

RESOLUTION NO. 2020-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH# 2015031003) PREPARED FOR THE VISTA DEL AGUA SPECIFIC PLAN PROJECT, THE ADOPTION OF ENVIRONMENTAL FINDINGS (EXHIBIT A), AND A MITIGATION MONITORING AND REPORTING PROGRAM (EXHIBIT B), PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING THE VISTA DEL AGUA SPECIFIC PLAN PROJECT

WHEREAS, the Vista Del Agua Specific Plan Project proposes a master-planned residential community in the City of Coachella (the "City") that would consist of a mix of residential, commercial, recreation, open-space, and other uses on approximately 275 acres, as well as approximately 29 acres of off-site infrastructure improvements (the "Project" or "Proposed Project"); and

WHEREAS, the Project site is located in the City of Coachella south of Interstate 10 and Vista Del Sur, east of Tyler Street and North of Avenue 48; and

WHEREAS, the Project applicant is seeking approval of General Plan Amendment No. 14-01, Specific Plan No. 14-01, Change of Zone No. 14-01 and Tentative Parcel Map No. 36872 to implement the Proposed Project; and

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the State CEQA Guidelines, the City is the lead agency for the Project; and

WHEREAS, pursuant to the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.), the State California Environmental Quality Act Guidelines (14 Cal. Code Regs. §§ 15000 et seq.), and the City's Local CEQA Guidelines (collectively, "CEQA"), the City has determined that an Environmental Impact Report ("EIR") should be prepared pursuant to CEQA in order to analyze the potential adverse environmental impacts of the Proposed Project; and

WHEREAS, in accordance with State CEQA Guidelines section 15082, on or about March 12, 2015 the City sent to the Office of Planning and each responsible and trustee agency a Notice of Preparation ("NOP") stating that an Environmental Impact Report (State Clearinghouse Number 2015031003) would be prepared; and

WHEREAS, the City held a duly noticed public scoping meeting on March 12, 2015, to gather public comments on the Proposed Project and its potential impacts on the physical environment; and

WHEREAS, a Draft Environmental Impact Report ("Draft EIR") was prepared, incorporating comments received in response to the NOP; and

WHEREAS, in accordance with State CEQA Guidelines section 15085, on or about June 7, 2018 the City initiated a 45-day public review period by filing Notices of Completion and Availability with the Office of Planning and Research and the Riverside County Clerk and

releasing the Draft EIR for public review and comment in the manner required by CEQA; and

WHEREAS, on or about August 10, 2018 the City initiated a re-circulated 45-day public review period by filing a Notice of Completion and Availability with the Office of Planning and Research and the Riverside County Clerk for an additional 45 day public review period; and

WHEREAS, during the public comment period, copies of the Draft EIR and technical appendices were available for review and inspection at City Hall, on the City's website, and at the Coachella Library; and

WHEREAS, pursuant to CEQA Guidelines section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and the public during the two 45-day comment periods; and

WHEREAS, during the first public comment period, the City received twelve (12) written comments for the Draft EIR and four (4) written comments during the second public review period; and

WHEREAS, pursuant to Public Resources Code section 21092.5, the City provided copies of its responses to commenting public agencies at least ten (10) days prior to the Planning Commission's consideration of the Final EIR on June 6, 2019; and

WHEREAS, on June 19, 2019, the Planning Commission conducted a duly noticed public hearing on the Vista Del Agua Project, at which time all persons wishing to testify were heard and the Project was fully considered and the Planning Commission has recommended certification of the EIR and approval of the Vista Del Agua Project; and

WHEREAS, on February 10, 2020 the City gave public notice as required by mailing notices to property owners within at least 300 feet of the Project and on February 16, 2020 published a public notice in the Desert Sun of the holding of a public hearing at which the Vista Del Agua Project and the General Plan Amendment would be considered; and

WHEREAS, the City Council continued the February 26, 2020 public hearing to the April 8, 2020 City Council meeting and again to the May 13, 2020 City Council meeting in order to respond to two written comments received; and

WHEREAS, the City has prepared a Final EIR, consisting of the Draft EIR, all technical appendices prepared in support of the Draft EIR, all written comments received during the two 45-day public review and comment periods on the Draft EIR, written responses to those comments, and revisions and errata to the Draft EIR and technical appendices. For the purposes of this Resolution, the "EIR" shall refer to the Draft EIR and its attachments and appendices, as revised by the Final EIR's errata and supplemental errata section, together with the other sections of the Final EIR; and

WHEREAS, all potentially significant adverse environmental impacts were sufficiently analyzed in the EIR; and

WHEREAS, all of the findings and conclusions made by the City pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record for the Project, which are incorporated herein by this reference, and not based solely on the information provided in this Resolution; and

