the following:

CASE(S)
Specific Plan Amendment 97-55C

APPLICANT/REPRESENTATIVE
Verano Recovery, LLC/Mohamad Younes

PROPOSAL
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.

LOCATION
Rio Vista Village/Verano Community
West of Landau Blvd., north of Verano Road
Assessor's Parcel No. 677-050-023



ENVIRONMENTAL DETERMINATION
An Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration is recommended by staff and will be considered during this hearing.

All information regarding the proposed project is available for public review at the City of Cathedral City Civic Center, Planning Department, 68-700 Avenida Lalo Guerrero during regular business hours (Monday through Thursday, 7:00 AM - 6:00 PM)

DATE AND TIME OF HEARING
April 12, 2017 at 6:30 PM, or as soon thereafter as the matter may be heard.

PLACE OF HEARING
Cathedral City Civic Center
Council Chamber
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234

Any person may appear at the hearing and be heard in support of, or opposition to, or provide other testimony on the proposed project or environmental determination. In addition, persons may also submit written testimony on the proposed project or environmental determination, which must be received prior to the close of the public hearing by the Secretary of the Planning Commission, Robert Rodriguez. Please send all correspondence, written testimony or inquiries to Robert Rodriguez at:

68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234

The City Council, at the public hearing or during deliberations, may approve, deny, or propose changes to the project or the environmental determination.

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence.

For further information, contact the Project Planner at:
Robert Rodriguez, Planning Manager
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234
(760) 770-0344

NOTE: In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (760) 770-0340. Notification 48 hours prior to the meeting will enable the City to make reasonable accommodations to ensure accessibility to this meeting. {28 CFR 35.104 ADA TITLE II}

Cathedral City

Agenda Report

File #: 2017-168 **Item No:** 3.C.

City Council

MEETING DATE: 4/26/2017

TITLE:
Vacation 2017-01: Public Hearing and Resolution to Vacate Certain Streets, Alleys, Public Highway Easements and Utility Easements Northwest of East Palm Canyon Drive and Date Palm Drive.

FROM:
John A. Corella, P.E. - City Engineer

RECOMMENDATION:
Staff recommends the City Council make the findings contained in the Resolution of Vacation for VAC 2017-01; and adopt the Resolution, conditionally vacating all or portions of Hillery Road (formerly First Street), Allen Avenue, public highway and public utility easements on portions of Lots 44, 50, 51, 52, 53, 54, and 55 as shown on the map of Cathedral City, filed in Book 13, at Pages 24 through 26, inclusive, of Maps, Records of Riverside County, and to vacate public alleys in Lots 45 and 48 of said Cathedral City, as said alleys are shown on the map filed in Book 11, Page 11 of Records of Survey, Records of Riverside County, all located within the East half of Section 33, Township 4 South, Range 5 East, San Bernardino Meridian, at the northwest quadrant of East Palm Canyon Drive and Date Palm Drive; and approve the use of the sample Resolution attached as Exhibit “C” to the Vacation Resolution, as outlined herein, for the vacation of the above streets, alley and easements in portions or segments, as the conditions of their vacation are met.

BACKGROUND:
The former Redevelopment Agency of the City of Cathedral City acquired a number of properties in the “Eastside” area, located north of Palm Canyon Drive and west of Date Palm. These parcels were acquired and cleared in order to remove blight and to consolidate land for future development. The biggest obstacle to redevelopment of this key area had been the small size and multiple ownership of individual parcels, fragmentation of the developable land mass caused by street and alley configurations, and the need for infrastructure improvements.

In 2012, when the State eliminated all redevelopment agencies, the City as the Successor Agency to the former Redevelopment Agency was required to develop a Long Range Property Management

Plan ("LRPMP"). The LRPMP was developed in a way where "blocks" of parcels were packaged as a planned sale and included plans for mitigation of development obstacles. In this case, the "Eastside" block, approved by the Department of Finance as "Block 2" in the LRPMP, included the need for vacation of certain streets and alleys to maximize future development potential as required by redevelopment dissolution legislation.

Consequently, in order to begin the process of vacation of the referenced streets, alleys and easements, the City Council, on August 26, 2015, adopted Resolution No. 2015-49, which conditionally vacated portions of Dawes Street, Allen Avenue, an alley and several street and public utility easements in the area south of Hillery Road (formerly First Street).

A second vacation process has been requested by the City Urban Revitalization Corporation (CURC), the owner of many of the vacant parcels in this area, to vacate additional public streets, alleys and easements between Hillery Road and Buddy Rogers Avenue.

The City Council initiated this process by its adoption of Resolution of Intention No. 2017-09, on March 22, 2017, which announced its intention to vacate a number of streets, alley and highway easements in Block 2 of the LRPMP. That Resolution set April 26, 2017, at 6:30 p.m., as the date and time for the required public hearing to consider this new vacation.

DISCUSSION:

ANALYSIS AND FINDINGS:

State law requires the preparation of a written report on the proposed vacation, covering various aspects of the vacation and making certain required findings:

Present or Prospective Public Use:

The streets and easements to be considered for vacation are located northerly of East Palm Canyon Drive and west of Date Palm. Most of the parcels in this area were acquired by the former Redevelopment Agency in an effort to consolidate the lots for development. The area, designated as Block 2 in the LRPMP, is still proposed for consolidation and development as larger "blocks". The LRPMP contemplated the vacation of some streets and alleys in this area to further that purpose.

The surrounding land is predominantly vacant. The streets and alleys proposed for vacation are local streets and are not required for efficient traffic circulation in the area. They are narrow, mostly 40 foot wide rights of ways, with existing pavement widths of generally 24 feet wide or less. Since the abutting lots are mostly under uniform ownerships, and the goal for the area is for lot consolidation and development, the best use for these streets and alleys is their vacation and consolidation of the vacated rights of way with the adjoining vacant land.

Therefore a finding is made in the attached Resolution that the streets and alleys and highway easements described in the Resolution are not needed for any present or prospective public use.

Pursuant to the State Streets and Highways Code, this is a mandatory finding to be made.

Non-Highway Transportation Facility:

The streets, alleys and highway and utility easements described in the Resolution are not shown on any bicycle or recreation trail route in the City's General Plan or in CVAG's adopted Non-Motorized Transportation Element. Therefore, a finding is included in the attached Resolution that the streets and alleys to be vacated are not useable for any non-motorized transportation facility (bicycle trail) as defined in Sec. 887 of the State Streets and Highways Code. This is a mandatory finding to be made per Section 892 of the Streets and Highways Code.

California Environmental Quality Act (CEQA):

The streets, alleys, and highway and public utility easements proposed to be vacated are narrow and carry very low traffic volumes. The surrounding land along these streets and alleys is predominantly vacant, and since this area is proposed for consolidation and development in larger blocks, these streets and easements are not needed and at this time provide little or no public benefit. Removal of the paving and closure of the streets and alleys will occur only after the vacation conditions are met, as outlined in the following sections, and when plans for commercial development of the consolidated lots and vacated streets are further along. At this time, the vacation is a "paper" action only.

Therefore, Staff believes this vacation action would fall under the CEQA "General Rule", Sec. 15061 (b)(3) of the CEQA Guidelines, which states that where it can be seen with certainty that there is no possibility that the vacation may have a significant effect on the environment, the action is not subject to CEQA.

Upon vacation and consolidation, any future development plan of the land and vacated streets will require its own environmental review.

Compliance with City Council Minute Order No. 867:

In 1988, the City Council adopted criteria for the consideration of alley vacation requests in the Downtown-Cove areas of the City. There are two un-paved alleys in this vacation request. Both run north-south between Buddy Rogers Avenue and Hillery Road, in the blocks between Date Palm Drive and Monty Hall Drive. This Minute Order (copy attached) was adopted when the Redevelopment Agency was in effect, so some of its questions may not pertain today.

1. Is the alley in or out of downtown or Highway 111 Corridor Redevelopment Study Area, any other Redevelopment Area or area covered by Specific Plan? Answer: The alley is in the downtown area, is within the former RDA Area 1 and is within the area covered by the Downtown Design Guidelines.

2. Does the subject alley have the likelihood of being in a future expansion of the

Redevelopment Area? Answer: No, because the Redevelopment Agency is now defunct.

3. Does the alley provide access to the abutting properties? Answer: Yes.

4. Are there existing public facilities in the alley? Answer: Yes, there are utility facilities in the alley nearest to Date Palm. There are no facilities in the other alley to be vacated.

5. Is the alley needed for emergency access? Answer: No. Both alleys are 175 feet long and all abutting land is vacant.

6. Is the alley needed for police patrol, access and surveillance? Answer: No. Since all adjoining land is vacant, there is good vision and access.

7. Is the alley useable for non-motorized transportation facilities? Answer: No. This is covered above under the mandatory findings on non-motorized transportation facilities in the Resolution.

8. Will alley be closed, barricaded, fenced, walled, etc., and if so, how? Answer: Both alleys are un-paved. Once vacated, they with be consolidated with adjoining properties and developed as a larger development.

Based upon the above answers, Staff feels that the proposed alley vacations meet the intent of the criteria, primarily because the alleys will be consolidated with adjoining parcels and will be part of a larger commercial development.

Conformance with General Plan:

Every vacation is supposed to have a finding that it is in conformance with the adopted General Plan if the General Plan or any part thereof applies to what is being vacated. The streets to be vacated are local streets only, which are not shown or mapped in the Circulation Element of the General Plan. Similarly, the alley to be vacated is not shown in the Circulation Element. Therefore, since the General Plan or any part thereof does not apply to the streets, alleys and easements being vacated, then no finding of conformance is required. This statement is included in the Vacation Resolution.

Compliance with “Public Streets, Highways, and Service Easements Vacation Law”:

Pursuant to law, on April 11, 2017, Notices of the proposed public hearing and vacation and a copy of the Resolution of Intention were properly posted along the streets, alleys and easements to be vacated. A Notice of the Public Hearing was also properly published twice in the “Desert Sun”, on April 12, 2017 and on April 19, 2017. Copies of the Notice of Public hearing were also posted on the City web-site, and in the required public places.

In addition, private property owners and business owners along the north side of East Palm Canyon, between Monty Hall and Date Palm, were sent Notices of the proposed public hearing and vacation.

Utility Reservation:

All utility companies were sent notices and asked if they had any present or planned facilities in the area to be vacated. All such companies were given the minimum of 30 days for a response after receipt of the request for comments. It was found that Southern California Edison, Time Warner, Frontier (formerly Verizon) and Desert Water Agency all have overhead and/or underground facilities in and along the streets and alley and easements to be vacated.

Therefore, a condition requiring the reservation of public utility easements from the vacations, covering the areas where utilities are located, has been added to the Vacation Resolution. This reservation will not be required for any portion of the streets, alley or easements where there are no existing facilities, or where the utility facilities are removed, relocated, or otherwise cleared from the areas to be vacated.

Conditions of Vacation:

The streets, alley and easements to be vacated will all most likely be included in one or more commercial developments, which will incorporate the vacated streets and easements into the future developments. Any removal or relocation of existing utilities in the streets will not be at City expense. Therefore, a condition has been added to the vacation Resolution which directs the City Clerk NOT to record any final vacation resolution until such time as he receives a written certification from either the City Engineer and/or the City Manager, notifying the Clerk that one of the following conditions have been met:

(a) That suitable utility easements have been reserved by the City to protect existing utility facilities in any portion or segment of street, alley or easement to be vacated; or

(b) That suitable utility easements have been granted to the appropriate utility company by the abutting owner or other party who will take or has taken ownership of the vacated street, alley or easement upon its vacation; or

(c) That the utility facilities within the portion or segment of street, alley or easement being vacated have been removed, relocated or otherwise cleared, or that financial arrangements have been made with the utility company by a developer or abutting owner to guarantee their removal or clearance, such that the utility owner no longer requires the utility reservation.

Vacation in Portions or Segments:

It is likely that the area surrounding the streets and easements to be vacated may be developed in phases over time, or by more than one developer, and that not all the existing utility lines and facilities in the streets and easements will be removed or relocated at the same time.

To accommodate future phased or multiple developments, it is recommended that Council approve the vacation of the streets, alley and easements described in the Resolution in multiple portions or

segments, as they meet the conditions of the vacation, by the approval and recordation of copies of the sample resolution attached as Exhibit “C”.

As portions or segments of the streets, alleys and easements become available for formal vacation, a copy of the Exhibit “C” Resolution would be filled out with a description of the portion of street or easement to be formally vacated. It would then be signed by the Mayor and City Staff, without the need for another Council meeting and then recorded. Numbering of the Exhibit “C” resolutions would be similar to the resolution number assigned to the Vacation Resolution passed after the present Public Hearing, if so approved.

Recordation of Resolution:

Upon recordation of any of the Exhibit “B” Resolutions, the vacation of whatever portion or segment of street, alley or easement is described in that Resolution becomes effective.

It should be noted that the proposed Resolution of Vacation is a conditional vacation of the streets and alleys described. This action will not actually vacate the streets and alleys. That will occur only after the conditions of the vacations are met, and then only after the recordation of a Resolution describing the street, alley or portion thereof being vacated.

Also it should be noted that future development plans may not actually require the vacation of all the portions of streets, alleys and easements described, in which case the streets, alleys and easements, or portions thereof, not vacated would remain as public facilities.

Final Recommendation:

Staff recommends that Council hear the Staff Report on this Vacation proposal, open the Public Hearing, listen to any testimony or comments from interested parties, and then after the close of the Public Hearing, make the findings contained in the Resolution, and adopt the attached Vacation Resolution, subject to the conditions contained therein.

FISCAL IMPACT:
There is no direct financial impact as a result of the passage of this Resolution. There will be a very minor savings to the City in maintenance and upkeep of the vacated streets, alley and easements once they are formally vacated.

ATTACHMENTS:
1. Resolution of Vacation.

