

# APPENDICES



**MODEL TRANSFER OF DEVELOPMENT RIGHTS (TDR) ORDINANCE**

The model ordinance below establishes a general framework for severing development rights involving net density and intensity (through FARs) from a sending parcel and transferring them to a receiving parcel. Section 101 of the ordinance authorizes a transfer of development rights (TDR) for a variety of purposes, including environmental protection, open space preservation, and historic preservation, which are the most typical.

Under Section 104, the local government has two options in setting up the TDR program. The first involves the use of overlay districts, which would zone specific areas as sending and receiving parcels. The second involves identifying which zoning districts would be sending and receiving districts in the text of the ordinance itself, rather than through a separate amendment to the zoning ordinance. In both cases, the designations must be consistent with the comprehensive plan. Section 105 of the ordinance contains a table that shows, by use district, the permitted maximum increases in density and FAR that can be brought about through TDR.

Section 106 outlines a process by which the zoning administrator would determine the specific number of development rights for a sending parcel in terms of dwelling units per net acre or square feet of nonresidential floor area (for commercial and industrial parcels) and issue a certificate to the transferor. Sections 107 and 108 describe the instruments by which the development rights are legally severed from the sending parcel through instruments of transfer and attached to the receiving parcel. Section 107 describes how the applicant for a subdivision or other type of development permit would formally seek the use of development rights in a development project (e.g., a subdivision). Note that the transfer would not apply to rezonings, but only to specific projects where a development permit is going to be issued in order that development may commence.

Commentary to the ordinance describes, in Section 109, a development rights bank, a mechanism by which the local government purchases development rights before they are applied to receiving parcels, retains them permanently in order to prevent development, or sells them as appropriate in order to make a profit or direct development of a certain character to a specific area. Whether this is an appropriate role for local government or should be left to nonprofit organizations (e.g., land trusts) is matter for local discussion and debate. No ordinance language is provided, although the description in the commentary should be sufficient for local government officials to draft language establishing the bank. Primary Smart Growth Principle Addressed: Preserve open space and farmland Secondary Smart Growth Principle Addressed: Direct development towards existing communities.

## 101. Purposes

The purposes of this ordinance are to convey development rights from lands designated as debris basins in the NCESP.

- (a) preserve open space, scenic views, critical and sensitive areas, and natural hazard areas;
- (b) conserve agriculture and forestry uses of land;
- (c) protect lands and structures of aesthetic, architectural, and historic significance;
- (d) retain open areas in which healthful outdoor recreation can occur;
- (e) implement the comprehensive plan;
- (f) ensure that the owners of preserved, conserved, or protected land may make reasonable use of their property rights by transferring their right to develop to eligible zones;
- (g) provide a mechanism whereby development rights may be reliably transferred; and
- (h) ensure that development rights are transferred to properties in areas or districts that have adequate community facilities, including transportation, to accommodate additional development.
- (i) Transfer deed rights from designated basins.

**Comment:** *The local government may tailor this list of purposes to its particular planning goals and objectives or leave it with a wide range of purposes and implement the ordinance to achieve specific goals and objectives.*

## 102. Authority

This ordinance is enacted pursuant to the authority granted by [*cite to state statute or local government charter or similar law*].

**Comment:** *It is important to determine whether the local government has legal authority to enact a TDR program because not all local governments in all states have identical powers. In addition, enabling legislation for TDR may require that the transfers be done in a certain manner other than is described in this model.*

## 103. Definitions

As used in this ordinance, the following words and terms shall have the meanings specified herein:

**“Development Rights”** mean the rights of the owner of a parcel of land, under land development regulations, to configure that parcel and the structures thereon to a particular

density for residential uses or floor area ratio for nonresidential uses. Development rights exclude the rights to the area of or height of a sign.

**Comment:** *Unless sign area and height are excluded from the definition of “development rights,” it is possible to transfer them to another parcel, resulting in larger or taller signs. In some cases, development rights might extend to impervious surface surfacing coverage, and a transfer of such rights would allow more extensive coverage.*

**“Density” or “Net Density”** means the result of multiplying the net area in acres times 43,560 square feet per acre and then dividing the product by the required minimum number of square feet per dwelling unit required by the zoning ordinance for a specific use district.

“Density” or “Net Density” is expressed as dwelling units per acre or per net acre

**“Floor Area”** means the gross horizontal area of a floor of a building or structure measured from the exterior walls or from the centerline of party walls. “Floor Area” includes the floor area of accessory buildings and structures.

**“Floor Area Ratio”** means the maximum amount of floor area on a lot or parcel expressed as a proportion of the net area of the lot or parcel.

**“Net Area”** means the total area of a site for residential or nonresidential development, excluding street rights-of-way and other publicly dedicated improvements, such as parks, open space, and stormwater detention and retention facilities, and easements, covenants, or deed restrictions, that prohibit the construction of building on any part of the site. “Net area” is expressed in either acres or square feet.

**“Overlay District”** means a district superimposed over one or more zoning districts or parts of districts that imposes additional requirements to those applicable for the underlying zone.]

**Comment:** *This definition is only necessary if the TDR designation is accomplished via an overlay district.*

**“Receiving District”** means one or more districts in which the development rights of parcels in the sending district may be used.

**“Receiving Parcel”** means a parcel of land in the receiving district that is the subject of a transfer of development rights, where the owner of the parcel is receiving development rights, directly or by intermediate transfers, from a sending parcel, and on which increased density and/or intensity is allowed by reason of the transfer of development rights;

**“Sending District”** means one or more districts in which the development rights of parcels in the district may be designated for use in one or more receiving districts;

**“Sending Parcel”** means a parcel of land in the sending district that is the subject of a transfer of development rights, where the owner of the parcel is conveying development rights of the parcel, and on which those rights so conveyed are extinguished and may not be used by reason of the transfer of development rights; and

**“Transfer of Development Rights”** means the procedure prescribed by this ordinance whereby the owner of a parcel in the sending district may convey development rights to the owner of a parcel in the receiving district or other person or entity, whereby the development rights so conveyed are extinguished on the sending parcel and may be exercised on the receiving parcel in addition to the development rights already existing regarding that parcel or may be held by the receiving person or entity.

**Comment:** *This definition recognizes that development rights may be sold to an entity (e.g., the local government or a nonprofit organization) that will hold them indefinitely.*

**“Transferee”** means the person or legal entity, including a person or legal entity that owns property in a receiving district, who purchases the development rights.

#### **104. Establishment of Sending and Receiving Districts.**

*[Alternative 1: Amend the zoning map using overlays]*

(1) The [local legislative body] may establish sending and receiving districts as overlays to the zoning district map by ordinance in the manner of zoning district amendments. The [planning director] shall cause the official zoning district map to be amended by overlay districts to the affected properties. The designation “TDR-S” shall be the title of the overlay for a sending district, and the designation “TDR-R” shall be the title of the overlay for a receiving district.

**Comment:** *When a zoning map is amended, one practice is to list the ordinance number and the enactment date in a box on the map, along with the signatures of the planning director and the clerk of the local legislative body (e.g., the clerk of council). This allows for an easy reference if there should be any later questions about whether the map amendment accurately reflects the legal description in the ordinance.*

(2) Sending and receiving districts established pursuant to Paragraph (1) shall be consistent with the local comprehensive plan.

*[Alternative 2—Specify zoning districts that can serve as sending and receiving districts]*

(1) The following zoning districts shall be sending districts for the purposes of the transfer of development rights program:

*[list names of districts]*

(2) The following zoning districts shall be receiving districts for the purposes of the transfer of development rights program:

**Comment:** *Since the sending and receiving districts are being established as part of the ordinance rather than through separate overlays, the local government would need to make a declaration of consistency with the comprehensive plan for such districts as part of the enactment of these two paragraphs.*

### **105. Right to Transfer Development Rights**

(1) Each transferor shall have the right to sever all or a portion of the rights to develop from the parcel in a sending district and to sell, trade, or barter all or a portion of those rights to a transferee consistent with the purposes of Section 101 above .

(2) The transferee may retire the rights, resell them, or apply them to property in a receiving district in order to obtain approval for development at a density or intensity of use greater than would otherwise be allowed on the land, up to the maximum density or intensity indicated in Table 1.

**Table 1**  
**Maximum Density and Intensity Allowed in Zoning Districts through Transfer of Development Rights (TDR)**

*Note: District names and densities are hypothetical examples only.*

Zoning District Title	Maximum Density in Dwelling Units Per Net Acre	Maximum Intensity in Floor Area Ratio	Maximum Density with TDR	Maximum Intensity in Floor Area Ratio with TDR
R-1	4		8	
R-2	8		16	
R-3	16		32	
C-1		0.2		0.4
C-2		1.0		2.0
C-3		2.0		4.0
C-4		4.0		8.0
I-1		0.75		1.5

(3) Any transfer of development rights pursuant to this ordinance authorizes only an increase in maximum density or maximum floor area ratio and shall not alter or waive the development standards of the receiving district, including standards for floodplains, wetlands, and [other environmentally sensitive areas]. Nor shall it allow a use otherwise prohibited in a receiving district.

**Comment:** *In some cases, it may be desirable to allow the transfer of the right to additional impervious surface coverage on a site. For example, if a certain zoning district limits the amount of surface parking by a maximum impervious surface parking ratio and additional parking is needed, Table 1 should be amended to authorize this.*

#### **106. Determination of Development Rights; Issuance of Certificate**

(1) The [zoning administrator] shall be responsible for:

- (a) determining, upon application by a transferor, the development rights that may be transferred from a property in a sending district to a property in a receiving district and issuing a transfer of development rights certificate upon application by the transferor.
- (b) maintaining permanent records of all certificates issued, deed restrictions and covenants recorded, and development rights retired or otherwise extinguished, and transferred to specific properties; and
- (c) making available forms on which to apply for a transfer of development rights certificate.

(2) An application for a transfer of development rights certificate shall contain:

- (a) a certificate of title for the sending parcel prepared by an attorney licensed to practice law in the state of [*name of state*];
- (b) [five] copies of a plat of the proposed sending parcel and a legal description of the sending parcel prepared by [licensed *or* registered] land surveyor;
- (c) a statement of the type and number of development rights in terms of density or FAR being transferred from the sending parcel, and calculations showing their determination.
- (d) applicable fees; and
- (e) such additional information required by the [zoning administrator] as necessary to determine the number of development rights that qualify for transfer

**Comment:** *A local government should consult with its law director or other legal counsel to determine the requirements for an application for a TDR. Consequently, this paragraph as well as other Sections of the ordinance may need to be revised to reflect state-specific issues concerning real property law and local conditions.*

(3) A transfer of development rights certificate shall identify:

- (a) the transferor;
- (b) the transferee, if known;
- (c) a legal description of the sending parcel on which the calculation of development rights is based;
- (d) a statement of the number of development rights in either dwelling units per net acre or square feet of nonresidential floor area eligible for transfer;
- (e) if only a portion of the total development rights are being transferred from the sending property, a statement of the number of remaining development rights in either dwelling units per net acre or square feet of nonresidential floor space remaining on the sending property;
- (f) the date of issuance;
- (g) the signature of the [zoning administrator]; and
- (h) a serial number assigned by the [zoning administrator].

(4) No transfer of development rights under this ordinance shall be recognized by the [local government] as valid unless the instrument of original transfer contains the [zoning

administrator's] certification.

### **107. Instruments of Transfer**

(1) An instrument of transfer shall conform to the requirements of this Section. An instrument of transfer, other than an instrument of original transfer, need not contain a legal description or plat of the sending parcel.

(2) Any instrument of transfer shall contain:

- (a) the names of the transferor and the transferee;
- (b) a certificate of title for the rights to be transferred prepared by an attorney licensed to practice law in the state of [name of state];
- (c) a covenant the transferor grants and assigns to the transferee and the transferee's heirs, assigns, and successors, and assigns a specific number of development rights from the sending parcel to the receiving parcel;
- (d) a covenant by which the transferor acknowledges that he has no further use or right of use with respect to the development rights being transferred; and
- (e) [*any other relevant information or covenants*].

(3) An instrument of original transfer is required when a development right is initially separated from a sending parcel. It shall contain the information set forth in paragraph (2) above and the following information:

- (a) a legal description and plat of the sending parcel prepared by a licensed surveyor named in the instrument;
- (b) the transfer of development rights certificate described in Section 106 (4) above.
- (c) a covenant indicating the number of development rights remaining on the sending parcel and stating the sending parcel may not be subdivided or developed to a greater density or intensity than permitted by the remaining development rights;
- (d) a covenant that all provisions of the instrument of original transfer shall run with and bind the sending parcel and may be enforced by the [*local government*] and [*list other parties, such as nonprofit conservation organizations*]; and
- (d) [*indicate topics of other covenants, as appropriate*].

(4) If the instrument is not an instrument of original transfer, it shall include information set forth in paragraph (2) above and the following information:

(a) a statement that the transfer is an intermediate transfer of rights derived from a sending parcel described in an instrument of original transfer identified by its date, names of the original transferor and transferee, and the book and the page where it is recorded in the [land records of the county].

(b) copies and a listing of all previous intermediate instruments of transfer identified by its date, names of the original transferor and transferee, and the book and the page where it is recorded in the [land records of the county].

(5) The local government's [law director] shall review and approve as to the form and legal sufficiency of the following instruments in order to affect a transfer of development rights to a receiving parcel:

(a) An instrument of original transfer

(b) An instrument of transfer to the owner of the receiving parcel

(c) Instrument(s) of transfer between any intervening transferees

Upon such approval, the [law director] shall notify the transferor or his or her agent, who shall record the instruments with the [name of county official responsible for deeds and land records] and shall provide a copy to the [county assessor]. Such instruments shall be recorded prior to release of development permits, including building permits, for the receiving parcel.

**Comment:** *The procedures in paragraph (5) may need to be modified based on the structure of local government in a particular state and the responsibilities of governmental officials for land records and assessments. The important point is that the TDRs must be permanently recorded, and the property of the owner of the sending parcel, the value of which is reduced because of the transfer, should be assessed only on the basis of its remaining value.*

### **108. Application of Development Rights to a Receiving Parcel**

(1) A person who wants to use development rights on a property in a receiving district up to the maximums specified in Table 1 in Section 105 above shall submit an application for the use of such rights on a receiving parcel. The application shall be part of an application for a development permit. In addition to any other information required for the development permit, the application shall be accompanied by:

(a) an affidavit of intent to transfer development rights to the property; and

(b) either of the following:

1. a certified copy of a recorded instrument of the original transfer of the development rights proposed to be used and any intermediate instruments of transfer through which the applicant became a transferee of those rights; or

2. a signed written agreement between the applicant and a proposed original transferor, which contains information required by Section 106(2) above and in which the proposed transferor agrees to execute an instrument of such rights on the proposed receiving parcel when the use of those rights, as determined by the issuance of a development permit, is finally approved.

(2) The [local government] may grant preliminary subdivision approval of a proposed development incorporating additional development rights upon proof of ownership of development rights and covenants on the sending parcel being presented to the [local government] as a condition precedent to final subdivision approval.

(3) No final plat of subdivision, including minor subdivisions, shall be approved and no development permits shall be issued for development involving the use of development rights unless the applicant has demonstrated that:

(a) the applicant will be the bona fide owner of all transferred development rights that will be used for the construction of additional dwellings, the creation of additional lots, or the creation of additional nonresidential floor area;

(b) a deed of transfer for each transferred development right has been recorded in the chain of title of the sending parcel and such instrument restricts the use of the parcel in accordance with this ordinance; and

(c) the development rights proposed for the subdivision or development have not been previously used. The applicant shall submit proof in the form of a current title search prepared by an attorney licensed to practice law in the state of [name state].

### **109. Development Rights Bank [optional]**

**Comment:** *This section should establish a development rights bank, otherwise referred to as a "TDR Bank." The local government or any other existing or designated entity may operate the bank. The TDR Bank should:*

- *have the power to purchase and sell or convey development rights, subject to the local legislative body's approval;*
- *have the power to recommend to the local legislative body property where the local government should acquire development rights by condemnation;*
- *have the power, to hold indefinitely any development rights it possesses for conservation or other purposes;*
- *receive donations of development rights from any person or entity; and*
- *receive funding from the local government, the proceeds from the sale of development rights, or grants or donations from any source.*

*No model ordinance language for the creation of the TDR bank is provided here because the specifics of such must be determined by the operating entity.*

## References

Fruita, Colorado, City of. Land Use Code, Chapter 17.09, Transfer of Development Rights/Credits [accessed December 14, 2004]:

[www.fruita.org/pdf/LUC\\_4\\_2004/Chapter17\\_comp.pdf](http://www.fruita.org/pdf/LUC_4_2004/Chapter17_comp.pdf)

Howard County, Maryland. Zoning Ordinance, Section 106, Density Exchange Option Overlay District [accessed December 14, 2004]:

<http://www.co.ho.md.us/DPZ/DPZDocs/ClusterDEO070104.pdf>

Redmond, Washington, City of. Community Development Guide, Section 20D.200, Transfer of Development Rights/Purchase of Development Rights Program [accessed December 14, 2004]:

[http://search.mrsc.org/nxt/gateway.dll/rdcdg?f=templates&fn=rdcdgpage.htm\\$vid=municodes:RedmondCDG](http://search.mrsc.org/nxt/gateway.dll/rdcdg?f=templates&fn=rdcdgpage.htm$vid=municodes:RedmondCDG)

Sarasota County, Florida. Zoning Code, Section 4.11, TDR Overlay District Intent Statements and Section 6.12, TDR Overlay District Development Standards, website [accessed December 14, 2004]:

<http://www.scgov.net/Frame/ScgWebPresence.aspx?AAA498=AFC1BAAFC0A89CB7B9BBBAA7C0A4B273C8B5B3B5C86FBBAAC981B0ABB8A2C2B1C980ADB9C2B9>

St Mary's County, Maryland Zoning Ordinance, Chapter 26, Transferable Development Rights [accessed December 14, 2004 <http://www.co.saint-marys.md.us/planzone/docs/TDRamendment.pdf>].

## **FISCAL IMPACT ASSESSMENT**

### **Introduction**

The City of Cathedral City has retained John Goss, Senior Associate with Ralph Andersen and Associates to conduct a fiscal impact analysis of their overall annexation proposal which includes, but is not limited to, the North City Extended Specific Plan area. Once this analysis has been completed by Mr. Goss and his associates, a more focused fiscal impact analysis needs to be incorporated into this Specific Plan.

**Resolution 2014-03 – EIR and GPA**

**Ordinance 732 – Pre Zoning**

**Ordinance 733 – NCESP Adoption**

CITY COUNCIL OF CATHEDRAL CITY  
RESOLUTION NO. 2014-03

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, 1) CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, 2) APPROVING THE STATEMENT OF OVERRIDING CONSIDERATIONS, AND 3) AMENDING THE GENERAL PLAN LAND USE MAP TO ESTABLISH LAND USE DESIGNATIONS FOR APPROXIMATELY 591 ACRES TO FACILITATE ADOPTION OF THE NORTH CITY EXTENDED SPECIFIC PLAN (GPA 12-001) TO BE EFFECTIVE UPON ANNEXATION OF THE PROJECT AREA INTO THE CITY OF CATHEDRAL CITY**

**WHEREAS**, an application was submitted by SDC Ventura, LLC ("Applicant") to the City of Cathedral City, California ("City"), for the approval of a General Plan Amendment, under the provisions of the Cathedral City Municipal Code; and

**WHEREAS**, the Planning Commission recommended that the City Council 1) certify the Final Environmental Impact Report for the North City Extended Specific Plan, 2) approve the statement of overriding considerations and 3) amend the General Plan land use map to establish land use designations for approximately 591 acres ("Actions") after public hearings held on November 20, 2013, and December 4, 2013; and

**WHEREAS**, the Applicant requests a change to the General Plan Land Use Map to add approximately 591 acres to establish Land Use Designations for the North City Extended Specific Plan area located in part between Interstate 10 and Varner Road, extending northwesterly from Bob Hope Drive ("Project Area"). Approximately 104 acres of the Project Area (Planning Area 3) lies north of Varner Road and approximately 9 acres lies on the east side of Bob Hope Drive (Planning Area 2). The balance of the Project Area (Planning Areas 1, 4, and 5) lies between Varner Road and Interstate 10 from Bob Hope Drive to the City limits of Cathedral City. The project area consists of the following Assessor Parcels:

670-240-011, 670-240-012, 670-240-013, 670-240-014, 670-240-015, 670-240-016, 670-240-017, 670-250-013, 670-070-001, 670-080-007; and

**WHEREAS**, the City of Cathedral City, acting as Lead Agency, has determined that the requested General Plan Amendment will have a significant impact on the environment and a Final Environmental Impact Report should be certified with a Statement of Overriding Considerations; and

**WHEREAS**, the City has circulated the proposed General Plan Amendment in accordance with SB 18.

**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) North City Extended Specific Plan;
- (c) Final Environmental Impact Report for North City Extended Specific Plan;
- (d) City Council Staff Report;
- (e) Staff presentation at the public hearings conducted at the Cathedral City Planning Commission on November 20 and December 4, 2013;
- (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 hearings on November 20 and December 4, 2013; 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 January 15, 2014.

**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 15090, 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 Final Environmental Impact Report (FEIR) prior to approving the Project.
- (b) The City Council finds that its review of the FEIR reflects the Lead Agency's independent review and judgment as required by CEQA.
- (c) The additional environmental impacts identified in the FEIR are potentially significant, but the City finds Biological Resources, Geology and Soils, Greenhouse Gasses, Hydrology and Water Quality, Noise, Recreation, Transportation and Traffic, and Utilities impacts can be mitigated to a level of less than significant through the imposition of standards conditions and mitigation measures identified in the FEIR.

- (d) The City Council hereby adopts the Mitigation Monitoring Program contained in the North City Extended Specific Plan FEIR as required in Section 15091(d) of CEQA.
- (e) The City Council finds that the Mitigation Monitoring Program contained in the FEIR of the North City Extended Specific Plan complies with the requirements of Section 21081.6 of the Public Resources Code and the Mitigation Monitoring Program meets the following findings:
  - I. The Mitigation Monitoring Program has been designed to ensure compliance with the changes in the Project and mitigation measures imposed on the Project during project review and implementation; and
  - II. Measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, and other measures.

**B. Pursuant to the provisions of the CEQA, the City Council hereby certifies the Final Environmental Impact Report.**

Based on the FEIR, the comments received thereon, and the record before the City Council, the City Council hereby certifies the FEIR prepared for the North City Extended Specific Plan and represents the independent judgment of the City and that, based upon the analysis and mitigation measures referenced therein, the Proposed Project may have a significant impact upon the environment resulting from air emissions during construction activities and a Statement of Overriding Considerations is required. 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. In compliance with Title 14, Chapter 3, Section 15074(d) of the California Code of Regulations, the Planning Commission hereby recommends to the City Council that it adopt the Mitigation Monitoring Plan, which has been included in the Final Environmental Impact Report, for reporting on and monitoring the conditions of the project required to minimize significant environmental effects.

**C. The City Council hereby adopts the Statement of Overriding Considerations.**

- (a) The following significant environmental impact has been identified in the FEIR and, although subject to all applicable and feasible Project Design Features, Standard Conditions, and mitigation measures, the impact cannot be mitigated to a level less than significant.

I. **Construction Emissions:** Implementation of the proposed NCESP would result in the generation of air pollutant emissions both locally and regionally. Emissions are expected to modestly add to an increase in potential air quality degradation in the Coachella Valley. Most significant impacts are expected to result from site disturbance, excavation, and construction activities associated with the development of the mixed use project and storm water detention basins. Site grading will be phased and minimized to the greatest extent practical. All construction activities will abide by the City's Municipal Code, which addresses the hours per day within which these activities are permitted. The FEIR provides for the review and approval of all grading and development permits, and the provisions of all reasonably available methods and technologies to assure the minimal emission of pollutants generated by the project. The FEIR also directs the City to assure the implementation of federal, state, regional, and local programs that reduce construction emissions, and monitor grading and construction activities. Although implementation of Standard Conditions (SC) SC 3.3-1 through SC 3.3-11 and Mitigation Measures (MM) MM 3.3-1 through MM 3.3-10 would partially mitigate the impact, the volume of emissions generated cannot be feasibly reduced below adopted significance thresholds. Therefore, impacts remain significant and not fully mitigated.

(b) Having reduced the adverse significant environmental effects of the proposed project to the extent feasible by adopting the standard conditions and mitigation measures contained in the Final EIR; having considered the entire administrative record on the project; and having weighed the benefits of the project against its unavoidable adverse impacts after mitigation, the City Council finds that the social, economic, and environmental benefits of the project outweigh the potential unavoidable adverse and render those potential adverse environmental impacts acceptable based on the overriding considerations found in Exhibit 'B' and in making this finding, the City has balanced the benefits of the Project against its unavoidable environmental impacts and has indicated its willingness to accept those risks.

### **Section 3. GENERAL PLAN AMENDMENT**

A. The Cathedral City General Plan is hereby amended to designate the 591-acre Project Area, that includes an approximate 104-acre portion of the project (Planning Area 3) north of Varner Road, the approximate 9 acres on the east side of Bob Hope Drive (Planning Area 2), and the balance of the Project Area (Planning Areas 1, 4, and 5) located between Varner Road and Interstate 10 from Bob Hope Drive to the City limits. The Project Area consists of the following Assessor Parcels:

670-240-011, 670-240-012, 670-240-013, 670-240-014, 670-240-015,  
670-240-016, 670-240-017, 670-250-013, 670-070-001, 670-080-007

B. Attached as Exhibit 'C' is the General Plan text amendment.

#### **Section 4. GENERAL PLAN FINDINGS**

The City Council finds as follows:

- (a) The proposed General Plan Amendment, which consists of modifying the General Plan Land Use Map for the North City Extended Specific Plan, includes policies and objectives to:
  - i. Establish a unique community identity within the Coachella Valley;
  - ii. Create a thriving mixed-use area that strengthens Cathedral City's economic base;
  - iii. Create compact, walkable neighborhoods and mixed use districts that support healthy living and multiple transportation options;
  - iv. Provide a signature open space framework that compliments and enhances the natural environment; and
  - v. Encourage sustainable energy-efficient development.
- (b) The proposed General Plan Amendment will establish a unique and successful development area of Cathedral City and the Coachella Valley;
- (c) The proposed General Plan Amendment is consistent with the established goals, policies, and objectives in the General Plan;
- (d) The proposed land use changes will provide a blueprint for development of the future of the area identified in Exhibit 'A' known as the North City Extended Specific Plan;
- (e) The proposed General Plan Amendment is necessary and proper at this time, and is not likely to be detrimental to the adjacent properties or residents;
- (e) The proposed General Plan Amendment was circulated in compliance with SB18 and no significant issues were identified; and
- (f) Any and all other findings contained in the Staff Report, during testimony, and orally made at the hearing on the General Plan Amendment.

#### **Section 5. EFFECTIVE DATE**

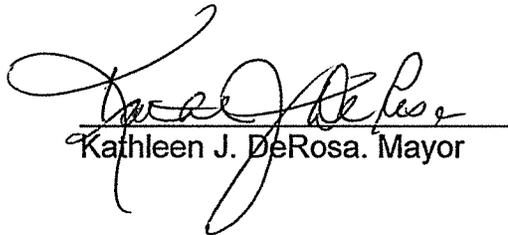
This resolution shall not become effective until completion of the Project Area's annexation into the City of Cathedral City.

**Section 6. CERTIFICATION**

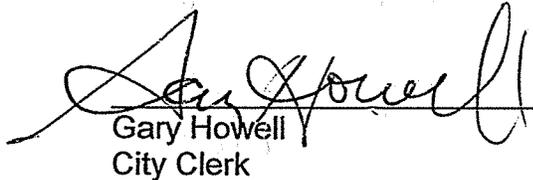
The City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which Resolution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

Ayes: 4 DeRosa, Vasquez, Henny, Toles  
Noes: 0  
Abstain: 0  
Absent: 1 Pettis

APPROVED and ADOPTED this 15<sup>th</sup> day of January 2014.

