

CITY OF RANCHO MIRAGE  
GENERAL PLAN UPDATE  
FINAL ENVIRONMENTAL IMPACT REPORT  
SCH #2004081038

OCTOBER 2005

Prepared for:

City of Rancho Mirage  
Community Development Department  
69-825 Highway 111  
Rancho Mirage, CA 92270  
(760) 328-2266

Prepared by:



1580 Metro Drive  
Costa Mesa, CA 92626  
(714) 966-9220



**FINAL**

**CITY OF RANCHO  
MIRAGE GENERAL  
PLAN UPDATE  
ENVIRONMENTAL  
IMPACT REPORT  
SCH # 2004081038**



*prepared for:*

**CITY OF RANCHO  
MIRAGE**

69-825 Highway 111  
Rancho Mirage, CA 92270  
Tel: 760.324.4511

Contact:  
Robert Brockman,  
Community Development  
Director

*prepared by:*

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Contact:  
Rachel Struglia, Ph.D.,  
AICP, Sr. Project  
Manager

**CRM-13.0L**

**OCTOBER 13, 2005**

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# 1. Introduction

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This Final Environmental Impact Report (FEIR) has been prepared pursuant to requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the City of Rancho Mirage General Plan Update. The proposed project consists of an update to the City's General Plan. The proposed General Plan Update reflects the City's vision for its development through 2020. The General Plan is divided into topical sections, or Elements that address a wide range of subjects and provide goals and policies that will guide future development in the City.

The Final Environmental Impact Report (FEIR) is comprised of two documents. These documents are identified below:

- 1) City of Rancho Mirage. Draft Environmental Impact Report, May 11, 2005.
- 2) City of Rancho Mirage. Final Environmental Impact Report, October 12, 2005.

The Draft Environmental Impact Report (DEIR) was made available for public review and comment pursuant to California Environmental Quality Act (CEQA) Guidelines (Section 15087 (c)). The public review period lasted from May 11, 2005 through June 24, 2005. Copies of the DEIR were made available for public review at the City of Rancho Mirage Planning Department office, the City of Rancho Mirage Public Library, and the City's website. A Notice of Completion (NOC) was filed at the County Clerk's office on May 11, 2005, and copies of the NOC and DEIR were distributed to public agency personnel and other interested parties as listed below. Additionally, the DEIR was distributed to responsible and interested state agencies through the State Clearinghouse. The State Clearinghouse number is 2004081038.

State Clearinghouse  
Office of Planning and Research  
1400 Tenth Street  
P. O. Box 3044  
Sacramento, CA 95812-3044

Ed Kibby, Executive Director  
BIA-Desert Chapter  
77570 Springfield Lane, Suite E  
Palm Desert, CA 92211

California Department of Transportation  
District 8  
Transportation Planning  
Attn: William Mosby, Deputy Director  
464 West 4th Street, 6th Floor  
San Bernardino, CA 92401-1400

Bill Havert, Executive Director  
Coachella Valley Mountains Conservancy  
73-710 Fred Waring Drive, Suite 205  
Palm Desert, CA 92260

Kim Snyder, Superintendent  
Bureau of Indian Affairs, Palm Springs Agency  
650 E. Tahquitz Canyon Way, Suite C-101  
P. O. Box 2245  
Palm Springs, CA 92262

Data Coordinator  
Time Warner Cable  
41-725 Cook Street  
Palm Desert, CA 92260

Southern California Edison  
Development Services  
7333 Bolsa Avenue  
Westminster, CA 92683

Imperial Irrigation District  
81600 Avenue 58  
La Quinta, CA 92253

South Coast Air Quality Management District  
Attn: Kathy Higgins, Program Supervisor  
21865 E. Copley Drive  
Diamond Bar, CA 91765

Riverside County Flood Control and  
Conservation District  
1995 Market Street  
Riverside, CA 92501



# 1. Introduction

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City of Palm Desert  
Community Development and Planning  
Department  
Civic Center  
73-510 Fred Waring Drive  
Palm Desert, CA 92260