2. Exhibit A: legal description of segments of streets, alleys and easements to be vacated.

3. Exhibit B: sketch showing streets, alleys and easements proposed to be vacated.

4. Exhibit C, sample Resolution for subsequent recordations.

5. Minute Order No. 867: Downtown-Cove area alley vacation criteria

RESOLUTION NO. 2017-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, ORDERING THE CONDITIONAL VACATION OF PORTIONS OF HILLERY ROAD (FORMERLY FIRST STREET), ALLEN AVENUE, PUBLIC HIGHWAY AND PUBLIC UTILITY EASEMENTS ON PORTIONS OF LOTS 44, 50, 51, 52, 53, 54 AND 55, AS SHOWN ON THE MAP OF CATHEDRAL CITY, FILED IN BOOK 13 AT PAGES 24 THROUGH 26 OF MAPS, RECORDS OF RIVERSIDE COUNTY, AND TO VACATE PUBLIC ALLEYS IN LOTS 45 AND 48 OF SAID CATHEDRAL CITY, AS SAID ALLEYS ARE SHOWN ON THE MAP FILED IN BOOK 11, AT PAGE 11 OF RECORDS OF SURVEYS, RECORDS OF RIVERSIDE COUNTY, ALL LOCATED NORTH OF EAST PALM CANYON DRIVE AND WEST OF DATE PALM DRIVE (VACATION NO. 2017-01)

WHEREAS, there are shown on the official maps of the City of Cathedral City, California, certain public streets, alleys and public service and utility easements located at the northwest quadrant of East Palm Canyon Drive and Date Palm Drive, within the area generally referred to as the "Eastside" area, in which area the former Redevelopment Agency of the City of Cathedral City acquired a number of lots and parcels for the purposes of removal of blight and to redevelop the area with new mixed use developments; and

WHEREAS, as a result of the dissolution of redevelopment agencies by the State, the City of Cathedral City, as Successor Agency to the former Redevelopment Agency, developed a Long Range Property Management Plan ("LRPMP") in which "blocks" of parcels were assembled for planned sale and which included plans for mitigation of development obstacles; and

WHEREAS, a large portion of the said "Eastside" block, located north of East Palm Canyon Drive and west of Date Palm Drive, as approved by the Department of Finance in the LRPMP, has been sold to the City Urban Revitalization Corporation (CURC), a California 501 (c)(3) public benefit corporation, which plans to cause the development of this area; and

WHEREAS, CURC, in furtherance of the plans to maximize the development potential of the "Eastside" block, has requested the vacation of certain public streets and easements in the vicinity of East Palm Canyon and Date Palm Drive so that the development of the properties in the "Eastside" area may proceed; and

WHEREAS, pursuant to the provisions of Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California (said part being the Public Streets, Highways, and Service Easements Vacation Law), and subject to Section 892 of the

Streets and Highways Code, this Council, on March 22, 2017, adopted Resolution No. 2017-09, declaring its intention to vacate those portions of Hillery Road, Allen Avenue, a public highway and public utility easement on Lot 44 of Cathedral City, and on portions of Lots 50, 51, 52, 53, 54 and 55 of Cathedral City, and public alleys on Lots 45 and 48 of Cathedral City, all as more particularly described in Exhibit "A" and shown on Exhibit "B", which are attached to and made a part of this Resolution, and to conduct a public hearing thereon on Wednesday, April 26, 2017; and

WHEREAS, this Council, on April 26, 2017, after publishing and posting of due notice thereof, did conduct a public hearing into this matter, and did find and determine that all other legal requirements of said Public Streets, Highways, and Service Easements Vacation Law had been complied with, and that all applicable requirements of the California Environmental Quality Act (CEQA) had been complied with; and

WHEREAS, it was found that certain public utility facilities exist in and over portions of the streets, alleys and easements described in said Exhibit "A", which their owners desire to be protected by the reservation of utility easements or other means.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. **FINDINGS**: The City Council finds and determines that:

a. The public streets, highways, alleys and public highway and public utility easements described in the attached Exhibit "A" and shown on Exhibit "B" are unnecessary for any present or prospective use.

b. Pursuant to Section 892 of the State Streets and Highways Code, the said public streets, highways, alleys and public highway and public utility easements as described in the attached Exhibit "A" and shown on Exhibit "B" are not, and will not in the future be useful as a non-motorized transportation facilities as defined in Section 887 of the said Streets and Highways Code.

c. The vacation of the said public streets, highways, alleys and public highway and public utility easements as described in the attached Exhibit "A" and shown on Exhibit "B" is exempt from the requirement for an environmental finding pursuant to the General Rule in the California Environmental Quality Act (CEQA) Guidelines, Sec. 15061(b)(3), because it can be seen with certainty that the proposed vacations have no possibility of a significant effect on the environment based upon the evidence presented in the Staff Report.

d. The vacation of the alleys on Lots 45 and 48, between Buddy Rogers Drive and Hillery Road, as described in Exhibit "A", meets the criteria for alley vacation approval as

set forth in City Council Minute Order No. 867, adopted on August 17, 1988.

e. The vacation of the public streets, highways, alleys and public highway and public utility easements as described in the attached Exhibit “A” and shown on Exhibit “B” do not require a finding of conformity with the General Plan or any part thereof because the streets and alleys involved are local streets only, which are not shown or mapped in the General Plan or its Circulation Element, and therefore the General Plan and its elements do not apply to such facilities.

f. Letters were sent to all utility companies active in the general area, asking for their comments or objections to the proposed vacations of the public streets, highways, alleys and public highway and public utility easements as described in the attached Exhibit “A”, and shown on Exhibit “B” and asking that they notify the City if any of their utility facilities would be affected.

g. Public Notices for the public hearing were duly published in the Desert Sun newspaper for two successive weeks, on April 12, 2017 and on April 19, 2017, and Public Notices and copies of the Resolution of Intention for the public hearing were duly posted on April 11, 2017, along the portions of the public streets, highways, alleys and public highway and public utility easements as described in the attached Exhibit “A” considered for vacation, in accordance with the Streets and Highways Code.

Also, the business owners along the north side of East Palm Canyon Drive, between Monty Hall and Date Palm, were sent information on this proposed vacation and notices of this public hearing,

All other proceedings and procedures were similarly performed and done pursuant to the provisions of Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California, said Part 3 being the “Public Streets, Highways, and Service Easements Vacation Law”.

SECTION 2. RESERVATION: The City Council also finds and determines that there are existing utilities in all the public streets, highways, alleys and public highway and public utility easements as described in the attached Exhibit “A”, and therefore, pursuant to Section 8340 of the Streets and Highways Code, a public utility easement over, under, across and through those portions of the public streets, highways, alley and public highway and public utility easements as described in the attached Exhibit “A” shall be reserved as required from the vacation of each said street, alley or easement, for the maintenance, operation, replacement, removal, renewal or enlargement of overhead or underground public utility facilities, telephone and communication facilities, electrical and power transmission and distribution facilities, cable television and communication lines, and appurtenances, whether existing or to be constructed in the future.

This public utility reservation shall not be required for the vacation of any portions of the public streets, highways, alley and public highway and public utility easements as described in the attached Exhibit "A" if the utility facilities within the said portions of streets, alley or easements are removed, relocated or otherwise cleared from the streets, alley or easements such that their owners no longer require the utility reservation.

SECTION 3. CONDITIONS: The City Council finds and determines that the public safety, convenience and orderly development of the area requires that the City Clerk shall NOT consent to nor order the recordation of this Resolution or any other written instrument evidencing the completion of the vacation process on any portion of the public streets, highways, alley and public highway and public utility easements as described in the attached Exhibit "A" until such time as the City Engineer and/or the City Manager have certified in writing to the City Clerk that one or more of the following conditions have been met:

a. that suitable utility easements have been reserved by the City to protect any existing utility facility in any portion or segment of street, highway, alley or highway easement or other easement to be vacated; or

b. that suitable utility easements have been granted to the appropriate utility companies, to protect any existing utility facility, by the abutting owner or other party to whose ownership the vacated street or alley would revert upon final vacation; or

c. that the utility facilities within the said portions of streets, alleys or easements have been removed, relocated or otherwise cleared from the streets, alleys or easements, or that financial arrangements have been made with their owners for such removals, relocations or clearance, such that the utility owners no longer require the utility reservation.

SECTION 4. VACATION IN PORTIONS OR SEGMENTS: The City Council hereby authorizes the vacation of the public streets, highways, alleys and public highway and public utility easements as described in the attached Exhibit "A" to be done in multiple portions, segments or pieces, subject to Section 3 above, by the recordation of one or more of the Resolutions, hereby approved, in the general form and content attached hereto as Exhibit "C". Any such Resolution shall have included in it a legal description of the portion, segment or piece of the street, highway or easement being vacated, and shall be processed and recorded as described in the following Section 5.

SECTION 5. RECORDATION OF RESOLUTIONS: The City Clerk is hereby directed to cause the Resolutions in the form set forth in the attached Exhibit "C", describing the exact portion, segment or piece of the street, alley or easement being vacated, attested by him or her under seal, to be recorded in the office of the County Recorder, ONLY upon receipt by the City Clerk of the written certification described in Section 3 above. Upon such receipt by the City Clerk of the written certification, each

Resolution in the form as shown in Exhibit C is hereby authorized to be signed by the Mayor and City Clerk and necessary City Staff persons, without the need for a subsequent Council meeting. Each such Resolution to be recorded shall bear the same resolution number as this Resolution, followed by a "dash" and sequential letter, For example, if this Resolution is adopted and numbered 2017-950, then the first recorded resolution would be numbered 2017-950-A; the second would be numbered 2017-950-B, and so on.

SECTION 6: EFFECT OF RECORDATION: Upon the recordation of any of the Resolutions described above, the portions, segments or pieces of public rights of way or easements described therein shall no longer constitute a public street, highway, alley or easement in this City and they shall be formally vacated as specified in Sections 8335(b)(4) and 8336 of the State Streets and Highways Code.

APPROVED AND ADOPTED at a regular meeting of the City Council for the City of Cathedral City held this 26th day of April, 2017, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Stanley E. Henry, Mayor

ATTEST:

Gary F. Howell
City Clerk

APPROVED AS TO FORM:

City Attorney

APPROVED AS TO CONTENT:

John A. Corella
City Engineer

APPROVED:

Charles P. McClendon
City Manager

Resolution Attachments:

Exhibit A: Legal Description of street, highway, alleys and highway and public utility Segments to be vacated

Exhibit B: Sketch showing the streets, highways, alleys and public utility easements to be vacated

Exhibit C: Form of Resolution for vacating portions or segments of streets, highway, alleys, and highway and public utility easements

EXHIBIT ‘A”

VACATION NO. 2017-01
PORTIONS OF STREETS AND ALLEYS TO BE VACATED

A VACATION OF ALL OR PORTIONS OF LOT “B” (HILLERY ROAD, FORMERLY FIRST STREET), LOT “G” (ALLEN AVENUE), AND LOT “Y” (HILLERY ROAD, FORMERLY FIRST STREET), AS SHOWN ON THE MAP OF CATHEDRAL CITY, FILED IN BOOK 13, AT PAGES 24 THROUGH 26, INCLUSIVE, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, TOGETHER WITH THE VACATION OF PUBLIC HIGHWAY AND PUBLIC UTILITY USES ON PORTIONS OF LOTS 44, 50, 51, 52, 53, 54, AND 55 AS SHOWN ON SAID MAP OF CATHEDRAL CITY, AND 20 FOOT WIDE ALLEYS LOCATED WITHIN LOTS 45 AND 48 OF CATHEDRAL CITY, AS SHOWN ON SAID MAP, AND ON THE MAP FILED IN BOOK 11, AT PAGE 11 OF RECORDS OF SURVEYS, RECORDS OF RIVERSIDE COUNTY, ALL LOCATED WITHIN THE EAST HALF OF SECTION 33, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SAN BERNARDINO MERIDIAN, AND ALL AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SEGMENT A:
ALL OF LOT “B” (HILLERY ROAD, FORMERLY FIRST STREET), AS SHOWN ON SAID MAP OF CATHEDRAL CITY, EXCEPT THE EAST 8.00 FEET THEREOF;

SEGMENT B:
THAT PORTION OF LOT “G” (ALLEN AVENUE), AS SHOWN ON SAID MAP, BOUNDED ON THE NORTH BY THE WESTERLY PROLONGATION OF THE SOUTH LINE OF LOT “A” (BUDDY ROGERS AVENUE, FORMERLY SECOND STREET), AND BOUNDED ON THE SOUTH BY THE WESTERLY PROLONGATION OF THE NORTH LINE OF LOT “C” (GROVE STREET);

SEGMENT C
THE EAST 300 FEET OF LOT “Y” (HILLERY ROAD, FORMERLY FIRST STREET), AS SHOWN ON SAID MAP;

SEGMENT D:
ALL OF THAT CERTAIN 20 FOOT WIDE PUBLIC ALLEY LOCATED WITHIN LOT 45 OF CATHEDRAL CITY, AS SHOWN ON SAID MAP, AS SAID ALLEY IS SHOWN ON THE MAP FILED IN BOOK 11, AT PAGE 11 OF RECORDS OF SURVEY, RECORDS OF RIVERSIDE COUNTY;

SEGMENT E:
ALL OF THAT CERTAIN 20 FOOT WIDE PUBLIC ALLEY LOCATED WITHIN LOT 48 OF CATHEDRAL CITY, AS SHOWN ON SAID MAP, AS SAID ALLEY IS SHOWN ON THE MAP FILED IN BOOK 11, AT PAGE 11 OF RECORDS OF SURVEY, RECORDS OF RIVERSIDE COUNTY;

SEGMENT F:
THAT PORTION OF THE EASEMENT AND RIGHT OF WAY FOR PUBLIC HIGHWAY AND PUBLIC UTILITY PURPOSES ON LOTS 50, 51, 52, 53, 54 AND 55 AND ON A PORTION OF THE EAST HALF OF LOT “H” (ALLEY) AS VACATED BY THE RIVERSIDE COUNTY BOARD OF SUPERVISORS, ALONG THE SOUTH SIDE OF HILLERY ROAD, FORMERLY FIRST STREET, DESCRIBED AS “PARCEL 2” IN THE GRANT OF EASEMENT TO THE CITY OF CATHEDRAL CITY, RECORDED ON NOVEMBER 10, 1986, AS INSTRUMENT NO. 284551, IN OFFICIAL RECORDS OF RIVERSIDE COUNTY, EXCEPTING THE EAST 8.00 FEET THEREOF;

SEGMENT G:
THAT PORTION OF THE EASEMENT AND RIGHT OF WAY FOR PUBLIC HIGHWAY AND PUBLIC UTILITY PURPOSES ON SAID LOT 50 FOR HILLERY ROAD, FORMERLY FIRST STREET, DESCRIBED AS “PARCEL 4” IN THE GRANT OF EASEMENT TO THE CITY OF CATHEDRAL CITY, RECORDED ON NOVEMBER 10, 1986, AS INSTRUMENT NO. 284551, IN OFFICIAL RECORDS OF RIVERSIDE COUNTY, EXCEPTING THAT PORTION THEREOF LYING EASTERLY OF A LINE PARALLEL WITH AND LOCATED 28.00 FEET WESTERLY OF THE EAST LINE OF SECTION 33, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SAN BERNARDINO MERIDIAN, AS SHOWN ON SAID MAP OF CATHEDRAL CITY;

SEGMENT H:
ALL PUBLIC HIGHWAY AND PUBLIC UTILITY USES FOR THAT PORTION OF BUDDY ROGERS AVENUE, FORMERLY SECOND STREET, DESCRIBED AS THE NORTH 20 FEET OF THE EAST 50 FEET OF LOT 44 OF CATHEDRAL CITY, AS SHOWN ON SAID MAP, AS MORE FULLY DESCRIBED IN THE GRANT OF EASEMENT RECORDED ON OCTOBER 19, 1992, AS INSTRUMENT NO. 392498, IN OFFICIAL RECORDS OF RIVERSIDE COUNTY.

Prepared by: _____
David R. Faessel, RCE 18731

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCEL MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

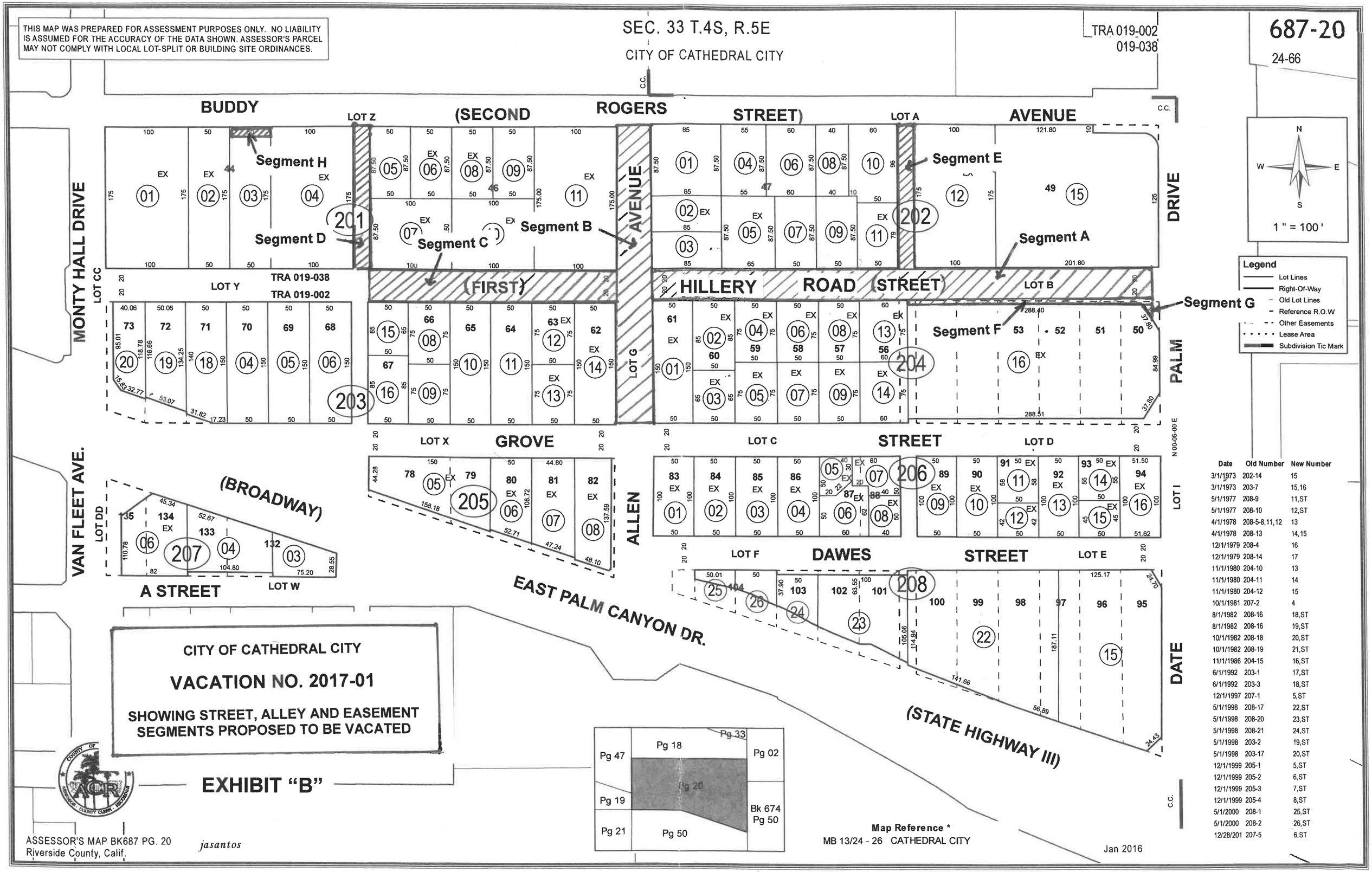
SEC. 33 T.4S, R.5E

CITY OF CATHEDRAL CITY

TRA 019-002
019-038

687-20

24-66



Date	Old Number	New Number
3/1/1973	202-14	15
3/1/1973	203-7	15,16
5/1/1977	208-9	11,ST
5/1/1977	208-10	12,ST
4/1/1978	208-5-8,11,12	13
4/1/1978	208-13	14,15
12/1/1979	208-4	16
12/1/1979	208-14	17
11/1/1980	204-10	13
11/1/1980	204-11	14
11/1/1980	204-12	15
10/1/1981	207-2	4
8/1/1982	208-16	18,ST
8/1/1982	208-16	19,ST
10/1/1982	208-18	20,ST
10/1/1982	208-19	21,ST
11/1/1986	204-15	16,ST
6/1/1992	203-1	17,ST
6/1/1992	203-3	18,ST
12/1/1997	207-1	5,ST
5/1/1998	208-17	22,ST
5/1/1998	208-20	23,ST
5/1/1998	208-21	24,ST
5/1/1998	203-2	19,ST
5/1/1998	203-17	20,ST
12/1/1999	205-1	5,ST
12/1/1999	205-2	6,ST
12/1/1999	205-3	7,ST
12/1/1999	205-4	8,ST
5/1/2000	208-1	25,ST
5/1/2000	208-2	26,ST
12/28/201	207-5	6,ST

CITY OF CATHEDRAL CITY

VACATION NO. 2017-01

SHOWING STREET, ALLEY AND EASEMENT SEGMENTS PROPOSED TO BE VACATED

EXHIBIT "B"

Map Reference *
MB 13/24 - 26 CATHEDRAL CITY

Jan 2016

ASSESSOR'S MAP BK687 PG. 20
Riverside County, Calif.

jasantos

EXHIBIT "C"

FORM OF RESOLUTION TO BE RECORDED FOR VACATION OF EACH PORTION OR SEGMENT OF THE STREETS, ALLEYS, OR EASEMENTS IN VACATION NO. 2017-01

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, ORDERING THE VACATION OF ALL OR PORTIONS OF SPECIFIED STREETS, HIGHWAYS, ALLEYS OR PUBLIC HIGHWAY AND PUBLIC UTILITY EASEMENTS AT THE NORTHWEST QUADRANT OF EAST PALM CANYON DRIVE AND DATE PALM DRIVE, IN THE CITY OF CATHEDRAL CITY. (VACATION NO. 2017-01)

WHEREAS, pursuant to the provisions of Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California (said part being the Public Streets, Highways, and Service Easements Vacation Law), and subject to Section 892 of the Streets and Highways Code, this Council, on March 22, 2017, adopted Resolution No. 2017-09, declaring its intention to vacate those portions of Hillery Road (formerly First Street), Allen Avenue, public highway and public utility easements on portions of lots 44, 50, 51, 52, 53, 54, and 55 as shown on the map of Cathedral City, filed in Book 13, at Pages24 through 26, inclusive, of Maps, Records of Riverside County, and public alleys in lots 45 and 48 of said cathedral City, as said alleys are shown on the map filed in Book 11, at Page 11 of Records of Survey, records of Riverside County, as were more particularly described in Exhibit "A", which was attached to and made a part of said Resolution of Intention No. 2017-09, and to conduct a public hearing thereon on Wednesday, April 26, 2017; and

WHEREAS, this Council, on April 26, 2017, after publishing and posting of due notice thereof, did open and did conduct a public hearing into this matter, and did find and determine that all other legal requirements of said Public Streets, Highways, and Service Easements Vacation Law had been complied with, and that all applicable requirements of the California Environmental Quality Act (CEQA) had been complied with; and

WHEREAS, at such hearing it was found that certain public utility facilities existed in and over portions of the streets, alleys and easements proposed to be vacated, which their owners desired to be protected by the reservation of utility easements or other means; and

WHEREAS, after such hearing, the City Council adopted Resolution No. 2017-_____, which vacated the streets, highways, alley and easements described in Exhibit "A" , which was attached to and made a part of said Resolution No. 2017-_____, subject to the condition that no resolution evidencing the completion of the vacation

process was to be recorded until either (a) that suitable utility easements have been reserved by the City to protect any existing utility facility in any portion or segment of street, highway, alley or highway or easement or other easement to be vacated; or (b) that suitable utility easements have been granted to protect any existing utility facility, by the abutting owner or other party to whose ownership the vacated street or alley would revert upon final vacation; or (c) that the utility facilities in the streets, alley or easements have been removed, relocated, or otherwise cleared from the streets, alley or easements such that no utility reservation is required; and

WHEREAS, said Resolution No. 2017-____ further provided that no Resolution evidencing the vacation of any portion, segment or piece of the streets, alley or easements described in Exhibit A to said Resolution No. 2017-_____ shall be recorded by the City Clerk until the City Clerk is notified in writing by the City Engineer and/or the City Manager that the above conditions had been met; and

WHEREAS, said Resolution NO. 2017-____ further provided and authorized the vacation of individual portions, segments or pieces of the streets, alley and easements proposed to be vacated by the recordation of a separate Resolution in this general form, only after certification to the City Clerk that the above conditions had been met.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

A. The City Engineer and/or the City Manager have certified in writing to the City Clerk that the conditions for vacation of the following described portion, segment or piece of public street, highway, alley, or public highway or public utility easement have been met as outlined in Resolution No. 2017-_____ , adopted April 26, 2017:

(insert legal description of portion to be vacated
with utility reservation if needed)

B. In accordance with the provisions of Resolution No. 2017-_____, adopted and approved on April 26, 2017, the City Clerk is hereby directed to cause this Resolution to be recorded in the office of the County Recorder of Riverside County, evidencing the vacation of the above described street, highway, alley or easement.

C. From and after the date this Resolution is recorded, the street, highway, alley or public highway or public utility easements described in Section 1-A above shall be

SAMPLE

vacated and abandoned, and shall no longer constitute a public street, highway, alley or easement in this City.

APPROVED by the authority of Resolution No. 2017-_____, adopted April 26, 2017:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

APPROVED AS TO CONTENT:

_____
City Engineer

APPROVED:

_____
Charles P. McClendon
City Manager

SAMPLE

MINUTE ORDER NO. 867

I HEREBY CERTIFY that this Minute Order approving the following policy criteria regarding alley vacations:

1. Is the alley in or out of downtown or HWY 111 Corridor Redevelopment Study Area, any other Redevelopment Area or area covered by a Specific Plan?
2. Does the subject alley have the likelihood of being in a future expansion of the Redevelopment Area?
3. Does the alley provide access to the abutting properties?
4. Are there existing public utilities in the alley?
5. Is the alley needed for emergency access?
6. Is the alley needed for police patrol, access, and surveillance?
7. Is the alley usable for non-motorized transportation facilities?
8. Will alley be closed, barricaded, fenced, walled, etc. and if so, how?

was adopted by the City Council of the City of Cathedral City, California, in a meeting thereof, held on the 17th day of August, 1988.

Maxine E. Clem

Maxine E. Clem
City Clerk

Cathedral City

Agenda Report

File #: 2017-166 **Item No:** 4.A.

City Council

MEETING DATE: 4/26/2017

TITLE:
Council Subcommittee Funding Recommendations for the Community Assistance Program

FROM:
Charlie McClendon, City Manager

RECOMMENDATION:
The Council subcommittee recommends the City Council approve the award of grants and sponsorships for FY 17-18 through the Community Assistance Program.

BACKGROUND:
On January 13, 2016 Council approved a Community Assistance Program to comprehensively deal with requests for grants and sponsorships from community non-profit organizations and other governmental jurisdictions. Funding for the program for FY 17-18 is included in the proposed budget in the amount of $28,000. There is a cap of $3,000 per award.

DISCUSSION:
Previously Council appointed a Council subcommittee consisting of Mayor Henry and Councilmember Kaplan to review the applications and make a recommendation to the full Council for formal action. The subcommittee met on April 12, 2016 and reviewed the funding requests, which had been submitted.

Program Guidelines: Council established the following guidelines for the program:

1. Applicants must be a non-profit 501c-3 organization or a tribal or governmental agency.

2. Applicants must be based in Cathedral City or demonstrate that they provide services to residents or businesses of Cathedral City.

3. Applicants must be able to demonstrate that they receive funding from other sources and are not relying only on City support.

4. Preference will be given to applicants meeting health and human service needs of underserved

populations.

Subcommittee Recommendations: The subcommittee recommended the following funding awards:

Organization Name	Recommended Award	New or Renewal	FY 2016-17 Funding
ACBCI Milanovich Hike	$2,500	Renewal	$2,500
Animal Samaritans	$1,500	New	0
Shelter from the Storm	$3,000	Renewal	$3,000
ACBCI Dinner in the Canyons	$2,500	Renewal	$2,500
Children's Discovery Museum	$1,000	Renewal	$1,500
Assistance League of PS	$1,500	New	0
CVAG Alan Seman Bus Pass	$3,000	Renewal	$3,000
RSVP Riverside Co. Office on Aging	$1,500	Renewal	$1,500
California Jazz Foundation	$1,000	New	0
CV Symphony	$2,000	New	0
Friends of CC Library	$1,000	New	0
Palm Springs Air Museum	$3,000	New	0
CC Historical Society	$1,500	Renewal	$1,000
TOTAL AWARDED	**$25,000**		

The subcommittee further recommends that the remaining $3,000 be reserved to sponsor a future event benefitting the CV Rep Theater.

FISCAL IMPACT:
Funding of $28,000 for the awards is included in the proposed budget for FY 17-18.

ATTACHMENTS:
None

Cathedral City

Agenda Report

File #: 2017-169 **Item No:** 4.B.

City Council

MEETING DATE: 4/26/2017

TITLE:
Vacation 2017-02: Resolution of Intention to Vacate a Portion of a Public Utility Easement Between Grandview Avenue and Valley View Drive

FROM:
John A. Corella, P.E. - City Engineer

RECOMMENDATION:
Staff recommends the City Council adopt a Resolution of Intention to vacate a portion of a 40 foot wide public utility easement reserved from the vacation of Channel Drive, between Grandview Avenue and Valley Vista Drive, and setting a public hearing therefor, on Wednesday, May 24, 2017, at 6:30 p.m. in the City Council Chambers.

BACKGROUND:
In 1979, the County of Riverside (County) vacated Channel Drive, a 40 foot wide street right of way, between Grandview Avenue and Valley Vista Drive. Channel Drive was located west of Elna Way, against the east levee of the West Cathedral Channel.

When the County vacated the road uses on Channel Drive, it retained a 40 foot wide public utility easement for any existing public utility or public service facilities. There apparently was at least one utility company, Southern California Edison Company, which had an overhead powerline within that easement. Edison shared its poles with Verizon and the local cable TV carrier.

In February, 2006, one of the larger lots along the west side of Elna, south of Grandview, was subdivided by Parcel Map 33574. Parcel 2 of this parcel map was a large vacant parcel at the southwest corner of Elna Way and Grandview. The 40 foot wide utility easement reservation took up a substantial portion of this lot and was a deterrent to its effective development.

Also in 2006, the owner of that parcel granted Edison its own easement covering just the existing pole line. Since Edison and the other utility companies sharing the Edison poles now have their own easement, the 40 foot wide reserved utility easement is no longer needed. Therefore, the present owner, Mr. Tim Hadorn, who is in the process of developing this lot, has applied for the vacation of

the entire 40 ft. wide reserved utility easement on his lot.

DISCUSSION:

Vacation Procedure:

The vacation procedure begins with the adoption of the attached Resolution of Intention, which schedules a public hearing date, and directs the publication and noticing of the hearing.

Staff has already notified all the utility companies of the proposed vacation and has solicited their comments and recommendations, which will be considered in the City Engineer's final report on the vacation request at the public hearing.

The area of the reserved easement will be posted with copies of the Resolution of Intention and Public Hearing Notice, and the Public Hearing Notice will also be published twice in the "Desert Sun", all as required by law.

Typically, this type of vacation requires a finding that it is in conformance with the General Plan and any applicable Specific Plans. But since utility easements are not shown or discussed in any element of the General Plan, no such finding will be made.

Prior to vacating the easements, a finding must also be made that the easements have no present or prospective use, and that they have no use as a non-motorized vehicle (bicycle) route.

A CEQA environmental finding will also be available for approval at the public hearing.

A noticed public hearing will then be held to hear testimony on the proposed vacation. At that time, a full Engineer's report will be presented, which will contain a final recommendation to City Council on this vacation request, with all necessary findings, environmental determinations, and special conditions of approval, if any, along with information on any comments or protests received.

The attached Resolution of Intention sets the public hearing for the vacation of a portion of the reserved utility easement in the former Channel Drive for Wednesday, May 24, 2017, at 6:30 p.m., in the City Council Chambers.

FISCAL IMPACT:

There is no direct financial impact on the City as a result of the passage of this Resolution. The existing reserved utility easement is neither used nor maintained by the City.

ATTACHMENTS:

1. Resolution of Intention for Vacation 2017-02 with Exhibit "A"

2. Exhibit "B" of Resolution of Intention.

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3. County Resolution No. 79-351 recorded December 4, 1979, Inst. #257675, O.R.
4. Edison easement recorded February 10, 2006, Inst. #2006-0102845, O.R.
5. Parcel Map No. 33574
6. Vicinity sketch (Assessor Map 686-14)

RESOLUTION NO. 2017-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, DECLARING ITS INTENTION TO VACATE A PORTION OF A 40 FOOT WIDE PUBLIC UTILITY EASEMENT RESERVED FROM THE VACATION OF CHANNEL DRIVE, BETWEEN GRANDVIEW AVENUE AND VALLEY VISTA DRIVE, PURSUANT TO THE VACATION OF CHANNEL DRIVE BY THE COUNTY OF RIVERSIDE AS DESCRIBED IN COUNTY RESOLUTION NO. 79-351 RECORDED ON DECEMBER 4, 1979, AS INSTRUMENT NO. 257675, IN OFFICIAL RECORDS OF RIVERSIDE COUNTY.

(VACATION NO. 2017-02)
APPLICANT: TIM HADORN

WHEREAS, in 1979, the County of Riverside processed the vacation of Channel Drive, 40 feet wide, between Grandview Avenue and Valley Vista Drive; and

WHEREAS, on November 27, 1979, after a duly noticed public hearing, the County Board of Supervisors adopted Resolution No. 79-351 which vacated the above described portion of Channel Drive, subject to the reservation of a public utility easement over the 40 foot wide strip for any existing public utilities or public service facilities; and

WHEREAS, on December 4, 1979, said Resolution was recorded as Instrument No. 257675 in Official Records of Riverside County, California; and

WHEREAS, the present owner of a portion of the vacated street right of way, located at 38619 Elna Way, in Cathedral City, has requested the vacation of the reserved public utility easement on his parcel of land, described as:

> Parcel 2 as shown on Parcel Map No. 33574, filed in Book 216, at Pages 1 through 3, inclusive, of Parcel Maps, in the office of the County Recorder (APN 686-143-021).

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Cathedral City as follows:

SECTION 1. It is the intention of this City Council to consider the vacation of that portion of the public utility easement reserved over the vacated right of way of Channel Drive as described and shown in the attached Exhibits "A" and "B".

SECTION 2. This vacation proceeding will be conducted under Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California, said Part 3 being the Public Streets, Highways, and Service Easements Vacation Law, and subject to

Section 892 of said Streets and Highways Code.

BE IT FURTHER RESOLVED that a public hearing on this proposed vacation will be held on:

> Wednesday, May 24, 2017, at 6:30 p.m. in the Council Chambers, at the City of Cathedral City City Hall, located at 68700 Avenida Lalo Guerrero, Cathedral City, California,

at which time and place the City Council will hear and consider the proposal and statements from all parties interested in the proposed vacation.

BE IT FURTHER RESOLVED that the City Clerk is directed to cause this Resolution of Intention and a Notice of Public Hearing to be posted as follows:

1. It shall be forthwith posted in at least the three (3) public places designated for the posting of ordinances and public notices.

2. No later than by May 10, 2017, at least three (3) copies shall be posted conspicuously along the easement to be considered for vacation, and not more than 300 feet apart.

3. A Notice of Public Hearing shall be published twice for two successive weeks prior to the public hearing in a daily, semi-weekly or weekly newspaper published in the County of Riverside and circulated in the City of Cathedral City.

APPROVED, and **ADOPTED** at a regular meeting of the City Council for the City of Cathedral City held on this 26th day of April, 2017, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

_____
Stanley E. Henry, Mayor
City of Cathedral City, California

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

APPROVED AS TO CONTENT:

_____
Department

REVIEWED:

_____
Charles P. McClendon, City Manager

Attachments:

Exhibit A: legal description of portion of reserved public utility easement to be considered for vacation.

Exhibit B: sketch of portion of reserved public utility easement to be considered for vacation.

EXHIBIT "A"

LEGAL DESCRIPTION OF PORTION OF RESERVED PUBLIC UTILITY EASEMENT TO BE VACATED

ALL THAT PORTION OF THE PUBLIC UTILITY EASEMENT RESERVED FROM THE VACATION OF CHANNEL DRIVE, AS DESCRIBED IN COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 79-351, RECORDED ON DECEMBER 4, 1979, AS INSTRUMENT NO. 257675, IN OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN PARCEL 2 AS SHOWN ON PARCEL MAP NO, 33574, FILED IN BOOK 216, AT PAGES 1 THROUGH 3, INCLUSIVE, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

2006-0093943 ORIGINAL 216/3

SHEET 3 OF 3 SHEETS

IN THE CITY OF CATHEDRAL CITY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

PARCEL MAP NO. 33574

PARCEL 1 OF R.S. 30/63, RIVERSIDE COUNTY RECORDS, SECTION 5, T5S, R5E, S.B.M.

SANBORN A/E, Inc. SEPTEMBER 2005

BASIS OF BEARINGS:

CENTERLINE OF ELNA WAY PER M.B. 28/100 BEING N 00°13'E

SURVEYOR'S NOTES:

● INDICATES MONUMENT AS NOTED
○ INDICATES SET 1" IRON PIPE PER L.S. 4146

THIS PARCEL MAP CONTAINS 0.75 GROSS ACREA WITHIN THE DISTINCTIVE BORDER..

( ) DENOTES RECORD DATA PER M.B. 28/100
[ ] DENOTES RECORD DATA PER P.M.B. 73/98
< > DENOTES RECORD DATA PER P.M.B. 175/79
/ / DENOTES RECORD DATA PER R.S. 30/63

THIS PARCEL MAP CONTAINS 2 NUMBER PARCELS.
SET 1" I.D. I.P. FLUSH TAGGED L.S. 4146 AT ALL PARCEL CORNERS.

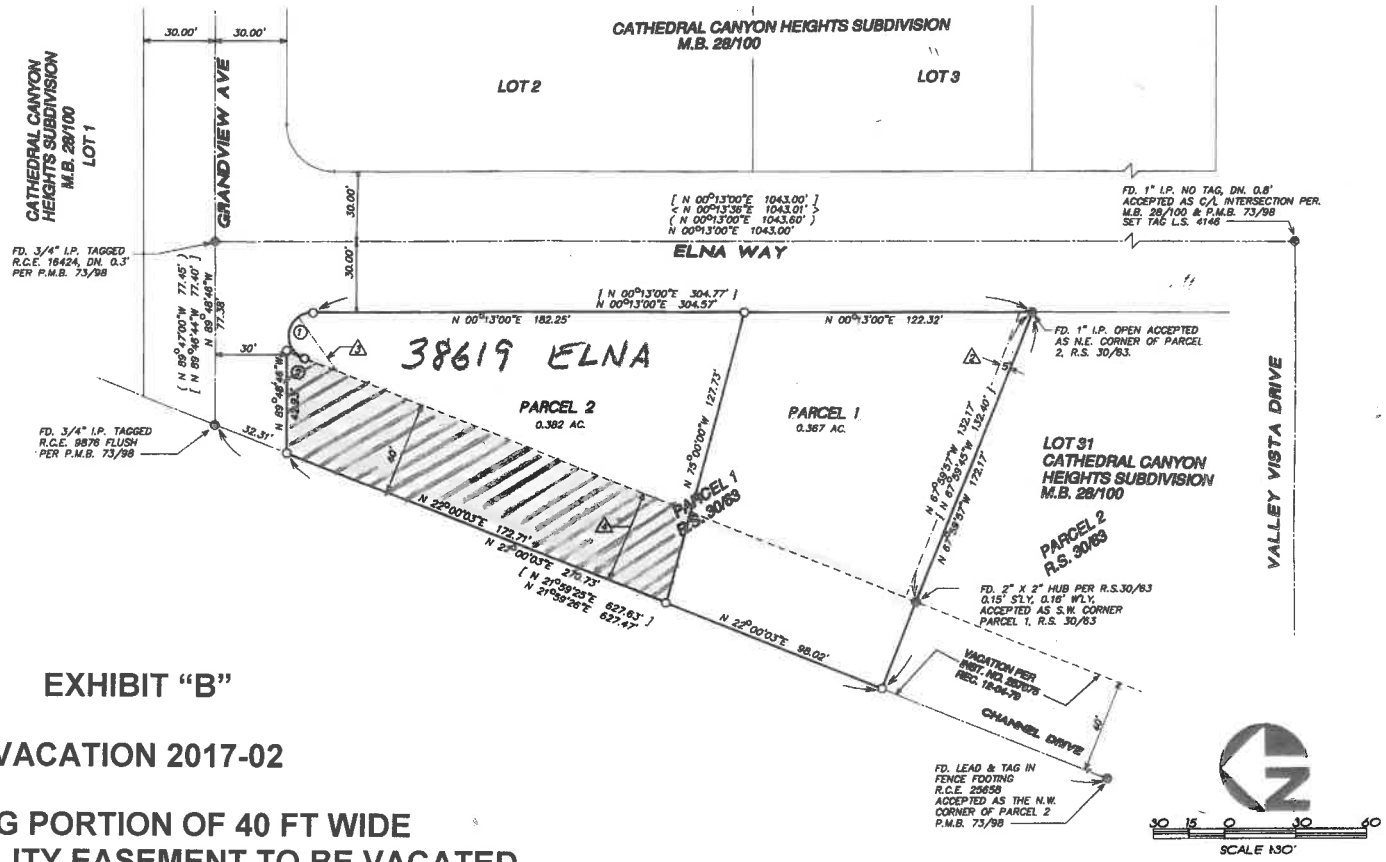


EXHIBIT "B"

VACATION 2017-02

SHOWING PORTION OF 40 FT WIDE RESERVED UTILITY EASEMENT TO BE VACATED

W.O. 04-306

After Recording, deliver to:
CLERK OF BOARD OF SUPERVISORS

257675

Board of Supervisors County of Riverside

RESOLUTION NO. 79-351

ABANDONMENT OF PORTIONS OF
CHANNEL DRIVE AND VALLEY VISTA DRIVE (R-920)
(Fourth Supervisorial District)

WHEREAS, a public hearing after due notice has been held upon a resolution of intention to abandon the hereinafter described roads, and all persons having had the opportunity to be heard, and the Board having determined, pursuant to Sections 959 and 2381 of the Streets and Highways Code, that the following described roads are unnecessary for present or prospective public use, including use as a non-motorized transportation facility; now, therefore,

BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on November 27, 1979, that portions of Channel Drive and Valley Vista Drive in the County of Riverside, State of California, more particularly described as follows, are hereby abandoned:

That portion of Channel Drive and Valley Vista Drive lying between the westerly prolongation of the southerly line of Grandview Avenue, which bears N. 89°47' W., and the westerly prolongation of the northerly line of Valley Vista Drive, which bears N. 89°47' W., as said streets are shown on Map of Cathedral Canyon Heights Subdivision, filed in Map Book 28, Page 100, Riverside County records.

Reserving and excepting from the abandonment an easement for existing public utilities and public service facilities, pursuant to Section 959.1 of the Streets and Highways Code.

BE IT FURTHER RESOLVED that the Clerk of this Board cause a certified copy of this resolution to be recorded in the Office of the Recorder of Riverside County, California.