  
Kathleen J. DeRosa, Mayor

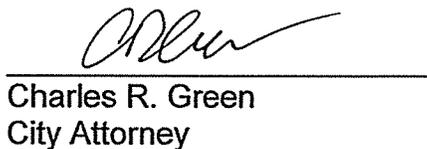
ATTEST:

  
Gary Howell  
City Clerk

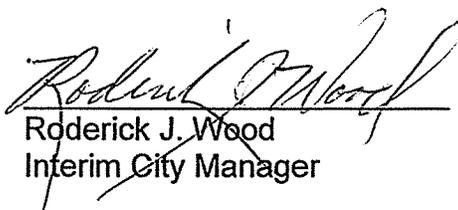
APPROVED AS TO CONTENT:

  
Leisa Lukes  
Business Development Manager

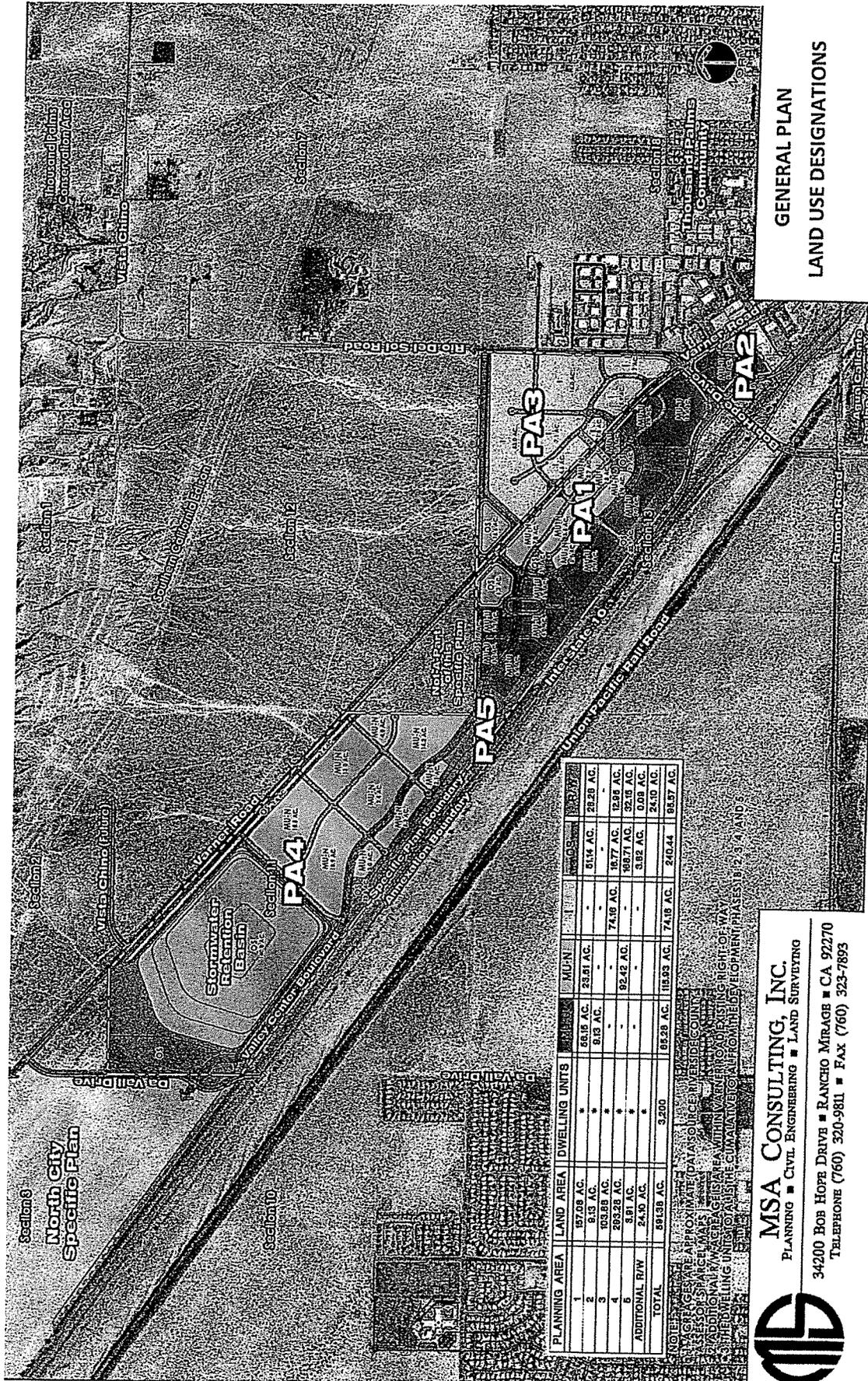
APPROVED AS TO FORM:

  
Charles R. Green  
City Attorney

REVIEWED BY:

  
Roderick J. Wood  
Interim City Manager

# EXHIBIT 'A'



GENERAL PLAN  
LAND USE DESIGNATIONS

PLANNING AREA	LAND AREA	DWELLING UNITS	MDNI	MOVS
1	97.09 AC.	*	23.81 AC.	23.81
2	8.13 AC.	*	8.13 AC.	8.13
3	103.89 AC.	*	-	-
4	293.28 AC.	*	74.8 AC.	128.8 AC.
5	3.81 AC.	*	82.42 AC.	362.71 AC.
6	24.8 AC.	*	-	3.82 AC.
ADDITIONAL B/W				24.10 AC.
TOTAL	481.88 AC.	3,200	185.93 AC.	741.8 AC.
				240.44
				88.37 AC.

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## EXHIBIT 'B'

### STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081(b) and the Guidelines Sections 15093 and 15043, the City has balanced the economic, legal, social, technological, and other benefits of the Project, including the provision of employment opportunities for highly trained workers, against the unavoidable adverse impact associated with air quality impacts derived from construction emissions. The City also has examined alternatives to the Project, none of which meet both the Project objectives and is environmentally superior to the Project.

The City, after balancing the specific economic, legal, social, technological, and other benefits of the Project, has determined that the unavoidable adverse environmental impact upon air quality may be considered "acceptable" due to the following specific considerations that outweigh the unavoidable, adverse environmental impacts of the Project. Each of the separate benefits of the Project, as stated herein, is determined to be, unto itself and independent of the other Project benefits, a basis for overriding the unavoidable adverse environmental impact identified in these Findings. Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of other benefits, despite each and every unavoidable impact. Project benefits include:

- The Objectives of the Project serve to implement the Goals and Policies of the City of Cathedral City General Plan by providing a well-balanced mix of residential, commercial, and open space to meet the demand of the City's growing population. (DEIR, p. 2-1 to 2-3)

- The Project includes an average 75-foot wide linear park and multi-use trail system along the north side of Interstate 10 that, while providing a local and regional recreational feature, will also serve to create a desirable image for the City of Cathedral City through the form of highly visible open space that can be continued through other properties along the north side of Interstate 10. (DEIR, p. 3.15-6)

- The Project provides an approximate 49.7-acre freeway buffer linear park and multi-use trail, a 7.0-acre community park, and four neighborhood parks that total 8.6 acres. (DEIR, p 3.15-5.)

- The Project provides for the establishment of housing within the City of Cathedral City in accordance with projected population increases and consistent with the scale and character of the adjoining North City Specific Plan area. The Project will implement housing-type diversity by providing a variety of detached single-family lot sizes in traditional and non-traditional subdivision layouts, multiple forms of mixed use residential housing intermixed with non-residential uses that offer a wide range of sales prices to meet the changing economic and demographic profile of the City of Cathedral City. (DEIR, p. 3.10-10 to 3.10-11)

- The Project will develop a sustainable environment that minimizes use of energy resources, is visually attractive, efficient, and effectively organized, includes an appropriate landscape palette, irrigation system design, surface water management, efficient lighting, and a walkable community that will be integrated with the character of the surrounding community and establish development that results in logical, coordinated growth. (DEIR p. 3.7-13)

- The Project will support existing and planned local businesses by providing an increased customer base for local businesses. The increased customer base will also provide increased sales tax revenues.

- The Project will provide meaningful and gainful employment during its construction. During the projected 20-plus year build-out, the Project will increase employment through construction, landscaping and sales-related jobs. Longer term employment will increase from such jobs for maintenance, security, management and increased retail sales of goods and services in the City of Cathedral City/Thousand Palms area.

- The Project will include the payment of development-related fees for infrastructure and increase revenues in the form of assessments, utility taxes, and sales taxes from purchases by Project residents.

The City Council hereby declares that the Final Environmental Impact Report (FEIR) has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the FEIR, these effects can be mitigated to a level of less than significant except for unavoidable significant impact discussed in these Findings. The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project. The City Council further finds that, except for the Project, all other alternatives set forth in the FEIR are infeasible because they would prohibit the realization of Project objectives and/or specific economic, social, and other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

For the foregoing reasons, the City Council hereby declares that the benefits provided to the public through approval and implementation of the Specific Plan outweigh any significant adverse environmental impacts of the Project, and therefore finds those impacts to be acceptable. The substantial evidence demonstrating the benefits of the Project are found in these Findings and in the documents found in the record of proceedings. Therefore, the City has adopted this Statement of Overriding Considerations.

**EXHIBIT 'C'**

**GENERAL PLAN TEXT AMENDMENTS**

**CITY COUNCIL OF CATHEDRAL CITY  
ORDINANCE NO. 732**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CATHEDRAL CITY, CALIFORNIA, TO PRE-ZONE THE  
APPROXIMATE 591-ACRE PROJECT AREA (CZ 12-001) TO BE  
ANNEXED INTO THE CITY OF CATHEDRAL CITY**

**WHEREAS**, an application was submitted by SDC Ventura, LLC (“Applicant”) to the City of Cathedral City, California (“City”) for the approval of a Change of Zone under the provisions of the Cathedral City Municipal Code; and

**WHEREAS**, the North City Extended Specific Plan Project Area (“Project Area”) consists of approximately 591 acres as outlined in Exhibit ‘A’, which is attached hereto and incorporated by reference, and consisting of the following Assessor Parcels:

670-240-011, 670-240-012, 670-240-013, 670-240-014, 670-240-015, 670-240-016, 670-240-017, 670-250-013, 670-070-001, 670-080-007; and

**WHEREAS**, the City Council desires to pre-zone the Project Area as outlined and identified in Exhibit ‘B’; and

**WHEREAS**, the City is proposing this Ordinance pursuant to Section 9.02.060 of the City’s Municipal Code, Section 65859 of the Government Code, as well as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended; and

**WHEREAS**, on November 20, 2013 and on December 4, 2013, the Planning Commission held a duly noticed public hearing on the proposed annexation pre-zoning of the Project Area, General Plan Amendment, and North City Extended Specific Plan, and recommended that the City Council of Cathedral City certify the Final Environmental Impact Report pursuant to the California Environmental Quality Act; and

**WHEREAS**, at the conclusion of the Planning Commission’s public hearing on December 4, 2013, and based on the findings supported by the administrative record, the Planning Commission recommended to the City Council of Cathedral City that the Project Area be pre-zoned; and

**WHEREAS**, the City Council determines that the proposed annexation and pre-zoning of the Project Area contributes to the orderly development of the City; and

**WHEREAS**, on January 15, 2014, the City Council held a duly noticed public hearing on the proposed annexation pre-zoning of the Project Area and certified the Final Environmental Impact Report pursuant to the California Environmental Quality Act; and

**WHEREAS**, at the conclusion of the public hearing, and based on the findings supported by the administrative record, the City Council of Cathedral City determined that the Project Area should be pre-zoned; and

**WHEREAS**, at the conclusion of the public hearing, the City Council of Cathedral City approved the Resolution for the Applicant to apply to the Riverside Local Agency Formation Commission in order to allow the Applicant to proceed with annexation of the Project Area to the City; and

**WHEREAS**, the City Council concurs with the recommendations of the Planning Commission; and

**WHEREAS**, the City Council finds and determines that pre-zoning the Project Area is important to preserving the public health, safety, and welfare of all residents of the City.

**THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. FINDINGS**

The City Council incorporates the recitals hereinabove and finds and determines the following based on the evidence and records presented:

- A. The annexation of the Project Area is a logical extension of the City boundary because it is contiguous and within the City's Sphere of Influence and contributes to the orderly development of the City.
- B. The annexation for the Project Area is consistent with the amended General Plan land use map because it implements the goals and policies of the underlying land use designations. The proposed annexation would not adversely impact and would enhance the achievement of the land use goals of the City's General Plan.
- C. The Project Area is suitable for the uses permitted in terms of access, size of property, and relationship to similar or related uses.
- D. Adequate City and other municipal services can be provided for the proposed annexation.
- E. The Ordinance is in conformity with the General Plan as amended;
- F. The Ordinance will implement the goals and objectives found in the North City Extended Specific Plan and the General Plan as amended; and
- G. The Ordinance is necessary and proper at this time, and is not likely to be detrimental to the adjacent properties and residents.

## **Section 2. PRE-ZONING AND ZONING MAP**

The "Zoning Map of the City of Cathedral City" is hereby amended to pre-zone the 591-acre Project Area that includes approximately 104-acres (Planning Area 3) that lies north of Varner Road and approximately 9 acres that lies on the east side of Bob Hope Drive (Planning Area 2). The balance of the Project Area (Planning Areas 1, 4, and 5) lies between Varner Road and Interstate 10 from Bob Hope Drive to the City limits of Cathedral City. The Project Area consists of the following Assessor Parcels:

670-240-011, 670-240-012, 670-240-013, 670-240-014, 670-240-015,  
670-240-016, 670-240-017, 670-250-013, 670-070-001, 670-080-007

The Change of Zone would adopt the zoning designations found in the North City Extended Specific Plan. The Zoning Map is attached hereto as Exhibit 'B' and incorporated herein by this reference.

## **Section 3. ENVIRONMENTAL DETERMINATION**

The City Council has read, reviewed, considered, and certified the Final Environmental Impact Report and finds that the adoption and implementation of this Ordinance would have a significant effect on the environment and a Statement of Overriding Considerations is required.

## **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 OF ZONING DESIGNATION AND ZONING MAP CHANGES**

In accordance with Section 65859 of the Government Code, the pre-zoning designation and zoning map changes set forth in Section 2 of this Ordinance shall become the zoning classification of the real property as identified upon completion of the Project Area's annexation to the City of Cathedral City.

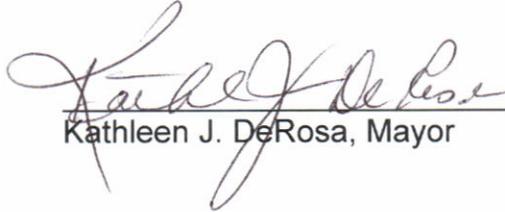
## **Section 6. POSTING**

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.

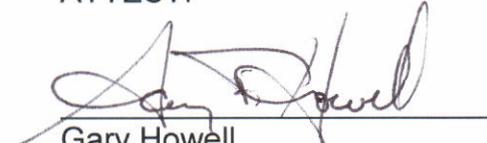
**Section 7. CERTIFICATION**

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on February 12, 2014, by the following vote:

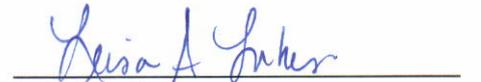
Ayes: 5 - Council members Henry, Toles and Pettis; Mayor Pro Tem Veeque  
Noes: 0 and Mayor DeRosa  
Abstain: 0  
Absent: 0

  
Kathleen J. DeRosa, Mayor

ATTEST:

  
Gary Howell  
City Clerk

APPROVED AS TO CONTENT:

  
Leisa Lukes  
Business Development Manager

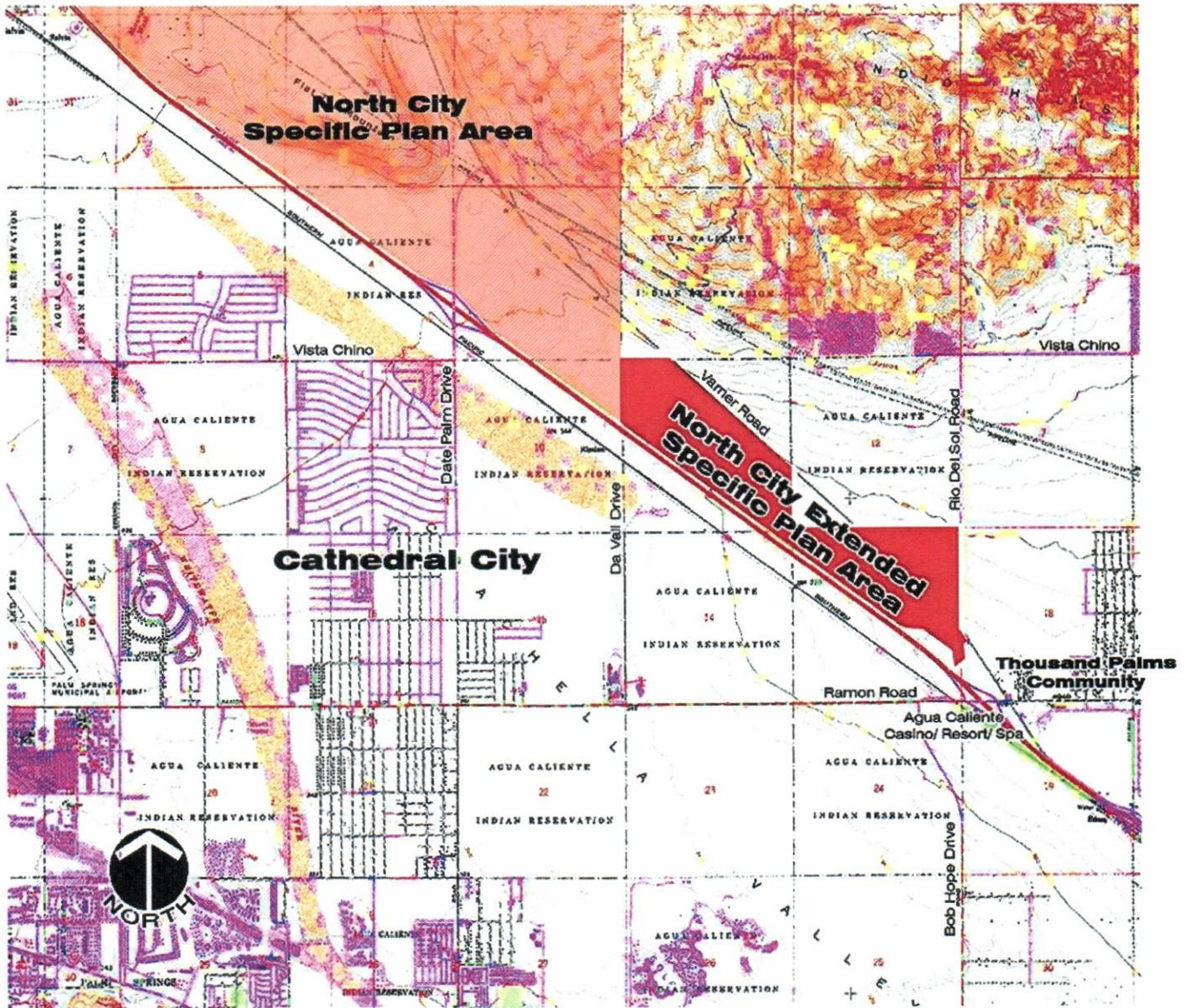
APPROVED AS TO FORM:

  
Charles R. Green  
City Attorney

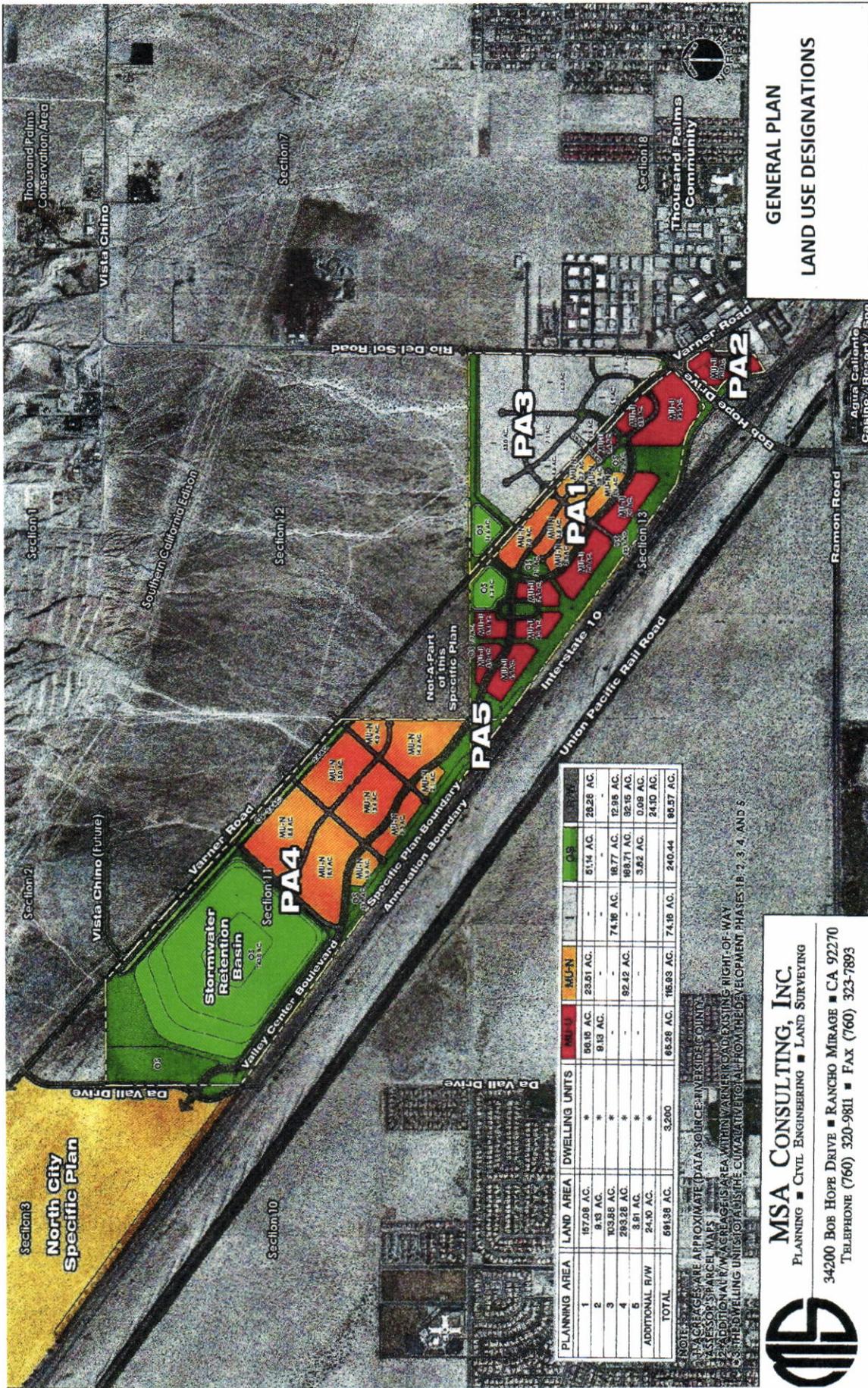
REVIEWED BY:

  
Rod Wood  
Interim City Manager

EXHIBIT 'A'



# EXHIBIT 'B'



**GENERAL PLAN  
LAND USE DESIGNATIONS**

PLANNING AREA	LAND AREA	DWELLING UNITS	MU-U	MU-N	OS
1	187.08 AC.	*	86.18 AC.	23.81 AC.	-
2	8.18 AC.	*	8.18 AC.	-	5.14 AC.
3	103.88 AC.	*	-	-	-
4	293.28 AC.	*	-	74.18 AC.	18.77 AC.
5	3.91 AC.	*	-	92.42 AC.	32.15 AC.
ADDITIONAL R/W	24.10 AC.	*	-	-	5.62 AC.
TOTAL	691.38 AC.	3,200	85.28 AC.	116.93 AC.	74.18 AC.
					240.44
					85.57 AC.

NOTE: FIGURES ARE APPROXIMATE DATA SOURCES: RIVERSIDE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT. THESE FIGURES ARE BASED ON SPANTEL MAPS. \* - ADDITIONAL R/W AGREES AS AREA WITHIN VARNIER ROAD EXISTING RIGHT-OF-WAY. OS - THE DWELLING UNITS TOTAL IS THE CUMULATIVE TOTAL FROM THE DEVELOPMENT PHASES 1B, 2, 3, 4, AND 5.

**Section 3  
North City  
Specific Plan**



**MSA CONSULTING, INC.**  
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 34200 BOB HOPE DRIVE ■ RANCHO MIRAGE ■ CA 92270  
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**CITY COUNCIL OF CATHEDRAL CITY  
ORDINANCE NO. 733**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CATHEDRAL CITY, CALIFORNIA, TO ADOPT THE NORTH CITY  
EXTENDED SPECIFIC PLAN (SP 12-001), TO BECOME  
EFFECTIVE UPON ANNEXATION OF THE PROJECT AREA  
INTO THE CITY OF CATHEDRAL CITY**

**WHEREAS**, an application was submitted by SDC Ventura, LLC (“Applicant”) to the City of Cathedral City, California (“City”) for certain real property located in unincorporated Riverside County, but within the City’s Sphere of Influence north of Interstate 10 as more fully depicted in Exhibit ‘A’ and which is more commonly referred to as the North City Extended Specific Plan (“NCESP”); and

**WHEREAS**, in order to implement the NCESP, the City is required to take the following actions to certify the Final Environmental Impact Report and issue a Statement of Overriding Considerations with regard to air quality relating to the NCESP:

- Certify the Environmental Impact Report and Statement of Overriding Considerations;
- Approve a General Plan Amendment (GLA 12-001) to change the General Plan Map to add the subject property;
- Approve a Change of Zone (CZ 12-001) to establish and then implement the land use designations found in the North City Extended Specific Plan;
- To adopt the North City Extended Specific Plan (NCESP) (SP 12-001), which will provide the land use designations and infrastructure standards for the area shown in Exhibit ‘B’.

**WHEREAS**, in order to implement the NCESP, the Applicant will be required make application and gain approval from the Riverside Local Agency Formation Commission (LAFCO) pursuant to LAFCO rules and procedures, in order to annex the area identified in Exhibit ‘B’, known as the NCESP, into the City of Cathedral City; and

**WHEREAS**, the City, acting as Lead Agency, has determined that the above-noted applications will be subject to Environmental Findings for the NCESP and the Statement of Overriding Considerations found therein; and

**WHEREAS**, following a duly noticed public hearing on January 15, 2014, the City Council of Cathedral City approved this Ordinance approving the NCESP.

**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. 733 including, but not limited to, the following:**

- (a) Cathedral City General Plan and Cathedral City Municipal Code;
- (b) The North City Specific Plan and the North City Extended Specific Plan;
- (c) General Plan Amendment No. 12-001, Change of Zone No. 12-001, and Specific Plan No. 12-001 (North City Extended Specific Plan)
- (d) The Final Environmental Impact Report (FEIR) including the Mitigations and Statement of Overriding Considerations;
- (e) The Staff Reports;
- (f) The staff presentation at the public hearing conducted at the City Council meeting held on January 15, 2014;
- (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 meetings held on November 20, and December 4, 2013; 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 January 15, 2014; 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 January 15, 2014; 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 North City Extended Specific Plan and bases its action to adopt this Ordinance approving the Specific Plan based on the following findings:**

- (a) The proposed NCESP is consistent with the established goals, policies, and objectives of the General Plan and the North City Specific Plan;
- (b) The NCESP will adopt additional goals to develop a framework for development in the area shown in Exhibit 'B'.
- (c) The Land Use Policies contained in the North City Extended Specific Plan will provide appropriate land uses for the area, respond to market demands, create opportunities for community development, create housing opportunities that are consistent with smart growth principles, and encourages sustainable growth.
- (d) The Economic Development Policies contained in the NCESP will encourage mixed-use development, and create a new commercial node within the Coachella Valley, with resulting sales tax revenues to the City. In addition, the Economic Development Policies contained in the NCESP encourage development of new employment-generating uses and will generate additional transient occupancy tax that will benefit the area.
- (e) The Circulation Policies contained in the NCESP will accommodate local and regional traffic, provide access for all modes of transportation, result in acceptable levels of service on area roadways and highways, and connect to the remainder of Cathedral City.
- (f) The Parking Policies of the NCESP will provide adequate parking and prevent over-supply of parking thereby encouraging shared parking.
- (g) The Infrastructure Policies of the NCESP will provide infrastructure that is safe, cost effective, adequate in supply, and minimize impacts to view corridors.
- (h) The proposed Specific Plan 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 North City Extended Specific Plan (SP) No. 12-001.