Waste Management of the Desert  
41-575 Eclectic Street  
Palm Desert, CA 92260

Danella George, Monument Manager  
Bureau of Land Management  
Palm Springs South Coast Field Office  
690 W. Garnet Avenue, P. O. Box 581260  
North Palm Springs, CA 92258-1260

Center for Biological Diversity  
P. O. Box 493  
Idyllwild, CA 92549

Riverside County Sheriff Department  
Palm Desert Station  
Captain Pat McManus  
73520 Fred Waring Drive  
Palm Desert, CA 92260

Sunline Transit Agency  
32-505 Harry Olive Trail  
Thousand Palms, CA 92276

Postmaster  
United States Postal Service  
42-222 Rancho Las Palmas Drive  
Rancho Mirage, CA 92270

Randal Bynder, Planning Manager  
City of Rancho Mirage  
69-825 Highway 111  
Rancho Mirage, CA 92270

Robert C. Johnson, Planning Director  
County of Riverside  
Transportation and Land Management Agency  
Planning Department  
4080 Lemon Street  
Riverside, CA 92502-1629

Bill Anderson, Environmental Manager  
Cabazon Band of Mission Indians  
84-245 Indio Springs Parkway  
Indio, CA 92203-3499

Gary Orso  
Assessor-County Clerk-Recorder  
County of Riverside  
2724 Gateway Drive  
Riverside, CA 92507

Southern California Association of Governments  
Attn: J. David Stein  
Metropolitan Clearing House  
818 W. Seventh Street, 12<sup>th</sup> Floor  
Los Angeles, CA 90014

Riverside County Fire Department  
Cove Fire Marshal's Office  
73710 Fred Waring Drive, Suite 222  
Palm Desert, CA 92260

California Department of Fish and Game  
Habitat Conservation Planning Branch  
1416 Ninth Street  
Sacramento, CA 95814

City of Cathedral City  
Planning Department  
68700 Avenida Lalo Guerrero  
Cathedral City, CA 92234

Corrie Kates, Planning Director  
City of Indian Wells  
Planning Department  
44-950 Eldorado Drive  
Indian Wells, CA 92210-7497

Desert Sands Unified School District  
Attn: Peggy Reyes, Director of Facilities Services  
47-950 Dune Palms Road  
La Quinta, CA 92253

Jim Sullivan, AICP  
Director of Environmental Resources  
Coachella Valley Association of Governments  
73710 Fred Waring Drive, Suite 200  
Palm Desert, CA 92260

# 1. Introduction

---

Steve Robbins, General Manager  
Coachella Valley Water District  
85-995 Avenue 52  
P. O. Box 1058  
Coachella, CA 92236

Coachella Valley Association of Governments  
73-710 Fred Waring Drive, Suite 200  
Palm Desert, CA 92260

Mr. Frank Vargas  
Technical Services Supervisor  
Southern California Gas Company  
1981 W. Lugonia Avenue  
Redlands, CA 92373

Facilities Planner  
Verizon  
295 N. Sunrise Way  
Palm Springs, CA 92262

U.S. Department of the Interior  
Bureau of Land Management  
California State Office  
2800 Cottage Way, Suite W-1834  
Sacramento, CA 95825-1886

State of California Regional Water Quality  
Control Board  
73720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260

Thomas J. Davis, AICP  
Tribal Planning Director  
Agua Caliente Band of Cahuilla Indians  
600 East Tahquitz Canyon Way  
Palm Springs, CA 92262

California Department of Forestry  
Riverside Unit  
Unit Chief Craig E. Anthony  
210 W. San Jacinto  
Perris, CA 92570

Jing Yeo, Principal Planner  
City of Palm Springs  
Planning Department  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Joe Hamilton  
Ramona Band of Mission Indians  
P. O. Box 391372  
Anza, CA 92539

Palm Springs Unified School District  
Facilities and Planning Department  
980 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Brit Wilson  
Morongo Band of Mission Indians  
245 N. Murray Street, Suite C  
Banning, CA 92220

During the review period, comments were received on the DEIR from responsible and affected agencies, as well as the general public. In accordance with State CEQA Guidelines, Section 15087 (a), the Lead Agency has evaluated comments on environmental issues received from persons who reviewed the DEIR and has prepared a written response. A total of eight comment letters were received. These comment letters and the City's responses are presented in Section 2 of this Final EIR.