WHEREAS, the City has made certain findings of fact, as set forth in **Exhibit A** to this Resolution, attached hereto and incorporated herein, based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record for the Project, which are incorporated herein by this reference; and

WHEREAS, the City finds that environmental impacts that are identified in the EIR as less than significant and do not require mitigation are set forth in Section 2 of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the City finds that environmental impacts that are identified in the EIR that are less than significant with incorporation of mitigation measures are set forth in Section 3 of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the City finds that even with the incorporation of all feasible mitigation measures, the environmental impacts that are identified in the EIR that are significant and unavoidable are set forth in Section 4 of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the cumulative impacts of the Project identified in the EIR are set forth in Section 5 of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the potential significant and irreversible environmental changes that would result from the proposed Project identified in the EIR are set forth in Section 6 of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the existence of any growth-inducing impacts resulting from the proposed Project identified in the EIR are set forth in Section 7 of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, alternatives to the proposed Project identified for their potential to possibility reduce the significant and unavoidable impacts of the Proposed Project are set forth in Section 8 of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, because the Final EIR identified significant and unavoidable impacts, the City Council explains its reasoning for recommending the adoption of the Project despite those impacts in the Statement of Overriding Considerations, as set forth in Section 9 of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, all the mitigation measures identified in the EIR and necessary to reduce the potentially significant impacts of the proposed Project to a level of less than significant are set forth in the Mitigation Monitoring and Reporting Program (MMRP) in Exhibit B to this Resolution, attached hereto and incorporated herein; and

WHEREAS, as contained herein, the City Council has endeavored in good faith to set forth the basis for its recommendation on the Proposed Project; and

WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been satisfied by the City in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Proposed Project have been adequately evaluated; and

WHEREAS, all of the findings, recommendations and conclusions made by the City Council pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, prior to taking action, the has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the Final EIR, and all oral and written evidence presented to it during all meetings and hearings, all of which is incorporated herein by this reference; and

WHEREAS, the Final EIR reflects the independent judgment of the City Council and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, on February 26, 2020, the City Council conducted a duly noticed public hearing on this Resolution, at which time all persons wishing to testify were heard and the City Council continued the public hearing in order to address two written comments received; and

WHEREAS, the City Council has not received any comments or additional information that produced substantial new information requiring recirculation or additional environmental review under Public Resources Code sections 21166 and 21092.1 and State CEQA Guidelines section 15088.5; and

WHEREAS, on May 13, 2020, the City Council conducted a duly noticed public hearing on this Resolution, at which time all persons wishing to testify were heard and the Project was fully considered; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY COACHELLA:

SECTION 1. The City Council finds that it has reviewed and considered the Draft EIR and Final EIR (including the comment letters, responses to comments, and errata) in evaluating the Project, that the Final EIR fully complies with CEQA, and that the Final EIR reflects the independent judgment of the City Council. The City Council declares that no evidence of new significant impacts or any new information of “substantial importance” as defined by State CEQA Guidelines section 15088.5, has been received by the City after circulation of the Draft EIR that would require recirculation. Therefore, the City Council hereby certifies the EIR based on the entirety of the record of proceedings.

SECTION 2. Based on the entire record before the City Council, and all written and oral evidence presented, the City Council of the City of Coachella certifies the Final EIR, and adopts

the CEQA Findings of Fact, including the Statement of Overriding Considerations, attached as **Exhibit A** to this Resolution.

SECTION 3. Pursuant to Public Resources Code section 21081.6, the City Council of the City of Coachella adopts the Mitigation Monitoring and Reporting Plan attached to this Resolution as **Exhibit B**. The City Council determines that - in the event of any inconsistencies between the mitigation measures as set forth in the Draft EIR or the CEQA Findings in Exhibit A and the Mitigation Monitoring and Reporting Plan, the Mitigation Monitoring and Reporting Plan shall control.

SECTION 4. Based on the entire record before the City Council, all written and oral evidence presented, the CEQA Findings, the Statement of Overriding Considerations, and Mitigation Monitoring Reporting Plan, and all other evidence, the City Council of the City of Coachella approves the Vista Del Agua Specific Plan Project.

SECTION 5. The documents and materials that constitute the record of proceedings on which this Resolution is based are located at the City of Coachella, Development Services Department, 53-990 Enterprise Way, Coachella, California 92236. The custodian for these records is Luis Lopez, Development Services Director. This information is provided in compliance with Public Resources Code section 21081.6.

SECTION 6. The City Council of the City of Coachella directs staff to file a Notice of Determination with the Riverside County Clerk within five (5) working days of the Project approval by the City Council.

PASSED, APPROVED, and ADOPTED this 13th day of May 2020.

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 HEREBY CERTIFY that the foregoing Resolution No. 2020-02 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on this 13th day of May 2020 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk