

Legislation Details (With Text)

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On agenda: 2/21/2018 **Final action:**
Title: CASE NO. Planned Unit Development No. 17-001, Tentative Tract Map No. 37354, Tentative Parcel Map No. 37454 and Variance No. 17-006

APPLICANT: GHA Companies, Mario Gonzales

LOCATION: East of Cree Road, between Carey Road and Jones Road (APN: 681-310-014 & -016)

REQUEST: Consideration of a Planned Unit Development that includes the development of a comprehensively planned community with 48 single-family homes, common areas with recreational amenities, and private streets; a Tentative Tract Map for the purpose of subdividing the 7.46-acre project site into 48 single-family private lots and lots held in common by a proposed homeowners' association; a Tentative Parcel Map for subdivision of the project site into three parcels for financing purposes; and a Variance to allow less than the required 10-foot setback from the private street right-of-way.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment 1: Conditions of Approval, 2. Attachment 2: Site Plan, 3. Attachment 3: Elevations, 4. Attachment 4: Landscape Plan, 5. Attachment 5: Tentative Parcel Map 37454, 6. Attachment 6: Public Hearing Notice, 7. Attachment 7: Mitigated Negative Declaration, 8. Attachment 8: Airport Land Use Commission (ALUC) Review Letter

Date	Ver.	Action By	Action	Result
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Planning Commission

MEETING DATE: 2/21/2018

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purposes; and a Variance to allow less than the required 10-foot setback from the private street right-of-way.

STAFF PLANNER:

Robert Rodriguez, Planning Manager

RECOMMENDATION:

APPROVE the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) for the project.

APPROVE Planned Unit Development No. 17-001, Tentative Tract Map No. 37354, Tentative Parcel Map No. 37454 and Variance No. 17-006 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

FINDINGS:

APPROVAL OF THE MITIGATED NEGATIVE DECLARATION BASED ON THE FOLLOWING FINDINGS:

1. The record as a whole, including the initial study and any comments received, demonstrates that there is no substantial evidence that the project will have a significant effect on the environment with the implementation of the mitigation measures;
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 4 of the Draft Initial Study and Mitigated Negative Declaration, dated January 2018, shall serve as the City's reporting program for monitoring the mitigation measures specified in the Mitigated Negative Declaration; and
4. The Cathedral City Planning Department is the custodian of the documents or other material that constitute the record of proceedings upon which this decision is based.

APPROVAL OF PLANNED UNIT DEVELOPMENT NO. 17-001, TENTATIVE TRACT MAP NO. 37354, TENTATIVE PARCEL MAP 37454, AND VARIANCE NO. 17-006 SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL AND BASED ON THE FOLLOWING FINDINGS:

1. The proposed project meets the intent of the Planned Unit Development regulations, to facilitate a comprehensively planned development in accordance with applicable Zoning and Specific Plan regulations;
2. The design of the proposed project uses imaginative and innovative planning by offering a variety of dwelling types, site arrangements, lot and unit features and details, community recreational amenities, and open space;
3. The use of the Planned Unit Development provides for more open space, both active and

passive, and other pertinent amenities while allowing flexibility with setbacks, use of private streets, and calculation of density;

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 proposed land division is consistent with the RR (Resort Residential) designation of the General Plan and the development standards of the RR (Resort Residential) zoning district and is in substantial compliance with Specific Plan 88-30;
6. The site of the proposed land division is physically suitable for the proposed development;
7. 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;
8. 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;
9. The granting of such variance will not be materially detrimental to other properties in the area or the permitted use thereof;
10. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply to other properties in the same zone or vicinity;
11. The strict application of the Municipal Code, Title 9, deprives such property of privileges enjoyed by other properties in the vicinity or in the same zone;
12. The granting of the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity or zone in which the property is located;
13. The granting of the variance is compatible with the objectives, policies, general land uses and programs specified in any adopted general plan; and
14. In arriving at its decision, the Planning Commission has considered all testimony, written and oral, submitted in relation to this proposal.

BACKGROUND/PROJECT SUMMARY:

The applicant (Mario Gonzales representing GHA Companies) submitted applications for a Planned Unit Development (PUD), Tentative Tract Map (TTM), Tentative Parcel Map (TPM), and Variance (VAR) on July 25, 2017 and November 29, 2017 for the development of a 48-unit single-family residential private community within the RR (Resort Residential) Zoning District and Specific Plan 88-30. These application processes require review by the Architectural Review Committee and approval by the Planning Commission.

The Tentative Parcel Map is for the subdivision of the project site into three parcels for financing

purposes. The map may also serve as phasing boundaries but has not been requested at this time. The City Council will take final action on the Final Parcel Map.

The proposed project consists of a subdivision of approximately 7.46 acres into 48 single-family residential lots and 16 lettered lots to be held in common. The single-family lots range in size from 3,618 square feet to 5,504 square feet. The City Council will take final action on the Final Tract Map and Final Planned Unit Development (PUD) plan.

The private, gated development is comprised of 48 single-family homes ranging in size from 1,777 square feet to 2,226 square feet. Ten of the homes will be single-story and the remaining 38 will be two-story. The project includes 26,350 square feet of common open space (approximately 550 square feet per unit) to be located on four separate lots that include:

- 1) A 12,790-square-foot detention/recreation area with turf area, walking path, and seating. This area will be located along the southern property line east of the main entry on Jones Road;
- 2) A 7,900-square-foot common recreation lot containing a cabana building with restrooms and an interior recreation room, pool and spa. The lot will be located just north of the main entrance on Jones Road;
- 3) A 4,500-square-foot recreation area to be located along the south property line at Jones Road west of the main entrance. This area will feature a dog park, walking path, and seating; and
- 4) A 1,160-square-foot pocket/yoga park to be located on the north side of the community, along Carey Road, adjacent to the secondary entrance. This area will feature seating and turf areas.

Primary access to the development will be provided via a gated entry at Jones Road. A secondary gated entry will be provided on Carey Road. As part of the project, Carey Road will become a cul-de-sac at its current terminus on the east side of the project site. Jones Road will terminate on the east, transitioning from the proposed street to the existing driveway into the Canyon Plaza North Shopping Center. Sidewalks will be provided on both Carey Road and Jones Road.

Internal vehicular circulation for the project will be provided on four private streets. Guest parking will be provided along the private streets and on private driveways over 18 feet in length. Sidewalks will only be provided at entry gates. No sidewalks are proposed along any of the private streets. All development amenities and streets will be maintained and managed by a homeowners' association.

A Planned Unit Development (PUD) application establishes land use regulations, development standards, and design guidelines. A Tentative Tract Map is required to accompany the PUD application. The Analysis Section contains the Development Standards Table with development specific requirements and standards for the project.

Architectural Review Committee

The Architectural Review Committee (ARC) reviewed the project on December 6, 2017. The ARC unanimously voted 3-0 to recommend that the project move forward to Planning Commission for

approval as proposed. No revisions were requested.

ANALYSIS:

General Plan and Zoning

The proposed project is designated as RR on the City's General Plan land use map and is located within the Resort Residential (RR) zoning district. The RR district (CCMC Chapter 9.24) states that all uses proposing a division of land require approval of a PUD. Therefore, this project must comply with the development standards and requirements of the underlying RR district as well as the additional development standards in the PUD section (Chapter 9.94) of the Municipal Code.

RR Zoning District Development Standards and Requirements

Density

The RR district permits a maximum density of 6.5 units per acre. The project proposes 48 units on 7.46 acres and will have a project density of 6.43 units per acre. Therefore, the project complies with the maximum density requirement.

All other standards and requirements of the RR zone have been met including the minimum project site area, maximum building site coverage, maximum building height, and minimum dwelling unit size.

PUD Development Standards and Requirements

Setbacks

All structures within a PUD must be setback from a public or private right-of-way a minimum of ten feet. (CCMC Sec. 9.94.110 C). On 26 of the single-family lots, the attached garage portion of the home has a five-foot setback to the private street. The applicant has submitted a variance request (Variance No. 17-006) to allow five-foot setbacks on Lots 2, 4, 5, 9, 11, 14-16, 18, 21, 22, 25, 26, 28, 29, 31, 32, 34, 35, 37-39, 40, 44, 45, and 48. All other units will be at least 18 feet from the private street right-of-way. Granting the variance will allow varied setbacks for the homes within the subdivision, providing a more interesting streetscape, the opportunity to offer homes of various sizes, and allow for future improvements in the rear yard by homeowners. The five-foot driveways are of small enough size to prevent vehicles from parking in the driveway.