Roll Call resulted as follows:
Ayes: Schroeder, Record, McCandless, Younglove and Abraham
Noes: None
Absent: None

A.E.Newcomb
10/15/79
JCR:jj

The foregoing is certified to be a true copy of a resolution adopted by said Board of Supervisors on the date therein set forth.
Donald D. Sullivan, Clerk of said Board
By Deputy

Approved as to Form:
James H. Angell, County Counsel
OCT 16 1979
By Gerald J. Geistlinger, Assistant

257675

RECORDED FOR RECORD
Board of Supervisors
Doc. Nbr. No. 257675
DEC - 4 1979
Donald D. Sullivan
County Clerk-Recorder

END RECORDED DOCUMENT DONALD D. SULLIVAN, COUNTY RECORDER

RECORDING REQUESTED BY

SOUTHERN CALIFORNIA EDISON

An EDISON INTERNATIONAL Company

WHEN RECORDED MAIL TO

SOUTHERN CALIFORNIA EDISON COMPANY

Corporate Real Estate
14799 Chestnut Street
Westminster, CA 92683-5240

Attn: Distribution/TRES

DOC # 2006-0102845
02/10/2006 08:00A Fee:16.00
Page 1 of 4
Recorded in Official Records
County of Riverside
Larry W. Ward
Assessor, County Clerk & Recorder

M	S	U	PAGE	SIZE	DA	PCOR	NOCOR	SMF	MISC.
	1		4						
					1			34	
A	R	L			COPY	LONG	REFUND	NCHG	EXAM

17-

C SG

GRANT OF EASEMENT

485603

DOCUMENTARY TRANSFER TAX $ NONE (VALUE AND CONSIDERATION LESS THAN $100.00)	DISTRICT	WORK ORDER	IDENTITY	MAP SIZE
Chester Peterson SCE Company SIG. OF DECLARANT OR AGENT DETERMINING TAX FIRM NAME	Palm Springs	6079-6777	5-6735	
	FIM 582-1929-1 APN 686-143-008	APPROVED: CORPORATE REAL ESTATE	BY SLS/GB	DATE 09/06/05

TRACY POPE, an unmarried man and JEFFREY POPE, a married man as his sole and separate property, as joint tenants (hereinafter referred to as "Grantor"), hereby grants to SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, its successors and assigns (hereinafter referred to as "Grantee"), an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time overhead electrical supply systems and communication systems (hereinafter referred to as "systems"), consisting of poles, guy wires and anchors, crossarms, wires, and other appurtenant fixtures and/or equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, in, on, over, across and along that certain real property in the County of Riverside State of California, described as follows:

VARIOUS STRIPS OF LAND LYING WITHIN PARCELS 1 AND 2, PARCEL MAP NO. 33574, FILED IN BOOK 216, PAGES 1 THROUGH 3 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THE CENTERLINES OF SAID STRIPS ARE DESCRIBED AS FOLLOWS:

STRIP #1 (10.00 FEET WIDE)

COMMENCING AT THE MOST WESTERLY CORNER OF SAID PARCEL 1; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 1, SOUTH 67°59'45" EAST 40.00 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE NORTH 08°13'00" EAST 129.28 FEET TO A POINT TO BE HEREINAFTER REFERRED TO AS POINT "A"; THENCE NORTH 34°41'59" EAST 150.00 FEET.

THE SIDELINES OF SAID STRIP ARE TO BE PROLONGED OR SHORTENED TO JOIN AT THE ANGLE POINT AND TO TERMINATE SOUTHERLY IN SAID SOUTHWESTERLY LINE.

STRIP #2 (5.00 FEET WIDE)

BEGINNING AT SAID POINT "A"; THENCE NORTH 68°00'34" WEST 7.00 FEET, MORE OR LESS, TO THE NORTHWESTERLY LINE OF SAID PARCEL 2.

STRIP #3 (5.00 FEET WIDE)

COMMENCING AT THE MOST WESTERLY CORNER OF SAID PARCEL 1; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 1, SOUTH 67°59'45" EAST 40.00 FEET; THENCE NORTH 22°00'15" EAST 2.50 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 67°59'45" EAST 8.00 FEET.

This legal description was prepared pursuant to Sec. 8730(c) of the Business & Professions Code.

Grantor agrees for itself, its heirs, its assigns and its and their contractors, agents and employees, the right of free access to said systems and facilities and every part thereof, over the hereinabove described easement area, at all times, for the purpose of exercising the rights herein, and the right to clear and to keep clear said easement area free from explosives, buildings, structures, fences, vehicles, equipment, brush, combustible material and any and all other obstructions of any kind, and the right to trim or remove any tree or shrub which, in the opinion of Grantee, may endanger said systems, or any part thereof, or interfere with the exercise of the rights herein.

EXECUTED this 14 day of OCTOBER, 20 05

GRANTOR

TRACY POPE, an unmarried man and JEFFREY POPE, a married man as his sole and separate property, as joint tenants

Tracy Pope

Jeffrey Pope

STATE OF CALIFORNIA)
) ss.
COUNTY OF Sacramento)

On October 14th, 2005 before me, Leslie Bird a Notary Public in and for said State, personally appeared Tracy Dixon Pope personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacities, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary

LESLIE BIRD
Commission # 1577698
Notary Public - California
Sacramento County
My Comm. Expires May 10, 2009

05E05129994

6079-6777 / 5-6735

2006-0093943
ORIGINAL

216/1

SHEET 1 OF 3 SHEETS

IN THE CITY OF CATHEDRAL CITY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

PARCEL MAP NO. 33574

PARCEL 1 OF R.S. 30/63, RIVERSIDE COUNTY RECORDS, SECTION 5, T5S, R5E, S.B.M.

SANBORN A/E, INC. SEPTEMBER 2005

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF THE LAND INCLUDED WITHIN THE PARCEL MAP SHOWN HEREON; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID LAND; THAT WE CONSENT TO THE MAKING AND RECORDING OF THIS PARCEL MAP AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

by _____ JEFFERY POPE by _____ TRACY POPE

~~CTC REAL ESTATE SERVICES~~, TRUSTEE:
~~BY DEED OF TRUST RECORDED AUGUST 10, 2004 AS INSTRUMENT NO. 2004-631037~~
by Abraham Bartamian by _____

~~CTC REAL ESTATE SERVICES~~, TRUSTEE:
Keeon Trust Company, N.A.
BY DEED OF TRUST RECORDED NOVEMBER 17, 2004 AS INSTRUMENT NO. 2004-0917587
by Abraham Bartamian, Assistant Secretary by _____

~~CTC REAL ESTATE SERVICES~~, TRUSTEE:
Keeon Trust Company, N.A.
BY DEED OF TRUST RECORDED NOVEMBER 17, 2004 AS INSTRUMENT NO. 2004-0917588
by Abraham Bartamian, Assistant Secretary by _____

NOTARY ACKNOWLEDGEMENT

SEE SHEET 2 OF 3

TAX COLLECTOR'S CERTIFICATE

I HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THIS OFFICE, AS OF THIS DATE, THERE ARE NO LIENS AGAINST THE PROPERTY SHOWN ON THE WITHIN MAP FOR UNPAID STATE, COUNTY, MUNICIPAL, OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES ~~NOT YET PAYABLE BUT ESTIMATED TO BE $ 2,600~~. THIS CERTIFICATE EXCLUDES ~~ANY~~ SUPPLEMENTAL TAX ASSESSMENTS NOT YET EXTENDED.

THIS NOW BLIES OUT NOT YET PAYABLE & WHICH WAS ESTIMATED TO BE $ 2,600

DATED: Jan. 30, 2006

PAUL McDONNELL, COUNTY TAX COLLECTOR

BY: _____ DEPUTY

TAX BOND CERTIFICATE

I HEREBY CERTIFY THAT A BOND IN THE SUM OF $ 7,600 HAS BEEN EXECUTED AND FILED WITH THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, CALIFORNIA, CONDITIONED UPON THE PAYMENT OF ALL TAXES, STATE, COUNTY, MUNICIPAL OR LOCAL, AND ALL SPECIAL ASSESSMENTS COLLECTED AS TAXES, WHICH AT THE TIME OF FILING OF THIS MAP WITH THE COUNTY RECORDER ARE A LIEN AGAINST SAID PROPERTY BUT NOT YET PAYABLE AND SAID BOND HAS BEEN DULY APPROVED BY SAID BOARD OF SUPERVISORS.

DATED: Jan. 30, 2006

NANCY ROMERO, CLERK OF THE BOARD OF SUPERVISORS

BY: _____ DEPUTY

CASH TAX BOND
PAUL McDONNELL, COUNTY TAX COLLECTOR

BY: _____ DEPUTY

SIGNATURE OMISSIONS

PURSUANT TO SECTION 66436(c) OF THE SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING OWNERS OF EASEMENTS WERE OMITTED, WHOSE INTERESTS CANNOT RIPEN INTO FEE.

1. AN EASEMENT IN FAVOR OF CALIFORNIA ELECTRIC POWER COMPANY IN INSTRUMENT RECORDED JULY 20, 1955 IN BOOK 1768 PAGE 446, O.R. EASEMENT IS NOT PLOTTABLE.
2. AN EASEMENT IN FAVOR OF CALIFORNIA ELECTRICT POWER COMPANY AND CALIFORNIA WATER AND TELEPHONE COMPANY IN INSTRUMENT RECORDED DECEMBER 10, 1959 AS INSTRUMENT NO. 104990, O.R.
3. AN EASEMENT IN FAVOR OF CALIFORNIA ELECTRICT POWER COMPANY AND CALIFORNIA WATER AND TELEPHONE COMPANY IN INSTRUMENT RECORDED FEBRUARY 18, 1960 AS INSTRUMENT NO. 15175, O.R.
4. AN EASEMENT FOR PUBLIC UTILITIES AND PUBLIC SERVICE RESERVED FROM VACATION OF CHANNEL DRIVE IN INSTRUMENT RECORDED DECEMBER 4, 1979 AS INSTRUMENT NO. 257673, O.R.

SOILS REPORT

A PRELIMINARY SOIL REPORT WAS PREPARED BY EARTH SYSTEMS CONSULTANTS ON THE 30TH DAY OF NOVEMBER, 1998 (FILE NO. SS-6988-P1) AS REQUIRED BY THE HEALTH AND SAFETY CODE OF CALIFORNIA, SECTION 17953.

RECORDER'S STATEMENT

FILED THIS 12 DAY OF February 2006, AT 8A M.
IN BOOK 216 OF PARCEL MAPS AT PAGES 13 AT THE REQUEST OF THE CLERK OF THE CITY OF CATHEDRAL CITY, CALIFORNIA
FEE: _____
NO. 2006-0093943

LARRY W. WARD
ASSESSOR, COUNTY RECORDER, CLERK

BY: _____

SUBDIVISION GUARANTEE BY: COMMONWEALTH LAND TITLE COMPANY

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF JEFFERY POPE, ON AUGUST 2005. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR WILL BE IN ACCORDANCE WITH THE TERMS OF THE MONUMENT AGREEMENT FOR THE MAP; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. THE SURVEY IS TRUE AND COMPLETE AS SHOWN. I HEREBY STATE THAT THIS MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

PROFESSIONAL LAND SURVEYOR JOHN L. SANBORN L.S. 4146 EXP. 6/30/06 STATE OF CALIFORNIA

DATED: Nov. 17, 2005

JOHN L. SANBORN L.S. NO. 4146
L.S. EXP. 6/30/06

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE ANNEXED MAP OF PARCEL NO. 32807 CONSISTING OF 3 SHEETS; THAT THE PARCEL MAP SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP OR APPROVED ALTERATION THEREOF; THAT ALL PROVISIONS OF THE STATE SUBDIVISION MAP ACT AND LOCAL ORDINANCES HAVE BEEN COMPLIED WITH AND I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

DATED: December 2, 2005

BY: W. O. Bayne
WILLIAM O. BAYNE, CITY ENGINEER
R.C.E. NO. 18282
REG. EXP. 6/30/07

CITY CLERK'S STATEMENT

I, PAT HAMMERS, CITY CLERK AND EX-OFFICIO CLERK OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, STATE OF CALIFORNIA, HEREBY STATES THAT SAID CITY COUNCIL AT ITS REGULAR MEETING HELD ON THE 14TH DAY OF Nov 30, Dec 8 2005, DULY APPROVED THE ANNEXED MAP OF PARCEL MAP NO 33574. THE TENTATIVE MAP FOR SAID PARCEL MAP WAS APPROVED BY THE CITY COUNCIL AT ITS REGULAR MEETING HELD ON THE 10TH DAY OF AUGUST 2005

DATED: December 1, 2005

BY: _____
PAT HAMMERS
CITY CLERK AND EX-OFFICIO CLERK OF THE CITY COUNCIL OF CATHEDRAL CITY, CALIFORNIA

W.O. 04-306

2006-0093943
ORIGINAL

216
2

SHEET 2 OF 3 SHEETS

IN THE CITY OF CATHEDRAL CITY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

PARCEL MAP NO. 33574

PARCEL 1 OF R.S. 30/63, RIVERSIDE COUNTY RECORDS, SECTION 5, T5S, R5E, S.B.M.

SANBORN A/E, INC. SEPTEMBER 2006

NOTARY ACKNOWLEDGEMENT

STATE OF [illegible])
COUNTY OF [illegible]) SS
ON [illegible] BEFORE ME [illegible] Jamillah Suttles, as Notary Public
PERSONALLY APPEARED [illegible]
PERSONALLY KNOWN TO ME (OR PROVIDED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

Jamillah Suttles
NOTARY PUBLIC IN AND FOR SAID STATE

Jamillah Suttles
(PRINT NAME) 770-220-4575

MY PRINCIPAL PLACE OF BUSINESS
IS Fulton COUNTY.

MY COMMISSION EXPIRES July 4, 2009

NOTARY ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
COUNTY OF [illegible]) SS
ON [illegible] BEFORE ME L.S. BIRD NOTARY PUBLIC
PERSONALLY APPEARED [illegible]
PERSONALLY KNOWN TO ME (OR PROVIDED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC IN AND FOR SAID STATE

L.S. BIRD
(PRINT NAME)

MY PRINCIPAL PLACE OF BUSINESS
IS SACRAMENTO COUNTY.

MY COMMISSION EXPIRES JAN. 03 2007
COMMISSION # 1392597

L.S. BIRD
Commission # 1392597
Notary Public - California
Sacramento County
My Comm. Expires Jan 3, 2007

NOTARY ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) SS
ON 1-19-06 BEFORE ME DEBRA RODRIGUEZ
PERSONALLY APPEARED ROSARIO BARTAMANT
PERSONALLY KNOWN TO ME (OR PROVIDED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

Debra Rodriguez
NOTARY PUBLIC IN AND FOR SAID STATE

DEBRA RODRIGUEZ
(PRINT NAME)

MY PRINCIPAL PLACE OF BUSINESS
IS Ventura COUNTY.

MY COMMISSION EXPIRES 1-27-2009

NOTARY ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) SS
ON _____ BEFORE ME _____
PERSONALLY APPEARED _____
PERSONALLY KNOWN TO ME (OR PROVIDED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC IN AND FOR SAID STATE

(PRINT NAME)

MY PRINCIPAL PLACE OF BUSINESS
IS _____ COUNTY.

MY COMMISSION EXPIRES _____

W.O. 04-306

2006-0093943 ORIGINAL 216/3

SHEET 3 OF 3 SHEETS

IN THE CITY OF CATHEDRAL CITY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

PARCEL MAP NO. 33574

PARCEL 1 OF R.S. 30/83, RIVERSIDE COUNTY RECORDS, SECTION 5, T5S, R5E, S.B.M.

SANBORN A/E, Inc. SEPTEMBER 2005

BASIS OF BEARINGS:

CENTERLINE OF ELNA WAY PER M.B. 28/100 BEING N 00°13'E

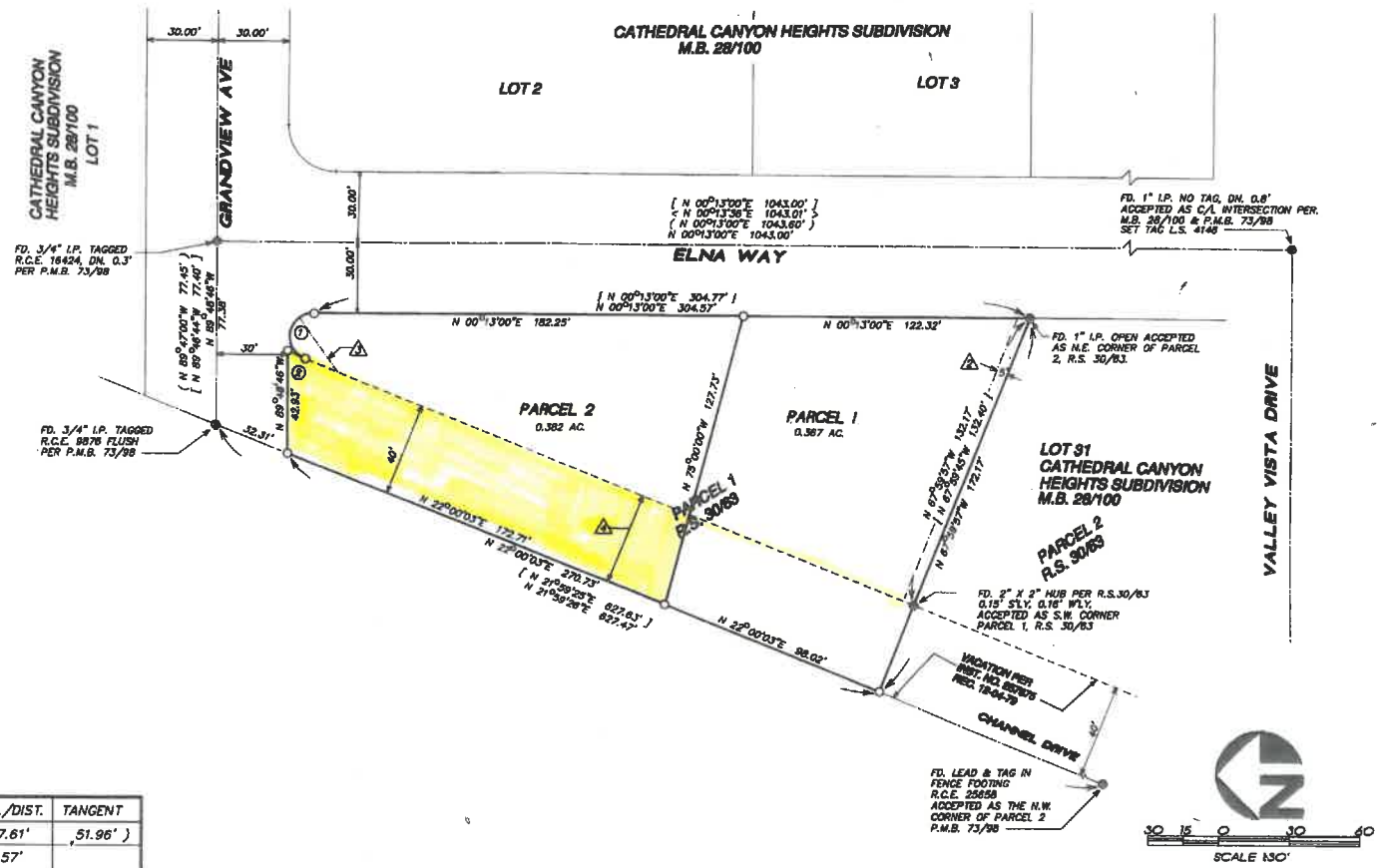
SURVEYOR'S NOTES:

● INDICATES MONUMENT AS NOTED
○ INDICATES SET 1" IRON PIPE PER L.S. 4146

THIS PARCEL MAP CONTAINS 0.75 GROSS ACREA WITHIN THE DISTINCTIVE BORDER..

( ) DENOTES RECORD DATA PER M.B. 28/100
[ ] DENOTES RECORD DATA PER P.M.B. 73/98
< > DENOTES RECORD DATA PER P.M.B. 173/79
{ } DENOTES RECORD DATA PER R.S. 30/83

THIS PARCEL MAP CONTAINS 2 NUMBER PARCELS.
SET 1" I.D. I.P. FLUSH TAGGED L.S. 4146 AT ALL PARCEL CORNERS.



DATA

	DELTA/BEARING	RADIUS	LEN./DIST.	TANGENT
1	(158°12'45"	10.00'	27.61'	51.96')
2	N 22°00'03" E		7.57'	

W.O. 04-306

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCEL MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

POR. SEC. 4, 5 T.5S, R.5E

CITY OF CATHEDRAL CITY

TRA 019-017

686-14

24-68-16

1 " = 200 '

Legend

- Lot Lines
- Right-Of-Way
- Old Lot Lines
- Reference R.O.W
- Other Easements
- Lease Area
- Subdivision Tie Mark

ELNA WAY

LOT B

GRANDVIEW AVE

LOT C

VALLEY VISTA DR.

CHANNEL DR

LOT A

C.C.H.

686-143-021

141

142

143

Map Reference *

MB 28/100 CATHEDRAL CANYON HEIGHTS
RS 30/63
PM 55/35 PARCEL MAP NO. 11148
PM 73/98 PARCEL MAP NO. 13463
PM 90/37 - 38 PARCEL MAP NO. 14931
PM 165/29 PARCEL MAP NO. 24488
PM 175/79 PARCEL MAP NO. 27315
PM 216/1 - 3 PARCEL MAP NO. 33574

Date *	Old Number *	New Number *
8/1/1971	1	9-10
10/1/1976	801	141-2
10/1/1978	141-001	3-6
12/1/1979	143-1-4	8-11
12/1/1979	143-7	12
1/1/1980	11	13-14
5/1/1981	142-6	11-13
11/1/1990	143-12	143-15-17
12/1/1992	143-15	143-18-19
12/18/2006	143-8	20-21
1/13/2016	6	7,PG.17

Jan 2016

ASSESSOR'S MAP BK686 PG. 14
Riverside County, Calif.

jasantos

Cathedral City

Agenda Report

File #: 2017-170 **Item No:** 4.C.

City Council

MEETING DATE: 4/26/2017

TITLE:
Resolution Establishing Tax Rates for Cannabis Cultivation and Manufacturing Businesses

FROM:
Charlie McClendon, City Manager

RECOMMENDATION:
Staff recommends the City Council approve a resolution establishing tax rates for Cannabis cultivation and manufacturing businesses consistent with authorization approved by Cathedral City voters on November 8, 2016.

BACKGROUND:
The voters of the Cathedral City approved Measure N at the November 4, 2014 general municipal election. Measure N authorizes the City to impose a tax on the proceeds of cannabis and marijuana collectives as defined in the Ordinance in the amount of fifteen cents (15) for every dollar of proceeds. The Ordinance provides the Council with the authority to set the tax at a rate that is less than 15% and to establish exemptions, incentives, or other reductions, and penalties and interest charges or assessments for failure to pay the tax in a timely manner. On August 26, 2015 Council approved Resolution 2015-50 setting the tax rate on dispensaries at 10% of gross proceeds.

At the November 8, 2016 general election the voters of Cathedral City approved Measure P. The ballot language for Measure P stated "To help fund municipal services, including police protection and crime suppression services, fire prevention and suppression services, emergency medical services, park, recreation, and library facilities and services, shall an ordinance amending the existing cannabis tax be adopted that would expand the tax to apply to recreational cannabis, if legalized, and apply a tax of $25 per square foot of cultivation space, and $1.00 for every gram of cannabis concentrate and every unit of cannabis-infused product?”

Council held a discussion in study session on January 25, 2017 on tax rates for Cannabis cultivation and manufacturing businesses and, at that time asked staff to refer the question to the Cannabis Task Force for their input.

DISCUSSION:

Council has flexibility in establishing tax rates for cultivation and manufacturing operations up to the maximum rates approved by the voters.

The City Attorney's office conducted some research on cannabis tax rates in effect throughout the state. The report is attached. Generally, the findings in the report correspond to information provided by members of the Cannabis Task Force.

The task force met most recently on April 10, 2017 for the purpose of discussing taxes and making recommendations to the City Council.

DISPENSARIES: Regarding dispensaries the task force was told that the Council had not indicated a desire to revisit the 10% gross proceeds tax on dispensaries. There was some discussion around the fact that the market for dispensaries, since they are the retail outlets, is much more localized given that customers are unlikely to drive a long way to save a percentage or two on taxes. There was also a general agreement that in the Coachella Valley market the current 10% gross proceeds tax is not out of line with the rate being charged by other cities.

CULTIVATION: The task force discussed cultivation taxes fairly extensively. There was agreement that the voter-authorized maximum tax of $25 per square foot might place local cultivators at a competitive disadvantage. If the industry is to be successful in Cathedral City and produce substantial revenue to support services to the community there was agreement that the tax rate needs to be reduced so the local growers can compete. Some in the industry favored a rate as low as $10 per square foot. By the time the discussion was complete, however, there was a general consensus around recommending a cultivation tax rate of $15 per square foot.

MANUFACTURING: Manufacturing proved to be the most difficult area for the task force to come to agreement. No comparable cities were found, which tax manufacturing based on the volume of product produced. Coupled with the fact that there appears to be wide variation in the value or sales price of the products produced, the result was that the task force struggled with determining what a competitive tax rate for manufacturing should be. For example, industry representatives pointed out that some extracts produced sell for as little as $3.50 per gram, in which case a $.35 per gram tax equates to a 10% tax. On other products that sell for more the same tax would equate to a lower percentage. For example on an extract selling for $35.00 per gram the same $.35 tax would equate to only 1%. Industry representatives reported that Los Angeles recently set manufacturing tax rates at 2% gross proceeds and recommended a 2-3% gross proceeds tax in Cathedral City. The voter authorized language does not appear to authorize a gross proceeds tax. However, the same tax of $.35 per gram would equate to a gross proceeds tax of 2% or less on any products selling for $17.50 per gram or more. After a lengthy discussion the task force agreed to report a recommended tax rate ranging from $.25 per gram or unit to $.50 per gram or unit. In general industry representatives and some of the resident members favored the $.25 rate while generally speaking the City

representatives favored the $.50 rate. Anything in between those ranges would be a viable alternative.

In general, there seemed to be a recognition of the position many of the current license holders for cultivation and manufacturing are taking of waiting to see where the tax rates land before taking the final steps to open. The task force also discussed the added option, which appears to have been authorized by the voters, of developing further individualized tax incentive agreements with businesses in exchange for long term commitments to the City, local first hiring agreements and other benefits to the community.

FISCAL IMPACT:

The City currently has two cultivation businesses in operation totaling 6,475 square feet. The tax reduction to these two businesses will result in a reduction in revenue from them of $64,750 annually. It is unknown if any additional cultivators will open at the current tax rate. Conditional Use Permits have been approved for a total of 615,500 square feet of cultivation space. At the recommended rate of $15 per square foot a total of $9,232,500 annually would result if they all stay and open in Cathedral City and if there are no tax rebate agreements put into place. Eight conditional use permits for manufacturing have been approved. It appears the business owners are waiting to open pending decisions on tax rates. A manufacturer producing 500,000 grams per year at a tax rate of $.35 would pay $175,000 in tax per year or $1,400,000 for all eight if they all opened and produced that volume of product and there are no tax rebate agreements put into place.

ATTACHMENTS:

Resolution 2015-50
Comparable tax rate report
Proposed resolution

RESOLUTION NO. 2015-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, ESTABLISHING CANNABIS AND MARIJUANA TAX RATES, PENALTIES AND RELATED AUDIT REQUIREMENTS

THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY FINDS:

A. The Voters of the Cathedral City approved Measure N at the November 4, 2014 general municipal election.

B. Measure N is an ordinance that added Chapter 9.108 to the Cathedral City Municipal Code (the "Ordinance"). The Ordinance authorizes the City to impose a tax on the proceeds of cannabis and marijuana collectives as defined in the Ordinance in a maximum amount of 15% of proceeds.

C. The Ordinance provides the Council with the authority to set the tax at a rate that is less than 15% and to establish exemptions, incentives, or other reductions, and penalties and interest charges or assessments for failure to pay the tax in a timely manner.

D. This Resolution will set a tax rate of 10% for each medical cannabis collective, cooperative or dispensary that received or receives from the City Council a permit to operate as medical cannabis collective or cooperative pursuant to Section 9.108, as may be amended from time to time.

E. This Resolution also establishes appropriate penalties and interest charges for payment delinquencies and appropriate audit and financial review requirements to ensure timely and full payment of all taxes required under the Ordinance and this Resolution.

F. The definitions contained in the Ordinance shall pertain to words or terms used in this Resolution. For the purpose of this Resolution the term "Director" means the City Administrative Services Director or designee; "Tax" means the Cannabis and Marijuana Tax" as established in the Ordinance and as administered under this Resolution.

THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY RESOLVES:

SECTION 1. The Tax on a medical cannabis collective or cooperative for which the City has issued a permit pursuant to Cathedral City Municipal Code Section 9.108 as amended shall be 10% (or portion thereof) of the proceeds of such collective or cooperative.

SECTION 2. The Tax shall be due and payable as follows:

A. Each person owing Tax, on or before the last day of each calendar month, shall prepare a tax return to the Director of the total proceeds and the amount of Tax

owed for the preceding calendar month. At the time the Tax return is filed, the full amount of the Tax owed for the preceding calendar month shall be remitted to the Director.

B. All tax returns shall be completed on forms provided by the Director.

C. Tax returns and payments for all outstanding taxes owed the City are immediately due the Director upon cessation of business for any reason.

SECTION 3. Whenever any payment, statement, report, request or other communication received by the Director is received after the time prescribed by this Resolution for the receipt thereof, but is in an envelope bearing a postmark showing that it was mailed on or prior to the date prescribed in this Resolution for the receipt thereof, or whenever the Director is furnished substantial proof that the payment, statement, report, request, or other communication was in fact deposited in the United States mail on or prior to the date prescribed for receipt thereof, the Director may regard such payment, statement, report, request, or other communication as having been timely received. If the due day falls on Friday, Saturday, Sunday, or a holiday, the due day shall be the next regular business day on which the City hall is open to the public.

SECTION 4. Unless otherwise specifically provided under other provisions of this Resolution, the taxes required to be paid pursuant to this Resolution shall be deemed delinquent if not paid on or before the due date specified in Section 3 of this Resolution.

SECTION 5. The Director is not required to send a delinquency or other notice or bill to any person subject to the provisions of this Resolution and failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this Resolution.

SECTION 6.

A. Any person who fails or refuses to pay any tax required to be paid pursuant to this Resolution on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to twenty-five percent of the amount of the Tax in addition to the amount of the Tax, plus interest on the unpaid Tax calculated from the due date of the Tax at a rate established by resolution of the City Council; and

2. An additional penalty equal to twenty-five percent of the amount of the Tax if the tax remains unpaid for a period exceeding one calendar month beyond the due date, plus interest on the unpaid Tax and interest on the unpaid penalties calculated at the rate established by resolution of the City Council.

B. Whenever a check is submitted in payment of a Tax and the check is subsequently returned unpaid by the bank upon which the check is drawn, and the check is not redeemed prior to the due date, the taxpayer will be liable for the Tax amount due plus penalties and interest as provided for in this section plus any amount allowed under state law.

C. The Tax due shall be that amount due and payable from January 1, 2014 or the first date on which the collective first operated in the City, whichever date occurred last, together with applicable penalties and interest calculated in accordance with Subsection A of this Section.

SECTION 7. The Director may waive the first and second penalties of twenty-five percent each imposed upon any person if:

A. The person provides evidence satisfactory to the Director that failure to pay timely was due to circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, and the person paid the delinquent business tax and accrued interest owed the City prior to applying to the Director for a waiver.

B. The waiver provisions specified in this subsection shall not apply to interest accrued on the delinquent tax and a waiver shall be granted only once during any twenty-four month period.

SECTION 8.

A. No refund shall be made of any tax collected pursuant to this Resolution, except as provided in Section 10 of this Resolution.

B. No refund of any Tax collected pursuant to this Resolution shall be made because of the discontinuation, dissolution, or other termination of a collective.

C. Any person entitled to a refund of taxes paid pursuant to this Resolution may elect in writing to have such refund applied as a credit against collective's Taxes for the next calendar month.

SECTION 9.

A. Whenever the amount of any tax, penalty, or interest has been overpaid, paid more than once, or has been erroneously or illegally collected or received by the City under this Resolution, it may be refunded to the claimant who paid the Tax provided that a written claim for refund is filed with the Director.

B. The Director shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant therefor refuses to allow such examination of the claimant's books and business records after request by the Director to do so.

C. In the event that the Tax was erroneously paid and the error is attributable to the City, the entire amount of the Tax erroneously paid shall be refunded to the claimant. If the error is attributable to the claimant, the City shall retain the amount set forth in this Resolution from the amount to be refunded to cover expenses.

D. The Director shall initiate a refund of any Tax which has been overpaid or erroneously collected whenever the overpayment or erroneous collection is uncovered by a City audit of Tax receipts. In the event that the Tax was erroneously paid and the error is attributable to the City, the entire amount of the Tax erroneously paid shall be refunded to the claimant. If the error is attributable to the claimant, the City shall retain the amount set forth in this Resolution from the amount to be refunded to cover expenses

SECTION 10.

A. It shall be the duty of the Director to enforce each and all of the provisions of this Resolution.

B. For purposes of administration and enforcement of this Resolution

generally, the Director, with the concurrence of the City Attorney, may from time to time promulgate administrative rules and regulations.

SECTION 11. The Director shall have the power to audit and examine all books and records of collectives as well as persons engaged in the operation of a cannabis or marijuana collective including both state and federal income tax returns, California sales tax returns, or other evidence documenting the gross receipts of collectives or persons engaged in the operation of a cannabis or marijuana collective, for the purpose of ascertaining the amount of Tax, if any, required to be paid by the provisions of this Resolution or the Ordinance, and for the purpose of verifying any statements or any item thereof when filed by any person pursuant to the provisions of this Resolution. If such collective or person, after written demand by the Director, refuses to make available for audit, examination or verification such books, records, or equipment as the Director requests, the Director may, after full consideration of all information within the Director's knowledge concerning the collective and its business and activities of the person so refusing, make an assessment in the manner provided in Sections 13 and 14 of this Resolution.

SECTION 12. The amount of any tax, penalties, and interest imposed by the provisions of this Resolution shall be deemed a debt to the City and any person operating a collective without first having procured a business tax license as provided in Chapter 3.28 of the Cathedral City Municipal Code shall be liable in an action in the name of the City in any court of competent jurisdiction for the amount of the tax, and penalties and interest imposed on such collective.

SECTION 13. If the Director is not satisfied that any statement filed as required under the provisions of this Resolution is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a deficiency determination may be made at any time within three years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice shall be given to the person concerned in the same manner as notices of assessment are given under Sections 15 through 17 of this Resolution.

SECTION 14.

A. Under any of the following circumstances, the Director may make and give notice of an assessment of the amount of tax owed by a person under this Resolution:

1. If the person has not filed any statement or return required under the provisions of this Resolution;

2. If the person has not paid any tax due under the provisions of this Resolution;

3. If the person has not. after demand by the Director, filed a corrected statement or return, or furnished to the Director adequate substantiation of the

information contained in a statement or return already filed, or paid any additional amount of tax due under the provisions of this Resolution;

4. If the Director determines that the nonpayment of any business tax due under this Resolution is due to fraud, a penalty of twenty-five percent of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this Resolution.

B. The notice of assessment shall separately set forth the amount of any tax known by the Director to be due or estimated by the Director, after consideration of all information within the Director's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this Resolution, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

SECTION 15. The notice of assessment shall be served upon the person either by handing it to him or her personally, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business appearing on the face of the Cathedral City Business License issued pursuant to Cathedral City Municipal Code 3.28 or to such other address as he or she shall register with the Director for the purpose of receiving notices provided under this Resolution; or, should the person have no address registered with the Director for such purpose, then to such person's last known address. For the purposes of this section, a service by mail is complete at the time of deposit in the United States mail.

SECTION 16. Within ten days after the date of service the person may apply in writing to the Director for a hearing on the assessment. If application for a hearing before the City is not made within the time herein prescribed, the tax assessed by the Director shall become final and conclusive. Within thirty days of the receipt of any such application for hearing, the Director shall cause the matter to be set for hearing before him or her not later than thirty days after the date of application, unless a later date is agreed to by the Director and the person requesting the hearing. Notice of such hearing shall be given by the Director to the person requesting such hearing not later than five days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment as made by the Director should not be confirmed and fixed as the tax due. After such hearing the Director shall determine and reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 15 giving notice of assessment.

SECTION 17. The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Resolution or of any state law requiring the payment of all taxes.

SECTION 18. Any person violating any of the provisions of this Resolution or any regulation or rule passed in accordance herewith, or knowingly or intentionally misrepresenting to any officer or employee of the City any material fact in procuring the certificate or document from the City as provided for in the Ordinance or this Resolution

shall be deemed guilty of a misdemeanor

SECTION 19. The operative date of this Resolution shall be August 26, 2015

PASSED, APPROVED AND ADOPTED THIS 26th DAY OF AUGUST 2015.

Stanley E. Henry, Mayor

ATTEST:

City Clerk (Deputy)

Approved as to form:

Charles R. Green, City Attorney

I HEREBY CERTIFY that the foregoing Resolution was adopted by a vote of the City Council of the City of Cathedral City at its regular meeting of August 26th, 2015, by the following vote:

AYES: Councilmembers Aguilar, Carnevale and Kaplan; Mayor Pro Tem Pettis and Mayor Henry

NOES: None

ABSENT: None

ABSTAIN: None

City Clerk (Deputy)

Ranges of Maximum Local Cannabis Taxes in California

Cultivation Taxes Based on Building Square Footage

- Carson: $25 / sq ft
- Coachella: $15 / sq ft
- Coalinga: $25 / sq ft for first 3,000 sq ft, $10 / sq ft thereafter
- Desert Hot Springs: $25 / sq ft for first 3,000 sq ft, $10 / sq ft thereafter
- Fillmore: $30 / sq ft for first 3,000 sq ft, $15 / sq ft thereafter
- Grover Beach: $25 / sq ft for first 5,000 sq ft, $10 / sq ft thereafter
- Humbolt County: $1 - $3 / sq ft based on type of grow
- King: $25 / sq ft for first 5,000 sq ft, $10 / sq ft thereafter
- Long Beach: $15 / sq ft
- Monterey County: $25 / sq ft
- Perris: $25 / sq ft

Manufacturing Taxes Based on Volume of Product

None. All jurisdictions that we were able to find in California with manufacturing taxes either tax based on gross receipts or manufacturing square footage.

Dispensary & Other Cannabis Business Taxes Based on Gross Receipts:

- Adelanto: 5%
- Berkeley: 10% for nonmedical; 2.5% for medical
- Carson: 18%
- Cloverdale: 10%
- Coachella: 6%
- Coalinga: 10%
- Del Ray Oaks: 5 - 10%
- Desert Hot Springs: 10%
- Dixon: 15%
- Fillmore: 15%
- Gonzales: 15% (phased in; first 3 years maximum is 5%)
- Greenfield: 5% (after 7/1/2020, increases by 2.5% per year to maximum of 10%)
- Grover: 10% for nonmedical; 5% for medical
- Hayward: 15%
- Long Beach: 10 - 12%
- Maryville: 5 - 15%
- Mendocino County: 10%
- Monterey County: 10%
- Needles: 10%
- Oakland: 10%
- Palm Springs: 10 - 15%
- Pittsburgh: 10%
- Point Arena:: 10%
- Rancho Cordova: 7%
- Sacramento: 4%
- Salinas: 5% (after 3 years tax automatically increases to 10%)
- San Bernardino: 5%
- San Diego: 5 - 15%
- San Leandro: 10%
- San Jose: 10%
- Santa Barbara: 20%
- Santa Cruz: 7%
- Solano County: 15%
- Sonoma County: 10%
- Vallejo: 10%
- Watsonville: 10%

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, LOWERING THE CANNABIS TAX RATES PURSUANT TO SECTION 3.48.040 OF THE CATHEDRAL CITY MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY FINDS:

A. The voters of Cathedral City approved Measure N at the November 2014 general municipal election establishing a tax on the proceeds of cannabis businesses as defined in Measure N in a maximum amount of 15% of proceeds.

B. Measure N authorized the Council to set the tax at a rate that is less than 15% and to establish exemptions, incentives, or other reductions.

C. Resolution 2015-50, adopted August 26, 2015, set a tax rate of 10% for each medical cannabis business that received or receives from the City a permit to operate a medical cannabis business or cooperative in the City.

D. At the time Measure N was approved, dispensaries were the only type of medical cannabis business permitted in the City. Subsequently, the City Council has substantially change the City's regulation of medical cannabis businesses, and expanded the types of medical cannabis businesses that are allowed in the City.

E. The City Council placed Measure P on the November 2016 ballot to amend the tax on cannabis businesses to include different tax rates for medical cannabis cultivation and manufacturing, among other things.

F. The voters approved Measure P, which imposes the following taxes on medical cannabis businesses in the City:

- Fifteen cents for each one dollar of gross receipts or fractional part thereof received by a dispensary or by any other cannabis business for activities other than cannabis cultivation or manufacturing.

- Twenty-five dollars for each square foot or fractional part thereof of cannabis cultivation space.

- One dollar for each gram of cannabis concentrate produced or manufactured.

- One dollar for each unit of cannabis-infused product other than cannabis concentrate produced or manufactured and packaged or intended for individual sale.

G. Measure P continues to authorize the Council to set the taxes on medical cannabis at lower rates than what was approved by the voters, and to establish exemptions, incentives, or other reductions.

THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY RESOLVES:

SECTION 1. The definitions contained in Section 3.48.020 of the Cathedral City Municipal Code shall pertain to words or terms used in this Resolution.

SECTION 2. Every cannabis business operating in the city, regardless of whether such cannabis business has a license pursuant to Chapter 5.88 of this code or a permit pursuant to Chapter 9.108 of this code, shall pay the Tax in the following amounts:

A. Ten cents for each one dollar of gross receipts or fractional part thereof received by a dispensary or by any other cannabis business for activities other than cannabis cultivation or manufacturing.

B. Fifteen dollars for each square foot or fractional part thereof of cannabis cultivation space.

C. Fifty cents for each gram of cannabis concentrate produced or manufactured.

D. Fifty cents for each unit of cannabis-infused product other than cannabis concentrate produced or manufactured and packaged or intended for individual sale.

Each July 1, the amounts in subsections B, C, and D of this section may be automatically adjusted based on the average percentage change in the Consumer Price Index for “all urban consumers” in the Los Angeles-Anaheim-Riverside area for the calendar year which ends in the previous fiscal year.

SECTION 3. This Resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Cathedral City held on this __ day of _____, 2017, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Stanley E. Henry, Mayor

ATTEST:

Gary F. Howell, City Clerk

APPROVED AS TO FORM:

Eric S. Vail, City Attorney

Cathedral City

Agenda Report

File #: 2017-172 **Item No:** 4.D.

City Council

MEETING DATE: 4/26/2017

TITLE:
First Reading of an Ordinance Amending Chapter 5.88 of the Code Regulating Medical Cannabis Transportation, Distribution and Testing Laboratories

FROM:
Charles P. McClendon, City Manager

RECOMMENDATION:
Staff recommends the City Council introduce and waive further reading of the Ordinance amending Chapter 5.88 of the Code regulating medical cannabis transportation, distribution and testing laboratories.

BACKGROUND:
On February 8, 2017, the City Council adopted Ordinance 798 amending Chapter 9.108 of the Municipal Code to establish land use regulations for medical cannabis testing laboratories, distribution sites, and transportation sites. That ordinance allowed these uses in the following locations:

Testing laboratories: permitted by right in PLC, PPO, NBP
Transportation: conditionally permitted in I-1, OS, CBP-2, PCC
Distribution: conditionally permitted in I-1, OS, CBP-2, PCC

This Ordinance amends Chapter 5.88 of the Code to include regulations in the medical cannabis licensing regulations specific to these three types of medical cannabis uses.

DISCUSSION:
The Ordinance includes regulations specific to the operation of medical cannabis testing laboratories, distributors, and transporters. These are added to Section 5.88.065, paragraphs E and F. Distributors and transporters would be subject to the following regulations:

Quality assurance inspections of product

Maintain transaction records and shipping manifests

Only receive and hold edible cannabis products that are packaged for sale

Only conduct business with licensed medical cannabis businesses

Prohibited from holding a cultivation, manufacturing, dispensing or testing license

Proposed regulations on testing laboratories include:

Prohibited from holding any other type of medical cannabis license or a financial interest in any other medical cannabis businesses

Must obtain a Certificate of Accreditation from a body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement

Adhere to standard operating procedures consistent with those established by the International Organization for Standardization

Similar to Ordinance 798, this Ordinance makes numerous non-substantive "clean up" type revisions to Chapter 5.88, including changing references to the MMRSA to the MCRSA, and updating citations to reflect changes to the MCRSA.

In addition, three substantive changes are proposed to existing regulations. First, a provision is added stating that it is unlawful for any medical cannabis business to make claims that a product is safe just because it has been tested. Second, the regulations on manufacturers are updated to specifically state that only solvents permissible under the MCRSA may be used in extraction processes. Third, this ordinance proposes to permanently delete the provision that requires a bond to be posted by medical cannabis licensees. This bond requirement is waivable and the City has been waiving it consistently for the past year with no issues.

FISCAL IMPACT:
None.

ATTACHMENTS:
Proposed Ordinance

ORDINANCE NO.____

AN ORDINANCE OF THE CITY COUNCIL OF CATHEDRAL CITY, CALIFORNIA, AMENDING CHAPTER 5.88 OF THE CATHEDRAL CITY MUNICIPAL CODE REGULATING MEDICAL CANNABIS TRANSPORATATION, DISTRIBUTION AND TESTING LABORATORIES

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code Section 11362.5 and entitled "The Compassionate Use Act of 1996"), decriminalizing the use of cannabis for medical purposes; and

WHEREAS, in 2003, the California Legislature adopted SB 420, the Medical Marijuana Program, codified as California Health and Safety Code Section 11362.7 *et. seq*., which permits Qualified Patients and their Primary Caregivers to associate collectively or cooperatively to cultivate Medical Cannabis without being subject to criminal prosecution; and

WHEREAS, in 2008, the Attorney General of the State of California set forth Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use ("Guidelines"); and

WHEREAS, recently in October 2015, the State of California adopted AB 243, AB 266, and SB 643 (the "Medical Cannabis Regulation and Safety Act" or the "MCRSA") to clarify legal requirements pertaining to Medical Cannabis; and

WHEREAS, the MCRSA and California Supreme Court decisions empower cities and counties to enact laws or regulations pertaining to Medical Cannabis cultivation, dispensing, manufacturing or distribution pursuant to zoning powers that the agency's governing body allows which include expanding and allowing or restricting, banning and prohibiting such activity within the locality; and

WHEREAS, the City has adopted regulations governing the licensing and regulation of medical cannabis dispensaries, cultivators, and manufacturers as permitted by state law;

WHEREAS, the City Council desires to establish reasonable regulations on the operation of transportation, distribution and testing businesses which are intended to operate in conjunction with the Cathedral City Municipal Code's land use and zoning regulations; and

WHEREAS, it is the purpose and intent of this ordinance to regulate Medical Cannabis in a manner that is consistent with State Law and which promotes the health, safety and general welfare of citizens of Cathedral City and limits impacts associated with commercial cannabis activity; and

WHEREAS, nothing in this ordinance shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance as defined herein, allow the use or diversion of cannabis for nonmedical purposes, or allow any activity relating to the cultivation, distribution or consumption of cannabis that is otherwise illegal under California state law.

NOW, THEREFORE, THE CATHEDRAL CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Section 5.88.025 ("General Definitions") of the Cathedral City Municipal Code is hereby amended as follows:

A. The following definitions shall be inserted in alphabetical order:

"Certificate of accreditation" means a certificate issued by an accrediting body to a licensed testing laboratory, entity, or site to be registered in the state.

"Distribution" has the same meaning as that term is defined by Section 19300.5(p) of the California Business and Professions Code.

"Distributor" has the same meaning as that term is defined by Section 19300.5(q) of the California Business and Professions Code.

"Distribution site" means a facility where medical cannabis is stored or inspected by a Distributor for the purposes of distribution.

"Testing laboratory" has the same meaning as that term is defined by Section 19300.5(ak) of the California Business and Professions Code.

"Transporter" has the same meaning as that term is defined by Section 19300.5(an) of the California Business and Professions Code.

"Transportation site" means means a physical location where a Transporter conducts business while not in transport or any equipment that is not currently transporting medical cannabis or medical cannabis products, permanently resides.

B. The definition of "cultivation site" is amended to read as follows:

"Cultivation site" has the same meaning as that term is defined by Section 19300.5(l) of the California Business and Professions Code.

C. The definition of "commercial cannabis activity" is amended to read as follows:

"Commercial cannabis activity" has the same meaning as that term is defined by Section 19300.5(j) of the California Business and Professions Code, including the exclusion in Section 19319 of the California Business and Professions Code related to qualified patients and primary caregivers, and extending that exclusion to ID card holders.

D. The definition of "cultivation site" is amended to read as follows:

"Cultivation site" has the same meaning as that term is defined by Section 19300.5(l) of the California Business and Professions Code.

E. The definition of "good cause" is amended to replace the last sentence of paragraph 4 of that definition with the following:

"In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the planning commission shall consider the factors as set forth in Section 19323(b)(4) of the California Business and Professions Code;"

F. The definition of "manufactured cannabis" is amended to read as follows:

"Manufactured cannabis" has the same meaning as that term is defined by Section 19300.5(ac) of the California Business and Professions Code.

G. The definition of "manufacturing site" is amended to read as follows:

"Manufacturing site" has the same meaning as that term is defined by Section 19300.5(ae) of the California Business and Professions Code.

H. The definition of "medical cannabis" is amended to read as follows:

"Medical cannabis" has the same meaning as that term is defined by Section 19300.5(af) of the California Business and Professions Code.

I. The definition of "medical cannabis business" is amended to read as follows:

"Medical cannabis business" means any person engaged in commercial cannabis activity.

J. The definition of "Medical Marijuana Regulation and Safety Act" or "MMRSA" is amended to read as follows:

"Medical Cannabis Regulation and Safety Act" or "MCRSA" means Chapter 3.5 of Division 8 of the California Business and Professions Code, Section 147.5 of the California Labor Code, Section 31020 of the California Revenue and Taxation Code, Section 12029 of the California Fish and Game Code, Sections 11362.769 and 11362.777 of the California Health and Safety Code, and Section 13276 of the California Water Code.

K. The definition of "person" is amended to read as follows:

"Person" has the same meaning as that term is defined by Section 19300.5(ah) of the California Business and Professions Code.

L. The definition of "State license" is amended to read as follows:

"State license" has the same meaning as that term is defined by Section 19300.5(aj) of the California Business and Professions Code.

Section 3. Paragraph 12 of Subsection 5.88.065(A) ("Requirements Applicable to All Medical Cannabis Businesses") of the Cathedral City Municipal Code is hereby amended to read as follows:

"12. Advertising. A medical cannabis business shall not engage in advertising that is directed towards individuals less than eighteen years of age. It shall be unlawful for any medical cannabis business to make any claims that a product is safe because it is tested."

Section 4. Paragraph (b) of Subsection 5.88.065(C)(5) ("Extraction Requirements") of the Cathedral City Municipal Code is hereby amended to read as follows:

"b. Within the limitations set forth by state law, a medical cannabis business that extracts medical cannabis or produces cannabis concentrate using a solvent must use a professional-grade, closed-loop extraction system capable of recovering the solvent used and must only use a solvent that is permissible under the MCRSA."

Section 5. Section 5.88.065 ("Medical Cannabis Business Operational Requirements") of the Cathedral City Municipal Code is hereby amended as follows:

A. The first paragraph of subsection (C) is amended to read as follows:

"C. Operational Requirements Applicable to Manufacturing Sites and any Medical Cannabis Business Engaged in the Preparation of Manufactured Cannabis. A manufacturing site and any medical cannabis business engaged in the preparation of manufactured cannabis must comply with the requirements set forth in this subsection and subsection A. Failure to comply with any of these requirements shall be considered grounds for disciplinary action."

B. New subsections (E) and (F) are added which shall read as follows:

E. Operational Requirements Applicable to Distributors and Transporters.
    1. Prior to distribution, the distributor shall inspect medical cannabis for quality assurance as required by state law.
    2. Distributors and transporters shall maintain records of transactions and shipping manifests at its distribution or transportation site.
    3. Distributors and transporters shall maintain compliance with Section 5.88.080.
    4. Distributors and transporters shall not receive edible cannabis products unless they are individually packaged and ready for sale.
    5. Transporters and distributors may only conduct business with medical cannabis businesses licensed and operating in good standing with applicable local law and who have not been denied a state license.

6. A distributor shall also hold a transporter license and shall not hold a license or have an ownership interest in a cultivation, manufacturing, dispensing, or testing license category.
7. Transporters shall comply with applicable state laws and regulations, if any, requiring that they be bonded and insured.

F. Operational Requirements Applicable to Testing Laboratories
1. An owner of a testing laboratory shall not have an ownership or other direct financial interest in any other commercial cannabis business license type.
2. A testing laboratory shall obtain a Certificate of Accreditation prior to commencing operations and shall maintain such certificate in good standing.
3. Testing laboratories shall adopt and adhere to standard operating procedures to ensure the reporting of accurate test results, including but not limited to equipment, calibration, and methodology standards, that are consistent with those established by the International Organization for Standardization, specifically ISO/IEC 17020 and ISO/IEC 17025, to test medical cannabis and medical cannabis products that are approved by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement.
   a. Testing laboratories shall obtain samples of medical cannabis and manufactured cannabis for testing in accordance with a statistically valid method designed to ensure that a sample is representative of the whole. Sampling methods should have at least a 95% confidence rate.
   b. Testing laboratories shall destroy and safely dispose of the remains of any samples of medical cannabis or manufactured cannabis tested upon completion of the analysis and the expiration of any retention time pursuant its standard operating procedures.
   c. Testing laboratories shall maintain all testing results as a part of their respective business records and must keep such records pursuant to Section 5.88.090.

Section 6. Subsection (A) of Section 5.88.075 ("Testing Requirements") of the Cathedral City Municipal Code is hereby amended to read as follows:

"A. Voluntary Testing. A medical cannabis business may transfer a sample of medical cannabis or manufactured cannabis to a testing laboratory licensed or permitted by its governing local authority for purposes of potency or contaminant testing."

Section 7. Paragraph (6) of Subsection 5.88.040(I) of the Cathedral City Municipal Code is hereby amended to read as follows:

"6. If the local licensing authority issues the local license, it shall thereafter issue said local license only after the applicant has paid the licensing fee, if any, established by resolution of the City Council."

Section 8 Title 5 of the Cathedral City Municipal Code is hereby amended to

replace all references to the "Medical Marijuana Regulation and Safety Act" with the "Medical Cannabis Regulation and Safety Act" and all references to "MMRSA" with "MCRSA."

Section 9. ENVIRONMENTAL FINDINGS

The City Council finds that this Ordinance is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303(c), as it would only permit projects consisting of a limited number of new, small facilities; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

Section 10. FORCE AND EFFECT

Except as expressly modified herein, all provisions of Chapter 5.88 of the Cathedral City Municipal Code shall remain in full force and effect.

Section 11. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 12. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after certification.

Section 13. POSTING

The City Clerk shall within 15 days after passage of this Ordinance, cause it to be posted or published in accordance with Government Code section 36933; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification, together with proof of posting or publication, to be entered in the Book of Ordinances of this City.

Section 14. CERTIFICATION

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on the ____ day of _____, 2017, by the following vote:

Ayes:

Noes:

Absents:

Abstains:

_____
Stan Henry, Mayor

ATTEST:

_____
Gary F. Howell, City Clerk

APPROVED AS TO FORM:

_____
Eric S. Vail, City Attorney

Cathedral City

Agenda Report

File #: 2017-173 **Item No:** 3.A.

City Council

MEETING DATE: 4/26/2017

TITLE:
Conference with Legal Counsel - Potential Litigation, Pursuant to Government Code Section 54956.9 (d)(4):

One Potential Case

Cathedral City

Agenda Report

File #: 2017-162 **Item No:** 3.B.

Successor Agency to the Former Redevelopment Agency

MEETING DATE: 4/26/2017

TITLE:
Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.

Property Location: Approximately 5.79 acres at Margot Murphy Way south of E. Palm Canyon Drive; A.P.N. 687-510-049 and 687-510-050, Parcels 6 and 7
Negotiating Parties: City Council as Successor Agency to the Former Redevelopment Agency and City Urban Revitalization Corp.
Property Owners: City Urban Revitalization Corp.
Under Negotiation: Price and Terms for Potential Sale of Real Property

FROM:
Curt Watts, Economic Development Director

Cathedral City

Agenda Report

File #: 2017-163 **Item No:** 3.C.

Housing Successor Agency

MEETING DATE: 4/26/2017

TITLE:
Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.

Property Location: APNS: 675-271-036 through 042 (east side of Landau Blvd northerly of 30th Avenue), APN 680-251-055 Cathedral Canyon Dr; APN 680-252-022 Navajo Trail; APN 680-301-001 & 002 on Wishing Well Trail; APN 680-302-021 Wishing Welll Trail; 680-421-031 Shifting Sands Trail and APN 680-432-011 Sky Blue Water Trail.
Negotiating Parties: City of Cathedral City as Housing Successor Agency to the former Redevelopment Agency and Riverside Housing Development Corporation
Property Owners: Housing Successor Agency
Under Negotiations: Price and Terms for potential purchase of real property.

FROM:
Tami Scott, Administrative Services Director