

RESOLUTION NO. 2016-27

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COACHELLA ADOPTING A MITIGATED NEGATIVE
DECLARATION (ENVIRONMENTAL ASSESSMENT NO. 16-02)
FOR CHANGE OF ZONE NO. 16-01, ARCHITECTURAL REVIEW
NO. 16-05, TENTATIVE TRACT MAP NO 37088 AND CUP 267 and
CUP 268. TOWER ENERGY (APPLICANT).**

WHEREAS, the proposed project, as set forth in Change of Zone No. 16-01, Architectural Review No. 16-05, Tentative Tract Map No. 37088, CUP 267 and CUP 268 consists of the above referenced applications on 20 acres located at the NW corner of Avenue 50 and Calhoun Street. The project includes a change of zone that will change the existing Residential-Single Family zone to Residential-Medium Planned Development and to Neighborhood Commercial-Planned Development. CUP No. 267 will permit the construction of a gas station/neighborhood market while CUP 268 will permit a residential planned development containing 115 single-family homes. Tentative Tract 37088 proposes a subdivision of the property into 4 lots and furthermore to subdivide lot 4 into 115 residential lots. Architectural Review 16-05 includes two additional commercial buildings on parcels two and three.

The subject site consists of a 20-acre undeveloped parcel of land located at the northwest corner of Avenue 50 and Calhoun Street and is further identified by APN 612-280-018; and

WHEREAS, the City completed Environmental Assessment/Initial Study No. 16-02 for the proposed project pursuant to the California Environmental Quality Act, as amended; and

WHEREAS, based on this Environmental Assessment/Initial Study and proposed mitigation measures therein, the City has made a determination that the project will not have a significant impact on the environment and has prepared a Mitigated Negative Declaration for this project; and

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration for the subject project was posted with the County Clerk and duly noticed and published in the Desert Sun Newspaper, a local newspaper of general circulation, on Monday, May 16, 2016; and

WHEREAS, the proposed Mitigated Negative Declaration was made available for a 20-day public review period commencing on Monday, May 16, 2016 and ending on Monday, June 6, 2016; and

WHEREAS, interested and concerned individuals and public agencies had the opportunity to review and comment on the proposed Mitigated Negative Declaration; and

WHEREAS, findings of the initial study indicated that the proposed project would not create any impacts to air quality, biological resources, cultural resources, geology and soils, traffic and transportation and noise; and

WHEREAS, the proposed project has been conditioned to include recommended mitigation measures of the environmental analysis as set forth in a Mitigation Monitoring and Reporting Program (Exhibit A); and

WHEREAS, the proposed project would not be detrimental to the general health, safety and welfare of the community.

NOW, THEREFORE, be it resolved that the City Council has considered the Mitigated Negative Declaration prepared for Change of Zone No. 16-01, Architectural Review No. 16-05, Tentative Tract Map No. 37088 and CUP 267 and CUP 268 under Environmental Assessment No. 16-02, attached hereto, and has determined that the project would have no significant deleterious effect on the environment and orders that a Mitigated Negative Declaration be filed pursuant to the California Environmental Quality Act, as amended, for Change of Zone No. 16-01, Architectural Review No. 16-05, Tentative Tract Map No. 37088 and CUP 267 and CUP 268 for property located on the northwest corner of Avenue 50 and Calhoun Street further identified as APN 612-280-018; and

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Coachella this 13th day of July by the following roll call vote:

AYES: Councilmember Bautista, Councilmember Sanchez
Mayor Pro Tem Martinez and Mayor Hernandez

NOES: None

ABSENT: Councilmember Perez

ABSTAIN None



Steven A. Hernandez, Mayor

ATTEST:



Angela M. Zepeda, City Clerk

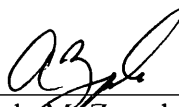
APPROVED AS TO FORM:



Carlos Campos, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF COACHELLA)

I, Angela M. Zepeda, City Clerk of the City of Coachella, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2016-27, adopted by the City Council of the City of Coachella at a regular meeting therefore duly held and convened on the 13th day of July 2016.



Angela M. Zepeda, City Clerk

MITIGATION MONITORING AND REPORTING PROGRAM

The following environmental mitigation measures were incorporated into the Conditions of Approval for this project in order to mitigate identified environmental impacts to a less than significant level. A completed and signed checklist for each measure indicates that this measure has been complied with and implemented, and fulfills the City's monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6).

Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance	
<i>Air Quality and Greenhouse Gas Emissions</i>				
AQ-1	<p>Both commercial and residential elements of the project shall adhere to SCAQMD Rules 403 and 403.1 and follow and incorporate all Best Available Control Measures into a PM-10 Dust Control Plan and to be prepared for the both project land use component prior to commencement of site grading or other construction activity where soil disturbance or other fugitive dust may be generated. Sample BACMs that would be used during construction are included here.</p> <p>1. Clearing and Grubbing</p> <ul style="list-style-type: none"> • 02-1 Maintain stability of soil through pre-watering of site prior to clearing and grubbing. • 02-2 Stabilize soil during clearing and grubbing activities. • 02-3 Stabilize soil immediately after clearing and grubbing activities. <ul style="list-style-type: none"> ○ Water Exposed Surfaces three times per day ○ Soil Stabilizers for unpaved roads <p>2. Earth Moving Activities</p>	Construction Contractor to prepare a PM-10 Dust Control Plan to the satisfaction of the Development Services Director	During Construction	

Mitigation Measures		Responsible Party	Timing of Compliance	Signature and Date of Compliance
	<ul style="list-style-type: none"> • 08-1 Pre-apply water to depth of proposed cuts 08-2 Reapply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 feet in any direction 08-3 Stabilize soils once earth-moving activities are complete. <ul style="list-style-type: none"> ○ Pre-water to 12% 			
	<p>Landscaping</p> <ul style="list-style-type: none"> • 10-1 Stabilize soils, materials, slopes Guidance: Apply water to materials to stabilize; maintain materials in a crusted condition; maintain effective cover over materials; stabilize sloping surfaces using soil until vegetation or ground cover can effectively stabilize the slopes; hydroseed prior to rain season. <ul style="list-style-type: none"> ○ Replace Ground Cover in disturbed areas when unused for more than 10 days. 			
AQ-2	A coordinated effort shall be demonstrated between the City and the project grading contractors for any grading projects in the vicinity in order to minimize PM-10 dust emissions. Level of Significance Compliance with an approved PM-10 Dust Control Plan that sets forth the required Best Available Control Measures to be utilized during all phases of grading/construction of Project would ensure that impacts associated with emissions of criteria pollutants would be less than significant.	Construction Contractor in Coordination with the City	During construction	
Biological Resources				
BIO-1	Prior to any land disturbance, the applicant shall have a pre-construction survey conducted at the project site to determine presence/absence of burrowing owl. Results of the survey may determine whether focused surveys for the	Project Applicant submits survey results to Development Services Director	Prior to start of construction	

	Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
	species must be conducted.			
BIO-2	<p>If the site survey determines the presence of burrowing owl, mitigation in accordance with the California Department of Fish and Game (CDFG) shall be implemented as follows:</p> <ul style="list-style-type: none"> • If burrowing owls are identified as being resident on-site outside the breeding season (February 1 through August 31) may be relocated to other sites by a permitted biologist (permitted by CDFG), as allowed in the CDFG <i>Staff Report on Burrowing Owl Mitigation</i> (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 of 550 yards from the active burrow to prevent disturbance during grading or construction. This is the maximum buffer distance recommended in the CDFG <i>Staff Report on Burrowing Owl Mitigation</i>. Installation and removal of the fencing shall be done with a biological monitor present. 	<p>Construction Contractor to identify a qualified biologist prior to commencement of grading. In the event that burrowing owls are on site, the contractor shall stop work and contact the biologist and the Development Services Department</p> <p>No work in the area of the owl shall recommence until the biologist has given approval</p>	During construction	
<i>Cultural Resources</i>				
CR-1	Because the project site is considered to be highly sensitive for containing prehistoric archaeological deposits in subsurface contexts and Native American human cremation have been found in the vicinity, a qualified archaeological monitor shall be present during all construction grading and trenching activities related to project implementation.	Construction Contractor/ Archaeologist	During Construction Grading and Trenching	

Mitigation Measures		Responsible Party	Timing of Compliance	Signature and Date of Compliance
Noise				
N-1	The project's Noise Study evaluated a four-foot high barrier on top of a manufactured berm. However in redesigning the site, the applicant is proposing a six-foot high barrier (wall) to be constructed along Avenue 50 in front of the residential component of the project. This has been reviewed by the project's Noise Specialist and found to be adequate for sound attenuation for rear yards. The barrier shall be constructed of a non-gapping material consisting of masonry, ½- inch thick glass, earthen berm or any combination of these materials.	Construction Contractor to the satisfaction of the Building Official	During Construction	
N-2	Prior to issuance of the first building permit for the residential element of the project, a final noise study shall be prepared to ensure a 45 dBA CNEL interior noise level in the locations where noise levels are above 60 dBA CNEL, at the locations indicated in Exhibit 5-1 Modeled Receptor Locations and Table 5-3 Future Exterior Noise Levels in Initial Study Appendix G.	Project Applicant/ Noise Specialist to the satisfaction of the Development Services Director and the Building Official	Prior to Issuance of Building Permit for Residential Element	
Traffic				
TIA-1	The project applicant shall pay a fair share of the cost to signalize the following intersections recommended for <i>EAP</i> conditions to reduce peak hour delay and improve intersection and roadway segment LOS to LOS D or better: <ul style="list-style-type: none"> • Install a traffic signal at Jackson Street/Avenue 50 • Install a traffic signal at Calhoun Street/Avenue 50 	Project Applicant to the satisfaction of the Public Works Director	During construction	

	Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
TIA-2	<p>The applicant shall construct the north side of Avenue 50 along the project's frontage to its ultimate half section width as a Major Arterial with Bicycle Facility (118-foot cross section) in compliance with applicable City standards. The applicant shall also construct the west side of Calhoun Street along the project's frontage to its ultimate half section width as a Collector with Bicycle Facility (90-foot cross section) in compliance with applicable City standards.</p>	Project Applicant to the satisfaction of the Public Works Director	During construction	
TIA-3	<p><i>Driveway 1/Colonia Drive and Avenue 50</i> – The Project applicant shall install a stop control on the southbound approach and construct the intersection with the following geometrics:</p> <ul style="list-style-type: none"> • Northbound Approach: One shared left-through-right turn lane. • Southbound Approach: One shared left-through-right turn lane. • Eastbound Approach: One left turn lane (within painted median), two through lanes and one defacto right-turn lane. • Westbound Approach: One left turn lane, one through lane and one shared through-right turn lane. <p>Calhoun Street and Driveway 2 – The project shall install a stop control on the eastbound approach and construct the intersection with the following geometrics:</p> <ul style="list-style-type: none"> • Northbound Approach: One left-turn lane and one through lane. • Southbound Approach: One shared through-right turn lane. • Eastbound Approach: One shared left-right turn lane 	Project Applicant to the satisfaction of the Public Works Director	During Construction	

Mitigation Measures		Responsible Party	Timing of Compliance	Signature and Date of Compliance
<i>Hazards and Hazardous Materials</i>				
HAZ-1	Further investigation of the vicinity of the slabs in the southwest corner of the site is recommended to evaluate the potential for USTs and pesticide residues. This would include a geophysical survey to look for buried objects and the collection of soil samples to test for pesticide residues.	Project Applicant/ Registered Environmental Assessor or Registered Geologist to the satisfaction of the Development Services Director	Prior to Construction	
HAZ-2	Abandon the existing well on site in accordance with applicable regulations.	Project Applicant/ Construction Contractor to the satisfaction of the City Building Official	Prior to or During Construction	
HAZ-3	The potential exists for buried hazardous materials to be present in the northern portion of the western boundary of the site. A geophysical survey shall be conducted to look for buried metallic objects, and a backhoe be used to dig into the debris field at representative locations to evaluate how much debris is present (if any) and whether hazardous materials appear to be present. If suspect materials are observed, soil samples should be collected and analyzed to evaluate whether hazardous materials are actually present.	Project Applicant/ Registered Environmental Assessor or Registered Geologist to the satisfaction of the Development Services Director	Prior to Construction	
HAZ-4	Prior to Certificate of Occupancy of the Vehicle Fueling Station, the applicant shall apply for and show proof of permits to construct and operate, including an approved HMBP.	Project Applicant to the satisfaction of the Development Services Director	Prior to Construction	

Mitigation Measures		Responsible Party	Timing of Compliance	Signature and Date of Compliance
TIA-4	Prior to the issuance of building permits for each component of the project, the applicant shall pay applicable City of Coachella Development Impact Fees (DIF) and County of Riverside Transportation Uniform Mitigation Fees (TUMF) in effect at that time.	Project Applicant to the satisfaction of the Public Works Director	Prior to Issuance of Building Permits for Each Project Component	

	Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
CR-2	<p>A qualified vertebrate paleontologist should be retained prior to the start of construction, but after final depths of impacts are known, to develop a pre-construction paleontological mitigation plan limited to the proposed deep impact areas of the project only.</p> <p>In particular, the plan should (1) clearly define that test trenches should be dug to the maximum depth of proposed impacts, (2) permit the use of heavy equipment to perform the trenching as all samples will be taken from sidewalls after a stratigraphic profile is developed, (3) require recording of each strata revealed, (4) require radiocarbon dates for each strata, (5) require samples of about 10 kilogram (kg) for each strata with collection of additional samples up to 100 kg for layers rich in vertebrate fossils, (6) require identification and analysis by recognized experts, (7) require an interpretive report, (8) require curation of significant specimens recovered and (9) encourage publication of results. The plan will identify the amount of monitoring required.</p>	Construction Contractor/ Paleontologist	Prior to and During Construction	

Mitigation Measures		Responsible Party	Timing of Compliance	Signature and Date of Compliance
CR-3	In the event that human remains are uncovered, no further disturbance shall occur until the Riverside County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The Riverside County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.	Construction Contractor shall notify the Riverside County Coroner and the Development Services Director	Curing Construction	
Geology and Soils				
GEO-1	Structurally, the buildings shall be designed per seismic requirements in the California Building Code.	Project Applicant/ Design Engineer to the satisfaction of the City Building Official	During Project Design	
GEO-2	All earthwork including excavation, backfill and preparation of the subgrade soil, shall be performed in accordance with the geotechnical recommendations presented in <i>Geotechnical Investigation, Proposed Residential Development, Tentative Tract Map 36680, APN 612-280-018, Coachella California</i> , December 2013, prepared by Sladden Engineering, and portions of the local regulatory requirements, as applicable.	Construction Contractor to the satisfaction of the City Building Official	During Construction	