**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 the completion of the Project Area's annexation into the City of Cathedral City, but in no event fewer than 30 days after the second reading of this Ordinance.

**Section 6. POSTING**

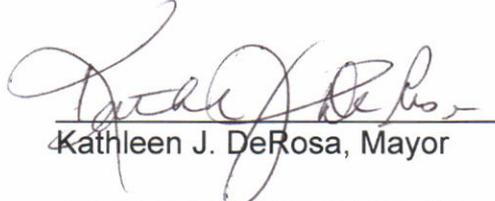
Within 15 days after its passage, the city clerk shall cause each ordinance to be published at least once, with the names of those city council members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the city, or if there is none, he or she shall 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.

**THIS SECTION LEFT INTENTIONALLY BLANK**

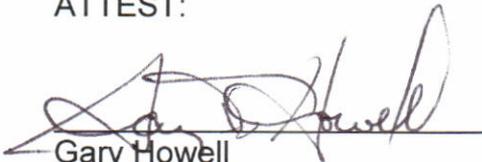
**Section 7. CERTIFICATION**

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on February 12, 2014, by the following vote:

Ayes: 5 Henry, Toles, Pettis, Vasquez and DeRosa  
Noes: 0  
Abstain: 0  
Absent: 0

  
Kathleen J. DeRosa, Mayor

ATTEST:

  
Gary Howell  
City Clerk

APPROVED AS TO CONTENT:

  
Leisa Lukes  
Business Development Manager

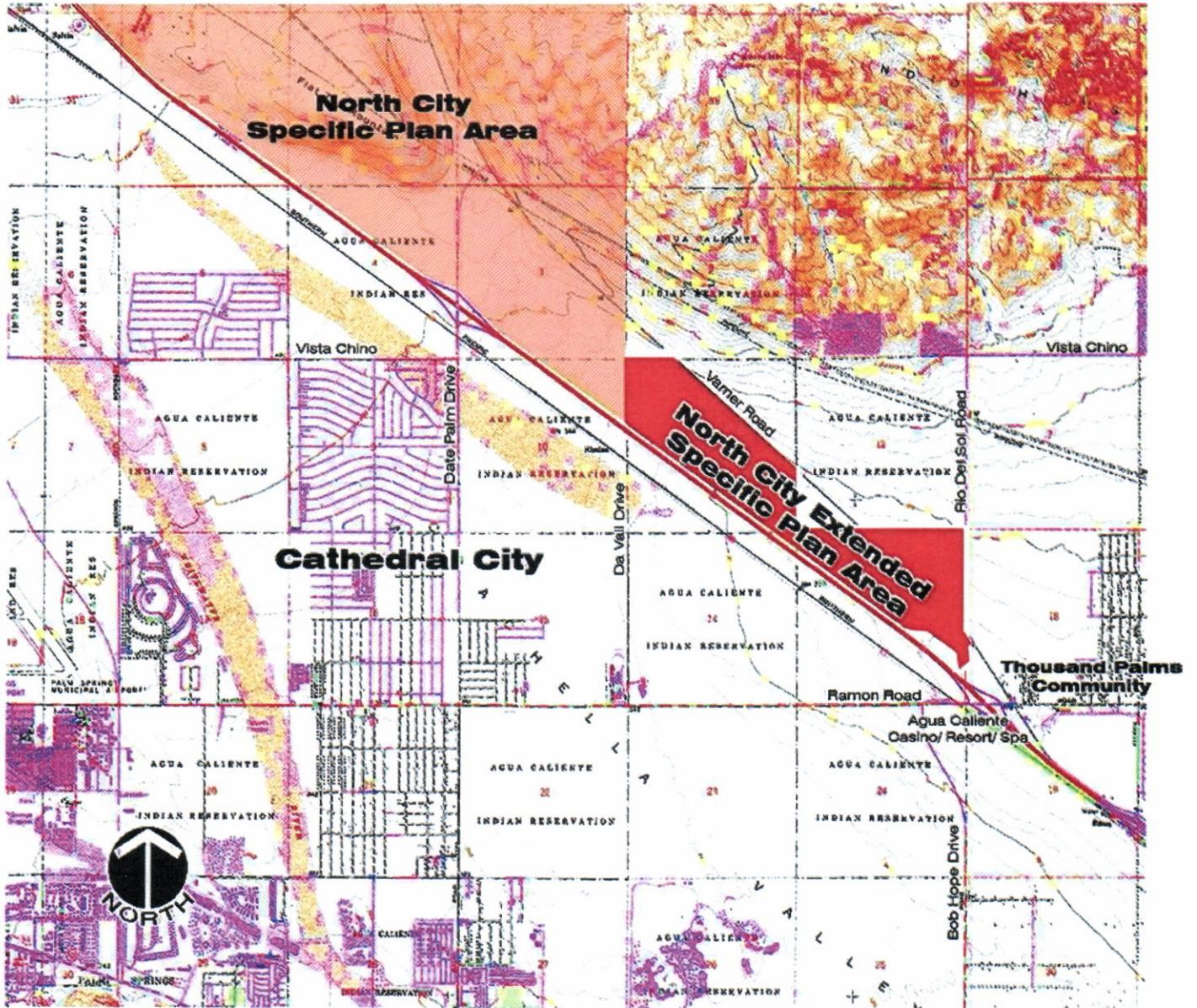
APPROVED AS TO FORM:

  
Charles R. Green  
City Attorney

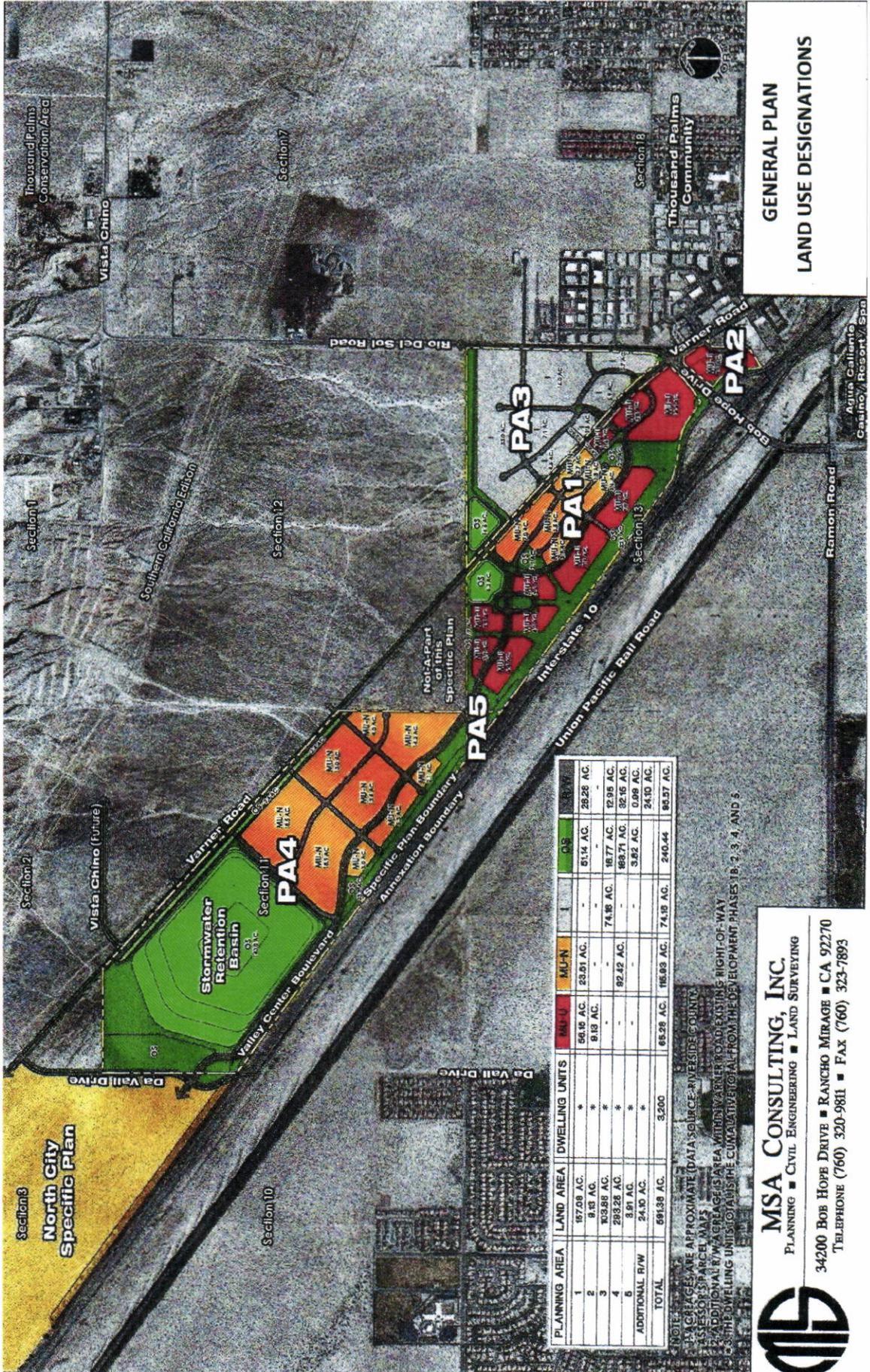
REVIEWED BY:

  
Rod Wood  
Interim City Manager

EXHIBIT 'A'



# EXHIBIT 'B'



**GENERAL PLAN  
LAND USE DESIGNATIONS**

PLANNING AREA	LAND AREA	DWELLING UNITS	AM-U	MU-N	MU-C	MU-O
1	97.08 AC.	4	56.19 AC.	25.91 AC.	-	28.28 AC.
2	8.18 AC.	0	8.18 AC.	-	-	-
3	83.28 AC.	0	-	74.18 AC.	18.77 AC.	12.95 AC.
4	293.28 AC.	0	-	92.42 AC.	185.71 AC.	32.15 AC.
5	5.91 AC.	0	-	-	3.82 AC.	0.99 AC.
6	24.10 AC.	0	-	-	-	24.10 AC.
ADDITIONAL R/W						
TOTAL	613.88 AC.	3,200	65.29 AC.	165.99 AC.	74.18 AC.	240.44
						85.97 AC.

NOTE: FIGURES ARE APPROXIMATE (DATA SOURCE: RIVERSIDE COUNTY PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT). THIS PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO CHANGE. THE ADDITIONAL R/W AREA WITHIN VANNER ROAD EXISTING RIGHT-OF-WAY IS NOT INCLUDED IN THE DWELLING UNITS TOTAL FROM THE DEVELOPMENT PHASES 1B, 2, 3, 4, AND 5.



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## **Final Conditions of Approval**

	<p><b>CITY OF CATHEDRAL CITY CITY COUNCIL</b></p> <p><b>CONDITIONS OF APPROVAL</b></p> <p><b>SPECIFIC PLAN 12-001</b></p> <p><b>PROJECT LOCATION: NORTH OF INTERSTATE 10, SOUTH OF VARNER RD. EAST AND WEST OF BOB HOPE DR.</b></p> <p><b>DATE APPROVED: January 15, 2014</b></p>
-----------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

*All environmental mitigation measures are noted with an asterisk \**  
*Conditions added by the Planning Commission are noted with a double asterisk \*\**

**SECTION ONE - ADMINISTRATIVE CONDITIONS**

**General**

- 1.1. The applicant or any successor-in-interest shall defend, indemnify, including reimbursement, and hold harmless the City of Cathedral City, its agents, officers and employees from any claim, action, or proceeding against the City of Cathedral City, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.
- 1.2 The applicant shall continually comply with all applicable rules and regulations in effect at the time permit is approved and exercised and which may become effective and applicable thereafter.
- 1.3 The development of the site shall conform to all ordinances, codes, regulations, policies and development design controls pursuant to the applicable North City Extended Specific Plan or Cathedral City Municipal Code that are in effect prior to issuance of any building permits.
- 1.4 Within 30 days following project approval, a Final Specific Plan document shall be submitted to the Planning Department that includes any text or graphic changes resulting from Planning Commission and City Council hearings, including conditions of approval and the adopted Mitigation Monitoring Program.
- 1.5 The action shall not be effective until an Annexation is approved by the Local Agency Formation Commission (LAFCO), The Applicant is responsible for making application and processing the annexation with the LAFCO process.

**ORIGINAL**

## Engineering

- 1.6 Development shall conform to the provisions of the 2010 California Building Code or such edition in place at the time of development.
- 1.7 The Flood Wall Exhibit referenced in the Hydrology and Drainage Update for the project shall be included in the Final Specific Plan document.
- 1.8 The Developer shall comply with Riverside County Ordinance No. 458.13 and CVWD Ordinance 1234.1 in the preparation of on-site flood protection facilities. Fees and plans shall be submitted to CVWD to facilitate a flood management review.

## Special Conditions

- 1.9 A twenty (20) foot non-exclusive easement shall be reserved along the north boundary of Planning Area 3, extending from Rio del Sol Rd. to Detention Basin 3, as a multi-purpose equestrian trail. The Bikeway and Trail Network Section shall be amended to describe the purpose and design of the trail, supported by a location map and cross section.
- 1.10 \*\*The plant palette shall be reviewed and refined by a Registered Landscape Architect to remove non-native and invasive plant species having potential to re-seed offsite locations, including the Indio Hills area.
- 1.11 \*\*Land uses within the Open Space Zone shall be modified to read "Public parks, recreational facilities, *and community gardens.*"
- 1.12 \*\* A separate sign permit application shall be filed for the Freeway signs depicted on Figure 8-3 as "Sign A".

## SECTION TWO - PLANNING CONDITIONS

### *Aesthetics*

- 2.1 \*A landscape plan for infiltration Basin # 1 shall be submitted concurrently with the initial development plans implementing the NCESP that demonstrates the restoration of native vegetation at the top of any basins, exclusive of access roads.
- 2.2 \*Landscape plans for infiltration Basins # 2 & 3 shall be submitted concurrently with adjoining development to demonstrate the "Desert Oasis" theme & they adequately shield views into the basins.