Common Open Space

The PUD section of the zoning ordinance (Sec. 9.94.110) requires that open space designed for active recreational uses such as swimming pool, playground, picnic area, shall be provided based on a minimum of 500 square feet of usable open space per dwelling unit. The project proposes approximately 26,350 square feet of active open space, resulting in approximately 550 square feet per unit, thereby meeting the requirement.

Parking

Each home will have an attached two-car garage as required by the underlying RR district. In addition, a PUD is required to provide visitor parking at a ratio of one space for every unit, which results in 48 guest parking spaces required for the project. A total of 29 parking spaces are provided on the private streets within the project site. In addition, 19 homes have driveway lengths of 20 feet or greater which will allow for the parking of visiting vehicles. Thus, the parking requirement has been satisfied.

All other standards and requirements of the PUD section have been met including minimum lot size for the overall PUD site, landscaping, private street width, and placement of buildings. The following table provides a summary of those standards. In accordance with the PUD section, development requirements and standards may be established specifically for the project, which may be more restrictive than the development standards contained in the zoning ordinance. The table below outlines the Development Standards Table for the project.

Standard	Requirement
Maximum Density	6.5 units per acre
Maximum Building Height	26'
Minimum Distance Between Homes	10'
Minimum Residential Lot Setbacks	Front: 10' from private street right-of-way Side: 5' from side property line Rear: 10' from rear property line Garages shall be setback a minimum of 18' from the private street right-of-way except those approved under Variance 17-006 for a minimum 5' setback
Parking	Minimum two car parking spaces within a garage. Minimum 48 guest spaces: 29 on-street spaces 19 spaces on driveways
Usable open space	Minimum of 500 square feet per unit
Swimming Pool Setbacks	Side: 5', Rear: 5' *Pool setbacks may be reduced with engineered plans and approval of the Chief Building Official.
Design guidelines Paint colors	As approved under PUD 17-001

Specific Plan 88-30

The project site is located within the Specific Plan 88-30 area and is subject to applicable requirements of the plan. The specific plan was adopted in 1988 by ordinance no. 219 and covers the area north of East Palm Canyon Drive, south of Bolero Road, east of Cree Road, and west of the Eldorado Mobile Home Park. One of the objectives of the specific plan is to assure development of a public road system, provision of on- and off-site drainage, and adequate public facilities to serve new

development.

The specific plan contains provisions that require installation of public facilities and roadway improvements for new development. A Carey Road cul-de-sac is part of the specific plan proposed street system. The specific plan prohibits the cul-de-sac from affecting the property directly north of the project site. The applicant has worked with the Engineering Department to ensure that the public roads, Carey Road and Jones Road where adjacent to the project site will be improved to current City standards. The Carey Road cul-de-sac will be built as part of the project, which was designed to incorporate a portion of the northeast corner of the project site and will not impact other properties in the area.

The specific plan states that Planning Unit 1, in which the project site is located, has a base zone of R3, which conflicts with the current RR zoning for the project site as shown on the zoning map. Subsequent to the development of the specific plan, the zoning for the area was changed from R3 to RR as part of a city-wide update. The Specific Plan was not revised to reflect the change in zoning. However, the project density is consistent with that permitted under the R3 district.

Other requirements of SP 88-30 are either no longer relevant or obsolete. For example, the specific plan requires that 40% of palms that existed at the time the specific plan was adopted are to be retained or relocated. The project site and part of the surrounding area was once operated as a date palm farm until it was abandoned around 2002 or earlier. As a result, the palm trees were not maintained and were removed because they were either dead or dying. However, the project is consistent with the main objectives of the specific plan that include density, public road improvements, and development of public facilities to serve individual projects.

Landscaping

The applicant has submitted a comprehensive landscape plan using a palette appropriate for the desert environment. The majority of the landscape areas will have a desertscape scheme primarily consisting of decomposed granite, limited turf, and desert plants. The only large turf areas proposed for the project are within the large retention basin area to the east of the Jones Road Entrance and the smaller retention/park to the west of the Jones Road entrance. The desertscape scheme is carried throughout the project including within the front yards of each home, common amenity and open space areas, right-of-ways and entry gates.