### *Air Quality*

- 2.3 During all grading and earth disturbing activities, the project developer shall comply with the provisions of Chapter 8.54 of the Cathedral City Municipal Code which establishes minimum requirements for construction activities to reduce fugitive dust and PM10 emissions. Prior to the issuance of any grading permits associated with the project, the developer shall prepare and submit to the City of Cathedral City for approval, a plan to control fugitive dust through implementation of reasonably available dust control measures. The plan shall specify the fugitive dust control measures to be employed.

**ORIGINAL**

- 2.4 Throughout all grading, earth disturbing and construction activities the project developer shall comply with all applicable SCAQMD *Rules and Regulations* including but not limited to the following:
- Rule 403 (Fugitive Dust) specifies control measures for use in developing site specific fugitive dust control plans to minimize blowing dust from construction sites and insure the clean up of construction-related dirt on approach routes to the site including: watering measures, chemical stabilizers, wind fencing, covering haul vehicles, bed liners in haul vehicles, wheel washers, and high wind measures;
  - Rule 403.1 (Coachella Valley Fugitive Dust) specifies control measures for use in developing site specific fugitive dust control plans to minimize blowing dust from construction sites and insure the clean up of construction-related dirt on approach routes to the site including: watering measures, chemical stabilizers, wind fencing, covering haul vehicles, bed liners in haul vehicles, wheel washers, and high wind measures;
  - Rule 1113 (Architectural Coatings) restricts the VOC content of any architectural coating materials used on-site to a maximum of 2.08 pounds of VOC per gallon.
- 2.5 As a condition of approval, the project developer will comply with City requirements regarding planned bikeways on and/or adjacent to the site. In addition to compliance with applicable rules, regulations and ordinances, the following measures shall be employed to reduce the potential for adverse cumulative air quality impacts during construction.
- 2.6 During the grading, earth disturbing and construction activities the project developer shall suspend earth-moving activities during first and second stage ozone episodes or when winds exceed 25 MPH, per the Coachella Valley PM10 State Implementation Plan and SCAQMD Rule 403.1.
- 2.7 During grading, earth disturbing and construction activities, the project developer shall employ adequate watering techniques to partially mitigate the impact of construction-generated dust particulates. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground surface and then watered again at the end of the day, as part of the construction specifications.
- 2.8 During grading, earth disturbing and construction activities the project developer should pave any construction access roads as soon as possible and clean after each workday. The maximum vehicle speed limit on unpaved road surfaces should be 15 mph.
- 2.9 During grading, earth disturbing and construction activities the project developer shall ensure that all trucks maintain at least two feet of freeboard.

**ORIGINAL**

- 2.10 During grading, earth disturbing and construction activities, the project developer shall ensure that trucks hauling dirt, sand, soil, or other loose dirt material off-site are covered and washed off before leaving the site.
- 2.11 During grading, earth disturbing and construction activities, adjacent streets shall be swept if silt is carried over to adjacent public thoroughfares. The project developer shall provide required street sweeping.
- 2.12 During grading, earth disturbing and construction activities, the project developer, per construction specifications, shall ensure that any vegetative ground cover to be utilized on-site shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems needed to water these plants shall be installed as soon as possible to maintain the ground cover and minimize wind erosion of the soil.
- 2.13 During grading, earth disturbing and construction activities, the project developer shall ensure that construction operations affecting off-site roadways shall be scheduled for off-peak traffic hours and shall minimize obstruction of through-traffic lanes.
- 2.14 \*The architectural coatings used within the project should give priority to a combination of low-VOC (< 50 grams of VOC per liter), zero-VOC, and super-compliant (< 10 grams of VOC per liter) with an average of 35 grams or less of VOC per liter to reduce the projected emissions below 75 pounds per day.
- 2.15 \*Low emission building materials such as pre-primed and sanded wood molding and trim products and pre-primed wallboard shall be given priority for construction materials.
- 2.16 \*Construction activities should be prioritized to occur first on the upwind portion of the project site to reduce the potential for blowsand and fugitive dust impacts in the downwind areas.
- 2.17 \*Tier 3 and Tier 4 grading equipment if more than one set of default equipment to avoid exceeding the SCAQMD threshold for short-term construction NOx emissions.
- 2.18 \*The construction specifications shall state that only the construction equipment required for any particular building activity shall be operational on-site at any given time to reduce NOx emissions during construction activities.
- 2.19 \*To minimize potentially significant impacts of blowsand exposure on future sensitive receptors that locate within the project site, the Specific Plan should incorporate design standards and development guidelines detailing appropriate techniques to be implemented to control and reduce wind erosion and blowsand over the long term. Permanent blowsand abatement elements should be implemented on-site to protect and

stabilize the soil within the project site. Appropriate techniques to prevent the accumulation of blowsand on-site should be incorporated in the project design to minimize future damage from and exposure to blowsand.

2.20 \*The following measures shall be implemented to reduce the impact of the air quality near Interstate 10 on all future sensitive receptors located on-site within 500 feet of the near edge of the freeway to the maximum extent feasible.

1. Fixed non-openable windows shall be installed on the residential and hotel building faces with line-of-sight exposure to Interstate 10.
2. Active or passive filtration shall be installed in the HVAC systems of residential and hotel buildings with ventilation from the side of the building facing away from Interstate 10.
3. Intervening buildings or sound barriers shall be used to shield outdoor activity areas (swimming pools, playgrounds, parks, etc.) where sensitive receptors will be found.

2.21 \*Provided that the proposed gasoline dispensing station on-site will have a throughput below 3.6 million gallons per year, the toxic impact on sensitive receptors (including transient lodging) should be mitigated by locating sensitive receptors a minimum of 50 feet from the perimeter of the service station.

2.22 \*The significance of many of the short-term and long-term air quality impacts cannot be determined without more detailed information regarding the number, type, and emissions of the construction equipment that will be used for each phase of development. Cathedral City may require additional air quality studies to ensure that the appropriate mitigation is applied for future development on-site.

#### *Biological Resources*

2.23 The project proponent shall pay the associated CVMSHCP for each phase of development prior to issuance of a Building Permit. The fee amount will be based on the density or disturbed surface area per the City's authorization and aligned with the fees that are enforced at the time in which development occurs.

2.24 \*The project developer shall ensure that the following mitigation measures are implemented to reduce potential impacts to Burrowing Owl during construction activities:

1. A preconstruction survey should take place at least 30 days prior to project grading to determine the location of active burrows on and within 550 yards of an approved project site. If no active burrows are found in the survey area, grading shall commence providing a biological monitor is onsite.

**ORIGINAL**

2. A biological monitor, with the authority to halt or redirect grading, should be present whenever grading or construction vehicles are present and operating on an approved project site. The function of the monitor is to protect burrowing owls that arrive on or near the project site after the clearance survey and during the construction period.
3. The breeding season of the western burrowing owl is from February 1 through August 31 of each year. No construction disturbances of any kind should occur within 500 meters (550 yards) of an active burrow during this time period. Thus on a project site, grading should take place from September 1 until January 30 of each year to avoid restriction or cancellation of grading because of the presence of burrowing owls during the breeding season.

Resident owls present on or near the project site outside the breeding season may be relocated to other sites by a permitted biologist. Relocation details can be found in the Staff Report on Burrowing Owl Mitigation prepared by the California Department of fish and Game.

- 2.25 \*The project developer shall ensure that the following mitigation measures are implemented to reduce potential impacts to Loggerhead Shrike during construction activities:
1. If construction activities are expected between February 1 and July 1, breeding surveys should be conducted 30 days prior to construction related site disturbance.
  2. If a nest is found, a buffer should be established in which construction activities are prohibited. The width of the buffer should be determined by an experience biologist.

#### *Cultural Resources*

- 2.26 Approved Native American cultural resource monitor(s) as well as archaeological monitors shall be present during all ground disturbing activities. 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 City and the Agua Caliente Tribal Historic Preservation Office.
- 2.27 In compliance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the Riverside County Coroner must be notified immediately. If the coroner determines that the remains are not recent and may be Native American, in accordance with Public Resource Code 5097.94, the coroner will notify the Native American Heritage Commission (NAHC) within 24 hours of the find. The NAHC will then determine, in consultation with the property owner, the disposition of the human remains. No known burial grounds or cemetery occurs on the

ORIGINAL

project site. Although known resources are to be avoided, excavation is likely to occur to a greater depth and area. Should human remains be discovered during construction of the proposed project, the project contractor would be subject to the Tribe's "Treatment of Human Remains Policy" (ACBCI Tribal Historic Preservation Organization and Policies, 2004) which is consistent with State law regarding the discovery and disturbance of human remains. In that circumstance the Cultural Monitor has the authority to halt destructive activities in the immediate area.

#### *Paleontological Resources*

2.28 A qualified paleontologist shall monitor all grading that includes initial cutting. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays, and to remove samples of sediments, which are likely to contain the remains of small fossil invertebrates and vertebrates. If any paleontological resources are identified during these activities, the following activities shall occur:

1. All recovered specimens shall be prepared to a point of identification and permanent preservation, including washing sediments to recover small invertebrates and vertebrates.
2. Specimens shall be identified and curated into an established, accredited, professional museum repository with permanent retrievable storage.
3. The paleontologist shall have a written repository agreement in hand prior to the initiation of mitigation activities.
4. At the end of the monitoring period, the paleontological monitor shall submit a letter report to the Director of Planning detailing the duration and results of the monitoring. A report of findings shall be prepared by the paleontologist. The report shall be submitted prior to the issuance of the Certificate of Occupancy.

#### *Geotechnical*

- 2.29 All structural design shall adhere to the structural recommendations within the site specific Geotechnical Reports for each portion of the project. Minimum seismic design should comply with the 2010 edition of the California Building Code using the seismic coefficients given in the Geotechnical Report.
- 2.30 Design Level Geotechnical Engineering Report(s) shall be prepared for grading and construction activities.
- 2.31 Site grading shall be in strict compliance with the requirements of the South Coast Air Quality Management District. Dust control shall be implemented throughout all phases of construction. (Further discussion contained in Section 3.3 Air Quality).

**ORIGINAL**

- 2.32 Additional site specific geotechnical investigations may be necessary based on site specific design proposals. Local variation in soil conditions may warrant adjustments such as increasing depth recompaction and over-excavation. A representative of the soils consultant shall observe site clearing and the bottoms of excavations before placing fill.
- 2.33 At the start of site grading for all portions of the project, existing vegetation, trees, large roots, pavements, foundations, non-engineered fill, construction debris, abandoned underground utilities and other deleterious material shall be removed from the proposed building, structural, tank, pavement areas and areas that receive fill. The surface shall be stripped of organic growth and removed from the construction area. Areas disturbed during demolition and clearing shall be properly backfilled and compacted.
- 2.34 Positive drainage shall be maintained away from the structures and shall include a minimum gradient of 5% for a minimum distance of 5 feet. Water should not pond on or near paved areas.
- 2.35 Prior to issuance of a Grading Permit, the developer of the roads and infrastructure, and structures shall prepare a Storm Water Pollution Prevention Plan and a PM10 Fugitive Dust Control Plan. These plans shall be implemented throughout all construction activities.
- 2.36 The grading contractor shall work in accordance with the Grading Ordinance of the City of Cathedral City, throughout all grading activities.
- 2.37 \*The project contractors shall adhere to the recommendations contained within the site specific Geotechnical Feasibility and Infiltration Report throughout grading and construction activities.
- 2.38 \*Future Planning Area developers shall be required to have a project specific Geotechnical analysis.
- 2.39 \*Individual developers of the NCESP area shall be required to submit plans including on-site provisions for capture of incremental storm water associated with project impervious surfaces prior to project approvals. The incremental storm water flowing off-site shall be equal to predevelopment conditions. Plans shall be reviewed and approved by the City.

#### *Hazards and Hazardous Materials*

- 2.40 All construction activities shall be conducted in compliance with standard regulations related to hazards and adherence to local, State and Federal agency policies including those of the South Coast Air Quality Management District, the State Water Resource Control Board and Colorado River Regional Water Quality Board.
- 2.41 Individual project proponents shall ensure that enforcement of the City's and County's hazardous materials policies combined with State and Federal law and appropriate Industry Regulations and Standards be incorporated throughout the life of the project.

- 2.42 The project's drainage system shall be designed to reduce contaminant content in on-site storm flows and nuisance water prior to release into the public storm drain system, as required by local, State and Federal regulations.
- 2.43 All design and construction activities shall be conducted in compliance with standard regulations related to emergency response contained with the City's Municipal Code.

*Hydrology and Water Quality*

- 2.44 Each project developer shall prepare and implement, throughout all lot disturbance and construction activities that exceed 5000 square feet a Fugitive Dust (PM10) Control Plan to aid in minimizing erosion related issues associated with street grading and utility installation.
- 2.45 Each project developer shall prepare and implement, throughout all construction activities greater than one acre, a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the National Pollution Discharge Elimination System (NPDES) Permit regulations. Construction site Best Management Practices (BMPs) shall be implemented to prevent any excess storm flows, or contamination of water that could occur as a result of all future construction activities within the proposed project.
- 2.46 Each project developer shall submit Preliminary and Final Water Quality Management plans prepared in accordance with the Municipal Separate Storm Sewer System (MS4) within the Whitewater River Watershed (Order No. R7-2008-0001 and NPDES No. CAS617002.) Plans shall be submitted to the City for review and approval prior to the issuance of a Grading Permit and implemented throughout the life of the project.
- 2.47 Each PA developer shall insure that future development complies with all applicable state codes, the City's Water Efficient Landscape Ordinance and the water conservation recommendation of the California Department of Water Resources and the applicable water districts.
- 2.48 Each PA developer shall ensure future development follows domestic water conservation guidelines included within the Cathedral City General Plan to mitigate impacts to public water supplies.
- 2.49 All project design shall be in accordance with the Riverine Drainage Area Corridor Ordinance and shall be reviewed by CVWD and the City of Cathedral City during project approvals.
- 2.50 \*An approved CLOMR for the site shall be obtained by the Project Applicant before a Certificate of Occupancy is issued for any portion of the development, unless demonstrated to be safe from the flooding conditions to the satisfaction of the City of Cathedral City and CVWD.
- 2.51 \*Development of the 9 acre PA2 site will require construction of flood walls, in conjunction with the regional basins, located along the south and eastern boundary (Figure included in Appendix G). This flood control measure shall be designed in accordance with the rules and

regulations of the FEMA CLOMR/LOMR process and shall be approved by the City and CVWD during project approvals.

- 2.52 \*Individual developers of Planning Area Projects shall be required to submit plans including on-site provisions for capture of incremental storm water associated with project impervious surfaces prior to project approvals. The incremental storm water flowing off-site shall be equal to predevelopment conditions. Plans shall be reviewed and approved by the City.
- 2.53 \*Design and Construction of the 3 Basins and PA2 flood walls intended to address offsite flooding shall be reviewed and approved by all applicable agencies. Drainage plans and hydraulic calculations for the regional retention final project design shall be prepared by a civil engineer and submitted for review and approval to the following:
- a. Coachella Valley Water District (CVWD);
  - b. Riverside County Flood Control and Water Conservation District (RCFCWCD);
  - c. U.S. Army Corps of Engineers (USACE);
  - d. FEMA;
  - e. State Water Resource Control Board; and,
  - f. City of Cathedral City.
- 2.54 \*CWA Section 404 Consultation with The US Army Corps of Engineers, RWQCB and California Department of Fish and Wildlife will be required relative to potential impacts to Waters of the U.S. prior to approval of the proposed regional flood control measures.

*Noise*

- 2.55 Construction is only allowed during the following hours:  
October 1<sup>st</sup> through April 30<sup>th</sup>  
Monday through Friday: 7:00 a.m. to 5:30 p.m.  
Saturday: 8:00 a.m. to 5:00 p.m.
- May 1<sup>st</sup> through September 30<sup>th</sup>  
Monday through Friday: 6:00 a.m. to 7:00 p.m.  
Saturday: 8:00 a.m. to 5:00 p.m.
- 2.56 \*Any commercial parking lots within 50 feet of residences should incorporate a 6 foot wall between the parking lot and residential development.
- 2.57 \*An acoustic study (or studies) shall be prepared by a Registered Engineer, once graded pad elevations are known, identifying the mitigation measures and/or site design features that will reduce all residential areas, schools, libraries, churches, hospitals and nursing homes, and destination resort areas to less than 70 CNEL and all commercial areas to less than 77 CNEL. Additionally the report shall

show how sensitive uses within these uses will be mitigated to 65 CNEL or less. Specifically, rear yards, patio areas, and outdoor activity areas for residential; outside teaching areas for schools, libraries and churches; and outdoor places of relaxation for hospitals and nursing homes shall be mitigated to 65 CNEL or less. The report(s) shall be submitted to the City and approved by the City prior to the issuance of any precise grading permits or site design approvals.

- 2.58 \*An acoustic study (or studies) shall be prepared by a Registered Engineer, once graded pad elevations are known, demonstrating that indoor residential, hotel, private school, church, hospital and nursing home areas shall achieve a noise level of 45 CNEL or less. The report(s) shall be submitted to the City and approved by the City prior to the issuance of any building permits.
- 2.59 \*Commercial and office projects that experience traffic noise that regularly exceeds 65 dBA are subject to the specific requirements called out in Section 5.507.4 of CalGreen. All areas proposed for commercial and office uses would be subject to this requirement. Prior to the issuance of building permits, an acoustic study (studies) shall be prepared by a Registered Engineer demonstrating that the commercial or office project will comply with the acoustic requirements of CalGreen.

#### *Public Services*

##### *Fire Protection*

- 2.60 Individual project plans shall be reviewed by the Cathedral City Fire Department prior to approval of project.
- 2.61 The Project shall adhere to the provision of the Cathedral City Municipal Code for building construction standards.
- 2.62 The project will comply with Uniform Fire Code, Uniform Building Code and other state and national code provisions regarding building construction, including fire sprinklers.
- 2.63 The project will provide onsite fire hydrants with required fire flow, approved automatic sprinkler system, as well as adequate emergency access to the project site.

##### *Police Protection*

- 2.64 The project shall be reviewed by the Cathedral City Police Department prior to project approval.
- 2.65 Project design shall provide adequate access for all emergency vehicles.
- 2.66 Project siting and design shall promote the feasible use of defensible space concepts or high security designs to improve public safety. Examples of defensible space concepts include but are not limited to, site

and building lighting, visual observation of open spaces, secured areas and screening elements.

- 2.67 The project will adhere to the standards for street addressing and lighting in order to enhance and facilitate emergency response time. All structures and places of business shall display visible addresses.
- 2.68 Prior to issuance of grading permit, the project developer shall pay appropriate fees to the Palm Springs Unified School District. Payment of fees will mitigate school impacts.

*Recreation*

- 2.69 The Project Developer will provide on-site recreational or open space facilities and contribute to the public development of additional facilities to offset additional demands generated by future project residents in tandem with implementing development.
- 2.70 The Project Developer shall ensure that the elements of the proposed project such as buildings, open spaces, landscape, and activities will be designed to enhance efficiency and compatibility with adjacent uses. Proposed landscape locations and species will be coordinated with architectural and site design.
- 2.71 The Project Developer will comply with the Quimby Act and will be required to pay Park Fees to the City upon development of the property.

*Transportation / Traffic*

- 2.72 The project proponent shall dedicate appropriate right-of-way, as needed, to accommodate the ultimate improvements of all public roadways abutting the site.
- 2.73 The Cathedral City General Plan Circulation Element and NCESP roadways shall be implemented, as required by the City of Cathedral City.
- 2.74 All required off-site public and on-site private streets shall be designed in accordance with City of Cathedral City design standards, as required by the City Engineer
- 2.75 The project developer/applicant shall submit street improvement plans for construction of required streets to the Cathedral City Engineer for review and approval.
- 2.76 Ingress and egress design shall include adequate vehicle maneuvering and stacking space to avoid conflicts with internal and external traffic and circulation patterns.
- 2.77 The controlled primary entryways to the site shall include provisions to facilitate access by emergency vehicles in a manner approved by the chief of police per *Cathedral City Municipal Code* Section 8.04.190. All power-operated controlled access devices shall have a radio-controlled override

system capable of opening the gate or barrier when activated by a special transmitter located in emergency vehicles and be equipped to facilitate opening in the event of a power failure.

- 2.78 The project proponent will comply with City requirements regarding the master planned bikeway. Bike lanes shall be provided within and adjacent to the site along the General Plan roadways, as required by the City of Cathedral City.
- 2.79 A traffic control plan shall be submitted and approved. Schedules and Routes of construction traffic will be included in the plan.
- 2.80 The project proponent shall coordinate with the SunLine Transit Agency regarding the need for public transit facilities on and adjacent to the project site.
- 2.81 Adequate off-street parking shall be provided on-site to meet the requirements of the *Cathedral City Municipal Code*.
- 2.82 The proposed internal circulation layout and site access plans shall be subject to the review and approval of the City Engineer during the development review process to ensure compliance with City access and design standards.
- 2.83 The project proponent shall contribute on a fair-share basis to area wide roadway improvements by participating in the TUMF (Transportation Uniform Mitigation Fees) program and may also be required to contribute on a fair-share basis to the cost of circulation improvements required on roadways and/or at intersections that are not in the TUMF program.

The following mitigation measures are presented to reduce potential circulation and/or site access impacts.

### **Roadway and Intersection Improvements Needed**

The General Plan street system in the study area will be adequate to provide the capacity needed to serve the projected traffic volumes following project completion in the year 2035. No changes in the General Plan street classifications of the roadways in the study area are required to accommodate site traffic in the year 2035. However, localized widening will be necessary to accommodate the required lanes at the following locations:

- (1) Eastbound Varner Road @ Bob Hope Drive;
- (2) Westbound Varner Road @ Valley Center Boulevard
- (3) Southbound Rio Del Sol Road @ Varner Road; and
- (4) Southbound Bob Hope Drive south of Varner Road

The required changes in approach lane geometrics for each phase of development are outlined below. Figure 3.16-8 shows the improvements required for all phases of the Preferred Project.

Improvements Needed Upon Completion of Initial Phase (Year 2015)

- 1) Construct a directional (right-in only) access connection to Planning Area 2 on Bob Hope Drive, between Varner Road and the I-10 Westbound Ramp terminus.
- 2) Metroplex Drive @ Varner Road
  - add a westbound left-turn lane
  - add a northbound shared through/left-turn lane
  - add a northbound right-turn lane
  - signalize intersection
- 3) Street "N" @ Varner Road
  - add a northbound left-turn lane;
  - add a northbound right-turn lane;
  - add a westbound left-turn lane.
- 4) Street "N" @ Varner Road
  - add a northbound left-turn lane;
  - add a northbound right-turn lane;
  - add a westbound left-turn lane.
- 5) Street "L" @ Varner Road
  - add a northbound left-turn lane;
  - add a northbound right-turn lane;
  - add a westbound left-turn lane.

Improvements Needed Upon Completion of Phase 2 (Year 2018)

- 1) Varner Road
  - Widen Varner Road to provide four through lanes and a raised median from Bob Hope Drive to Street "H" in accordance with the NCESP Phasing Plan.
- 2) Bob Hope Drive @ Varner Road
  - add an exclusive eastbound right-turn lane;
- 3) Street "H" @ Varner Road
  - add a northbound right-turn lane;
  - add a southbound right-turn lane;
- 4) Valley Center Drive @ Varner Road
  - add dual westbound left-turn lanes;
  - add an eastbound left-turn lane;
  - add a northbound left-turn lane;
  - add a northbound through lane;
  - add a northbound right-turn lane;
  - add a southbound left-turn lane;
  - add a southbound shared through/right-turn lane;
  - signalize intersection.
- 5) Street "F" @ Varner Road
  - add a northbound right-turn lane;
  - add a southbound right-turn lane;

Improvements Needed Upon Completion of Phase 3 (Year 2021)

- 1) Varner Road
  - Widen Varner Road to provide four through lanes and a raised median along the entire NCESP frontage in accordance with the NCESP Phasing Plan.
- 2) Rio Del Sol Road
  - Widen Rio Del Sol Road to its ultimate half-width from Street "E" to Varner Road.
- 3) Rio Del Sol Road @ Street "D"
  - Construct Street "D" with a single eastbound shared through/right/left lane and two-way stop control opposite the alignment of Woburn Court.
- 4) Rio Del Sol Road @ Street "E"
  - Construct Street "E" opposite Watt Court with a single eastbound shared through/right/left lane and two-way stop control.

Improvements Needed Upon Completion of Phase 4 (Year 2024)

- 1) Rio Del Sol Road
  - Widen Rio Del Sol Road to its ultimate half-width from the northern project boundary to Street "E".
- 2) Street "I" @ Varner Road
  - add a westbound left-turn lane;
  - add a northbound left-turn lane;
  - add a northbound right-turn lane.

Improvements Needed Upon Project Buildout (Horizon Year 2028)

- 1) Bob Hope Drive
  - Widen Bob Hope Drive to provide three southbound continuous through lanes from Varner Road to, north of the I-10 westbound ramp terminus.
- 2) Rio Del Sol Road/Bob Hope Drive @ Varner Road
  - Construct a third exclusive southbound through lane on Rio Del Sol Road at Varner Road.
  - add a second exclusive eastbound right-turn lane;
- 3) Street "I" @ Varner Road
  - replace two-way stop control with traffic signal control.
- 4) Street "L" @ Varner Road
  - replace two-way stop control with traffic signal control.
- 5) Street "M" @ Varner Road
  - replace two-way stop control with traffic signal control.
- 6) Street "N" @ Varner Road
  - retain two-way stop control and add a westbound median acceleration lane.

ORIGINAL

- 2.84 \*Project proponent shall ensure that all proposed full-turn site access intersections that will be signalized shall include at least two approach lanes on the minor-street approach during the construction of all roads.
- 2.85 \*Project proponent shall ensure that clear unobstructed sight distances shall be provided at the site access points on Varner Road, Rio Del Sol Road, and Bob Hope Drive as well as all internal intersections to ensure that motorists can enter and exit the site with minimal hazard and disruption of through traffic during all construction activities.
- 2.86 \*Project proponent shall ensure that a raised median shall be constructed on Varner Road opposite Street "F" and Street "H" and provide positive control of prohibited left-turn ingress and egress moves and prevent vehicles from attempting to cross Varner Road at these locations.
- 2.87 \*On-street curb parking should be prohibited along Valley Center Boulevard, Street "F", Street "H", Street "I", Street "L", Street "M", Street "N" (approximately 300 feet south of Varner Road) to maximize the capacity of the minor-street approaches.
- 2.88 \*Signalization is proposed and will be warranted at the following full-turn site access intersections: (1) Street "A"/Metroplex Drive @ Varner Road; (2) Valley Center Boulevard @ Varner Road; (3) Street "I" @ Varner Road; (4) Street "L" @ Varner Road; and (5) Street "M" @ Varner Road. All five of these required traffic signals should include provisions to permit signal interconnection.

Because the traffic demand is from the south, the proposed project will not benefit from traffic signals on Rio Del Sol Road. To avoid creating the need for a traffic signal to serve the existing development on Northshore Street, east of the project site,

- 2.89 \*The intersections of Street "F" at Varner Road and Street "H" at Varner Road will be constructed as channelized right-in/right-out access connections. Left-turn ingress and left-turn egress maneuvers will not be permitted and no vehicles will be permitted to cross Varner Road at these intersections. A raised median is recommended on Varner Road adjacent to Planning Area 1 to provide positive control of left-turns across Varner Road.

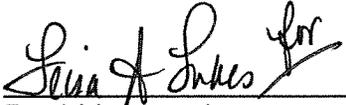
#### *Utilities and Service Systems*

- 2.90 The project developer will pay for the costs of construction and expansion of water, sewer/wastewater, and storm drainage improvements and other public utilities which are necessary by the proposed project prior to building permits.
- 2.91 The project developer will notify utility agencies of its intentions to develop property in the early stages of the development process to provide sufficient time to plan for necessary improvements.

ORIGINAL

- 2.92 Prior to the issuance of a permit, the Project Developer will submit onsite utility design, especially related to storm drain.
- 2.93 Domestic water service to the project site shall be subject to all applicable rules, regulations, ordinances, and orders of the Coachella Valley Water District (CVWD). The Project Developer shall complete financial arrangements with CVWD, along with the installation of required facilities, prior to CVWD providing domestic water services.
- 2.94 Sanitary sewer services to the project site shall be subject to all applicable rules, regulations, ordinances, and orders of the Coachella Valley Water District (CVWD). The Project Developer shall complete financial arrangements with CVWD, along with the installation of required facilities, prior to CVWD providing sewer services.

Prepared by:



David Leonard  
Contract Planner

Accepted by:



Bill Messenger  
SDC Ventures, LLC

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## **Mitigation Monitoring Program**

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
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## 0.4 MITIGATION MONITORING REPORTING PROGRAM

### *Aesthetics*

<b>MM 3.1-1</b> A landscape plan for infiltration Basin # 1 shall be submitted concurrently with the initial development plans implementing the NCESP that demonstrates the restoration of native vegetation at the top of any basins, exclusive of access roads.	Project Developer	Prior to Grading and Construction Activities		
<b>MM 3.1-2</b> Landscape plans for infiltration Basins # 2 & 3 shall be submitted concurrently with adjoining development to demonstrate the “Desert Oasis” theme & they adequately shield views into the basins.	Project Developer	Prior to Grading and Construction Activities		

### *Air Quality*

<b>MM 3.3-1:</b> The architectural coatings used within the project should give priority to a combination of low-VOC (< 50 grams of VOC per liter), zero-VOC, and super-compliant (< 10 grams of VOC per liter) with an average of 35 grams or less of VOC per liter to reduce the projected emissions below 75 pounds per day.	Project Contractor	During Construction Activities		
<b>MM 3.3-2:</b> Low emission building materials such as pre-primed and sanded wood molding and trim products and pre-primed wallboard shall be given priority for construction materials.	Project Contractor	During Construction Activities		
<b>MM 3.3-3:</b> Construction activities should be prioritized to occur first on the upwind portion of the project site to reduce the potential for blowsand and fugitive dust impacts in the downwind areas.	Project Contractor	During Grading and Construction Activities		

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
<b>MM 3.3-4:</b> Tier 3 and Tier 4 grading equipment shall be used to avoid exceeding the SCAQMD threshold for short-term construction NOx emissions.	Project Contractor	During Grading and Construction Activities		
<b>MM 3.3-5:</b> The construction specifications shall state that only the construction equipment required for any particular building activity shall be operational on-site at any given time to reduce NOx emissions during construction activities.	Project Contractor	During Grading and Vertical Construction Activities		
<b>MM 3.3-6:</b> To minimize potentially significant impacts of blowsand exposure on future sensitive receptors that locate within the project site, the Specific Plan should incorporate design standards and development guidelines detailing appropriate techniques to be implemented to control and reduce wind erosion and blowsand over the long term. Permanent blowsand abatement elements should be implemented on-site to protect and stabilize the soil within the project site. Appropriate techniques to prevent the accumulation of blowsand on-site should be incorporated in the project design to minimize future damage from and exposure to blowsand.	Project Developer	Prior to Grading and Construction Activities		
<b>MM 3.3-7:</b> The following measures shall be implemented to reduce the impact of the air quality near Interstate 10 on all future sensitive receptors located on-site within 500 feet of the near edge of the freeway to the maximum extent feasible. <ul style="list-style-type: none"> <li>• Fixed non-openable windows shall be installed on the residential and hotel building faces with line-of-sight exposure to Interstate 10.</li> </ul>	Project Developer and Future Planning Area Developers	Prior to Grading and Construction Activities		

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
<ul style="list-style-type: none"> <li>Active or passive filtration shall be installed in the HVAC systems of residential and hotel buildings with ventilation from the side of the building facing away from Interstate 10.</li> </ul> Intervening buildings or sound barriers shall be used to shield outdoor activity areas (swimming pools, playgrounds, parks, etc.) where sensitive receptors will be found.				
<b>MM 3.3-8:</b> Provided that the proposed gasoline dispensing station on-site will have a throughput below 3.6 million gallons per year, the toxic impact on sensitive receptors (including transient lodging) should be mitigated by locating sensitive receptors a minimum of 50 feet from the perimeter of the service station.	Project Developer	Prior to Grading and Construction Activities		
<b>MM 3.3-9:</b> The significance of many of the short-term and long-term air quality impacts cannot be determined without more detailed information regarding the number, type, and emissions of the construction equipment that will be used for each phase of development. Cathedral City may require additional air quality studies to ensure that the appropriate mitigation is applied for future development on-site.	Project Developer	Prior to Grading and Construction Activities		

**Biological Resources**

<b>MM 3.4-1:</b> The project developer shall ensure that the following mitigation measures are implemented to reduce potential impacts to Burrowing Owl during construction activities: <ol style="list-style-type: none"> <li>A preconstruction survey should take place at least 30 days</li> </ol>	Project Developer	Prior to Grading and Construction Activities		
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Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
<p>prior to project grading to determine the location of active burrows on and within 550 yards of an approved project site. If no active burrows are found in the survey area, grading shall commence providing a biological monitor is onsite.</p> <ol style="list-style-type: none"> <li>2. A biological monitor, with the authority to halt or redirect grading, should be present whenever grading or construction vehicles are present and operating on an approved project site. The function of the monitor is to protect burrowing owls that arrive on or near the project site after the clearance survey and during the construction period.</li> <li>3. The breeding season of the western burrowing owl is from February 1 through August 31 of each year. No construction disturbances of any kind should occur within 500 meters (550 yards) of an active burrow during this time period. Thus on a project site, grading should take place from September 1 until January 30 of each year to avoid restriction or cancellation of grading because of the presence of burrowing owls during the breeding season.</li> </ol> <p>Resident owls present on or near the project site outside the breeding season may be relocated to other sites by a permitted biologist. Relocation details can be found in the Staff Report on Burrowing Owl Mitigation prepared by the California Department of fish and Game.</p>				
<p><b>MM 3.4-2:</b> The project developer shall ensure that the following mitigation measures are implemented to reduce potential impacts to Loggerhead Shrike during construction activities:</p>	Project Developer	Prior to Grading and Construction Activities		

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
<p>1. If construction activities are expected between February 1 and July 1, breeding surveys should be conducted 30 days prior to construction related site disturbance. If a nest is found, a buffer should be established in which construction activities are prohibited. The width of the buffer should be determined by an experience biologist</p>				
<b>Geology and Soils</b>				
<p><b>MM 3.6-1:</b> The project contractors shall adhere to the recommendations contained within the site specific Geotechnical Feasibility and Infiltration Report throughout grading and construction activities.</p>	Project Contractor	During Grading and Construction Activities		
<p><b>MM 3.6-2:</b> Future Planning Area developers shall be required to have a project specific Geotechnical analysis.</p>	Future Planning Area Developers	Prior to Development of Future Planning Areas		
<p><b>MM 3.6-3:</b> Individual developers of the NCESP area shall be required to submit plans including on-site provisions for capture of incremental storm water associated with project impervious surfaces prior to project approvals. The incremental storm water flowing off-site shall be equal to predevelopment conditions. Plans shall be reviewed and approved by the City.</p>	Future Planning Area Developers	Prior to Development of Future Planning Areas		

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
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***Hydrology and Water Quality***

<p><b>MM 3.9-1:</b> An approved CLOMR for the site shall be obtained by the Project Applicant before a Certificate of Occupancy is issued for any portion of the development, unless demonstrated to be safe from the flooding conditions to the satisfaction of the City of Cathedral City and CVWD.</p>	<p>Project Developer Future Planning Area Developers</p>	<p>Prior to Grading and Construction Activities</p>		
<p><b>MM 3.9-2:</b> Development of the 9 acre PA2 site will require construction of flood walls, in conjunction with the regional basins, located along the south and eastern boundary (Figure included in Appendix G). This flood control measure shall be designed in accordance with the rules and regulations of the FEMA CLOMR/LOMR process and shall be approved by the City and CVWD during project approvals.</p>	<p>Project Developer</p>	<p>Prior to Grading and Construction Activities</p>		
<p><b>MM 3.9-3:</b> Individual developers of Planning Area Projects shall be required to submit plans including on-site provisions for capture of incremental storm water associated with project impervious surfaces prior to project approvals. The incremental storm water flowing off-site shall be equal to predevelopment conditions. Plans shall be reviewed and approved by the City.</p>	<p>Future Planning Area Developers</p>	<p>Prior to Grading and Construction Activities</p>		
<p><b>MM 3.9-4:</b> Design and Construction of the 3 Basins and PA2 flood walls intended to address offsite flooding shall be reviewed and approved by all applicable agencies. Drainage plans and hydraulic calculations for the regional retention final project design shall be prepared by a civil engineer and submitted for review and approval</p>	<p>Project Developer</p>	<p>Prior to Grading and Construction Activities</p>		

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
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<p>to the following:</p> <ul style="list-style-type: none"> <li>a. Coachella Valley Water District (CVWD);</li> <li>b. Riverside County Flood Control and Water Conservation District (RCFCWCD);</li> <li>c. U.S. Army Corps of Engineers (USACE);</li> <li>d. FEMA;</li> <li>e. State Water Resource Control Board; and,</li> <li>f. City of Cathedral City.</li> </ul>				
<p><b>MM 3.9-5:</b> CWA Section 404 Consultation with The US Army Corps of Engineers, RWQCB and California Department of Fish and Wildlife will be required relative to potential impacts to Waters of the U.S. prior to approval of the proposed regional flood control measures.</p>	Project Developer	Prior to Grading and Construction Activities		

**Noise**

<p><b>MM 3.12-1:</b> Any commercial parking lots within 50 feet of residences should incorporate a 6 foot wall between the parking lot and residential development.</p>	Project Developer and Future Planning Area Developers	Prior to Issuance of Grading Permits		
<p><b>MM 3.12-2:</b> An acoustic study (or studies) shall be prepared by a Registered Engineer, once graded pad elevations are known, identifying the mitigation measures and/or site design features that will reduce all residential areas, schools, libraries, churches, hospitals and nursing homes, and destination resort areas to less than 70 CNEL and all commercial areas to less than 77 CNEL. Additionally the</p>	Project Developer and Future Planning Area Developers	Prior to Issuance of Grading Permits		

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
<p>report shall show how sensitive uses within these uses will be mitigated to 65 CNEL or less. Specifically, rear yards, patio areas, and outdoor activity areas for residential; outside teaching areas for schools, libraries and churches; and outdoor places of relaxation for hospitals and nursing homes shall be mitigated to 65 CNEL or less. The report(s) shall be submitted to the City and approved by the City prior to the issuance of any precise grading permits or site design approvals.</p>				
<p><b>MM 3.12-3:</b> An acoustic study (or studies) shall be prepared by a Registered Engineer, once graded pad elevations are known, demonstrating that indoor residential, hotel, private school, church, hospital and nursing home areas shall achieve a noise level of 45 CNEL or less. The report(s) shall be submitted to the City and approved by the City prior to the issuance of any building permits.</p>	<p>Project Developer and Future Planning Area Developers</p>	<p>Prior to Issuance of Grading Permits</p>		
<p><b>MM 3.12-4:</b> Commercial and office projects that experience traffic noise that regularly exceeds 65 dBA are subject to the specific requirements called out in Section 5.507.4 of CalGreen. All areas proposed for commercial and office uses would be subject to this requirement. Prior to the issuance of building permits, an acoustic study (studies) shall be prepared by a Registered Engineer demonstrating that the commercial or office project will comply with the acoustic requirements of CalGreen.</p>	<p>Project Developer and Future Planning Area Developers</p>	<p>Prior to Issuance of Grading Permits</p>		

***Transportation/Traffic***

<p><b>MM 3.16-1:</b> Project proponent shall ensure that all proposed full-turn site access intersections that will be signalized shall include at</p>	<p>Project Developer</p>	<p>Prior to Grading and</p>		
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Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
least two approach lanes on the minor-street approach during the construction of all roads.		Construction Activities		
<b>MM 3.16-2:</b> Project proponent shall ensure that clear unobstructed sight distances shall be provided at the site access points on Varner Road, Rio Del Sol Road, and Bob Hope Drive as well as all internal intersections to ensure that motorists can enter and exit the site with minimal hazard and disruption of through traffic during all construction activities.	Project Developer	Prior to Grading and Construction Activities		
<b>MM 3.16-3:</b> Project proponent shall ensure that a raised median shall be constructed on Varner Road opposite Street “F” and Street “H” and provide positive control of prohibited left-turn ingress and egress moves and prevent vehicles from attempting to cross Varner Road at these locations.	Project Developer	Prior to Grading and Construction Activities		
<p><b>MM 3.16-4:</b> On-street curb parking should be prohibited along Valley Center Boulevard, Street “F”, Street “H”, Street “I”, Street “L”, Street “M”, Street “N” (approximately 300 feet south of Varner Road) to maximize the capacity of the minor-street approaches.</p> <p><b>Site Access and Internal Circulation</b>  The proposed site access and internal circulation concept will accommodate site traffic at acceptable levels of service. With the site access improvements proposed in conjunction with the project, all of the site access intersections will operate at acceptable levels of service, following buildout of the Initial Phase of the Preferred Project in the year 2015.</p>	Project Developer	Prior to Grading and Construction Activities		

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
<p><b>MM 3.16-5:</b> Signalization is proposed and will be warranted at the following full-turn site access intersections: (1) Street “A”/Metroplex Drive @ Varner Road; (2) Valley Center Boulevard @ Varner Road; (3) Street “I” @ Varner Road; (4) Street “L” @ Varner Road; and (5) Street “M” @ Varner Road. All five of these required traffic signals should include provisions to permit signal interconnection.</p> <p>Because the traffic demand is from the south, the proposed project will not benefit from traffic signals on Rio Del Sol Road. To avoid creating the need for a traffic signal to serve the existing development on Northshore Street, east of the project site,</p>	Project Developer	Prior to Grading and Construction Activities		
<p><b>MM 3.16-6:</b> The intersections of Street “F” at Varner Road and Street “H” at Varner Road will be constructed as channelized right-in/right-out access connections. Left-turn ingress and left-turn egress maneuvers will not be permitted and no vehicles will be permitted to cross Varner Road at these intersections. A raised median is recommended on Varner Road adjacent to Planning Area 1 to provide positive control of left-turns across Varner Road.</p>	Project Developer	Prior to Grading and Construction Activities		