The conceptual landscape plan was reviewed by the ARC. The ARC recommended that the project move forward to the Planning Commission without revisions. Upon approval, the landscape plan will be forwarded to the local water purveyor for review and approval to ensure compliance with water efficiency requirements.

Architecture

The architectural style proposed for the homes and pool cabana is updated Mid-Century Modernism that is reflected in the boxiness of the structures, roof parapets, flat roofs, and open floor plans. On all models, the front elevation features a front-facing garage door, metal railing accents, varying wall

planes, and sliding or double-hung metal sash windows. Siding is primarily sand textured stucco. Some decorative elements such as flat stucco awnings appear above second-story windows. Some facades use stone veneer siding as an accent on the first-floor facade. Each version of the architectural style is carried through the side and rear elevations in a more simplified form. All rear elevations feature covered patios, some of which have decks and allow for optional decks above the patios. All of the homes also feature flat roofs with parapets that will hide roof-mounted equipment. Each home will have an attached two-car garage. There are four plans and two model types, desert modern and modern.

The architectural design of the project was reviewed by the ARC at the December 6, 2017 meeting. At the meeting, the ARC recommended that the project move forward to the Planning Commission without changes to the plans.

Phasing Plan

Prior to approval of a Final Tract Map, the applicant shall have a Phasing Plan approved by the City Engineer and City Planner, if the project is phased. The Phasing Plan will identify how the improvements will be implemented and ensure that residents do not occupy the homes to be constructed on the project site prior to the appropriate improvements being installed. Staff has recommended that this be approved as a Condition of Approval.

ENVIRONMENTAL ANALYSIS:

An Initial Study and Mitigated Negative Declaration were prepared by City Staff and special studies were prepared by outside consultants. The project was found to have significant impacts, but those can be reduced to less than significant with implementation of mitigation. The Mitigated Negative Declaration includes Mitigation Measures that address the following areas: air quality, biology, cultural resources, geology and soils, hydrology and water quality, noise, and traffic and transportation. The mitigation measures are as follows:

1. AQ-1: Construction activities that include grading will be limited to a maximum of three acres per day and use of construction equipment listed in Appendix B of The District East Air Quality and Global Climate Change Analysis.
2. BIO-1: Before issuance of any building permit for the project, a pre-construction survey shall be conducted for the burrowing owl no more than five days before any ground-disturbing activities begin. The survey shall be conducted as close to the actual construction initiation date as possible. If evidence of the burrowing owl is found on the site, then the developer shall follow the recommendations of a professional biologist, hired by the City at the developer's expense, on the find before restarting the ground-disturbing activities in accordance with CDFW protocol. Evidence of the completed survey shall be submitted to the City Planner before building permit issuance. If the present, mitigation in accordance with the CDFW shall be implemented as follows:
 - If burrowing owls are identified as being resident on-site outside of the breeding season

(February 1 through August 31) they may be relocated to other sites by permitted biologist (permitted CDFW), as allowed in the CDFW Staff Report on Burrowing Owl Mitigation (March 2012).

- If an active burrow is found during the breeding season, the burrow shall be treated as a nest site and temporary fencing shall be installed at a distance from the active burrow, to be determined by the biologist, to prevent disturbance during grading construction. Installation and removal of the fencing shall be done with a biological monitor present.
3. BIO-2: If construction is to occur during the MBTA nesting cycle (February 1-September 30), a nesting bird survey shall be conducted by a qualified biologist, contracted by the applicant or City and paid for by the applicant. Disturbances that cause nest abandonment and/or loss of reproductive effort (e.g. killing or abandonment of eggs or young) may be considered take and is potentially punishable by fines or imprisonment. Active bird nests shall be mapped utilizing a hand- held global positioning system (GPS) and a 300' buffer shall be flagged around the nest (500' buffer for raptor nests). Construction shall not be permitted within the buffer areas while the nest continues to be active (eggs, chicks, etc.). Results of the survey shall be submitted to the City Planner before issuance of building permits.
 4. CR-1: If during 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 expense of, the applicant to identify the find 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.
 5. 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.
 6. GEO-1: Before issuance of building permits, the project applicant shall submit plans to the City of Cathedral City for review and approval demonstrating project compliance with the 2016 California Building Code (or the most recent version) seismic requirement and the recommendations of the design level geotechnical analysis contained in the geotechnical investigation report for the project. All geotechnical engineering recommendations and structural

foundation recommendations shall be designed by a licensed professional engineer and shall be incorporated into the approved grading and building plans. All on-site soil engineering activities shall be conducted under the supervision of a licensed geotechnical engineer or certified engineering geologist.

7. HAZ-1: Any outdoor lighting installed shall be hooded or shielded to prevent either spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
8. HAZ-2: The following uses shall be prohibited:
 - a. Any use that 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 light or visual approach slop indicator.
 - b. Any use that 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 that would generate smoke or water vapor or that would attract large concentrations of birds, or that may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sun flower, and row crops, artificial marshes, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, and construction and demolition debris facilities.)
 - d. Any use that would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation
9. HAZ-3: A "Notice of Airport in Vicinity" shall be provided to all potential purchases of the property and tenants of the buildings.
10. HAZ-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 basins that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
11. HWQ-1: The applicant/developer shall provide construction plans to the City Engineer showing the following site improvements:
 - All perimeter roads (Jones Road and Carey Road) shall be improved per City Engineer

requirements adjacent to the project site to mitigate local storm waters and drainage.

- Jones Road shall be designed to continue to pass through regional flood waters.
 - All proposed on-site building pads shall be constructed to the CLOMR-F/LOMR-F FEMA-approved pad elevation above the current base flood elevation (BFE).
 - All proposed interior roads shall convey flows around the proposed homes and direct runoff via onsite storm drains to the proposed onsite retention basin. The proposed storm drains and retention basin system have been sized to handle the 100- year 3-hour storm event.
 - The above site improvements shall be designed to the satisfaction of and approved by the City Engineer before issuance of any grading permits for the proposed project.
12. HWQ-2: The applicant/developer shall provide to FEMA all studies, calculations, plans and other information required to meet FEMA requirements, and shall obtain a Conditional Letter of Map Revision Based Fill (CLOMR-F) prior to grading. The CLOMR-F shall be provided to the City Engineer prior to issuance of any permits for grading for the project.
13. HWQ-3: Prior to issuance of a building permit for the project, the applicant/developer shall obtain from FEMA and provide to the City Engineer a Letter of Map Revision Based on Fill (LOMR-F).
14. N-1: Before issuance of grading permits for the project, the project applicant/developer shall submit plans or contract specifications to the City that include noise reduction measures that will be implemented during construction activities, as feasible, including the following:
- 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.
 - 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.
 - 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.

- 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.
- 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.

15. N-2: During construction, the following measures shall be implemented to the extent possible:

- Heavily loaded trucks shall be routed away from residential streets.
- The operation of earthmoving equipment or vibratory rollers on the project site shall take place as far away from vibration- sensitive uses, i.e. mobile homes and historical buildings as possible.

16. TR-1: The project applicant shall submit plans to the City showing consistency with the following on- site circulation recommendations in the TIA for the project:

Construction of on-site improvements shall occur in conjunction with adjacent project development activity or as needed for project access purposes. The recommended on-site roadway improvements are illustrated on Figure 5-A of the TIA and as described below.

- Project Driveway 1 / Jones Road (#6)
 - Install a stop sign control for the southbound approach.
 - Construct a shared southbound left/right turn lane.
- Project Driveway 2 / Carey Road (#7)
 - Install a stop sign control for the northbound approach
 - Construct a shared southbound left/right turn lane.
- Construct the appropriate improvements as directed by the City Engineer along Carey Road between the westerly project boundary to the easterly project boundary which include off-set cul-de-sac, curb/gutter, sidewalk, landscaping, etc.

- Construct the appropriate full-street improvements as directed by the City Engineer along Jones Road between the westerly project boundary and east of project entry (Project Driveway 1) which include turn-around, curb/gutter, sidewalk, landscaping, etc.
- On-site traffic signing and striping should be implemented in conjunction with detailed construction plans for the project.

Verify that minimum sight distance is provided at the project access points.

These Mitigation Measures will be included in the Conditions of Approval for the project. Some of the Mitigation Measures may be duplicated by or be more specific than some of the Standard Conditions of Approvals, since the special studies for the Initial Study document were prepared by outside consultants. Staff has left the City Standard Conditions intact, unless there was an exact duplication, in order to ensure that all issues were covered.

NOTE: 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.

PUBLIC NOTIFICATION:

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

ATTACHMENTS:

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Attachment 3: Elevations
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