## 1.1 ENVIRONMENTAL SIGNIFICANCE

The City of Rancho Mirage General Plan Update DEIR reviewed a full range of potential environmental impacts and determined that most of the potential impacts of the project were either not significant or could be mitigated to a less than significant level. The DEIR found that five impacts were significant and unavoidable, including (1) operational air quality impacts, (2) biological resources, (3) noise, (4) population and housing, and (5) traffic.



# 1. Introduction

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## 1.2 FINDINGS

CEQA requires that the Lead Agency adopt specific findings prior to approving a project for which an EIR was prepared that identified potentially significant impacts on the environment. The Lead Agency must identify significant impacts, present facts supporting the conclusions reached in the analysis, make one or more of three specific findings for each impact, and explain the reasoning behind the agency's findings. These findings are presented in the "Statement of facts and Findings" (See Section 6).

In the second set of findings, the Lead Agency sets forth its specific reasoning by which the project's benefits justify its approval despite the adverse impacts. These findings are presented in the "Statement of Overriding Considerations" (See Section 7).

If the City of Rancho Mirage chooses to approve the project, it must first certify the EIR. Certification consists of the Lead Agency's determination that the EIR has been completed in compliance with CEQA and that the City has reviewed and considered the information within the EIR. The EIR is certified by resolution. Prior to project approval, the City must also adopt a mitigation monitoring program (see Section 4). As stated in the CEQA Guidelines Section 15097, mitigation monitoring is required to ensure that mitigation measures reflect project revisions identified in the environmental document.

## 1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204 (a) outlines parameters for submitting comments, and reminds persons and public agencies that the focus of review and comment of Draft EIRs should be, "on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible.... CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by those submitting comments. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR."

CEQA Guidelines Section 15204 (c) further advises, "Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence." Section 15204 (d) also states, "Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility." Section 15204 (e) states, "This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section."

## 2. Response to Comments

This section includes all written responses received on the DEIR and the City's responses to each comment.

Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the DEIR are excerpted in this document, the sections are shown indented. Changes to the DEIR text are shown in ***bold and italics*** for additions and ~~strikeout~~ for deletions.

The following is a list of agencies and persons that submitted comments on the DEIR during the public review period:

<b><i>Number Reference</i></b>	<b><i>Commenting Person/Agency</i></b>	<b><i>Date of Comment</i></b>	<b><i>Page No.</i></b>
1	Bridget Binning, State of California Department of Health Services	May 18, 2005	2-3
2	Teresa Tung, Riverside County Flood Control and Water Conservation District	June 9, 2005	2-7
3	Mark L. Johnson, Coachella Valley Water District	June 14, 2005	2-11
4	Britt W. Wilson, Morongo Band of Mission Indians	June 17, 2005	2-15
5	Carol Gaubatz, Native American Heritage Commission	June 20, 2005	2-21
6	Brian Wallace, Southern California Association of Governments	June 22, 2005	2-25
7	Margaret Park, Agua Caliente Band of Cahuilla Indians	June 22, 2005	2-29
8	Terry Roberts, State Clearinghouse	June 27, 2005	2-39



## 2. *Response to Comments*

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## 2. Response to Comments

Letter 1



California  
Department of  
Health Services

SANDRA SHEWRY  
Director

### State of California—Health and Human Services Agency Department of Health Services



ARNOLD SCHWARTZ  
UNITED STATES SENATOR  
RECEIVED  
ENVIRONMENTAL DEPT.  
MAY 15 3:28 PM '05

May 18, 2005.

City of Rancho Mirage  
Mr. Randal Bynder  
69-825 Highway 111  
Rancho Mirage, CA 92270

RE: Rancho Mirage General Plan – SCH2004081038

The California Department of Health Services (CDHS) is in receipt of the Draft Environmental Impact Report for the above project.

1-1

If the City of Rancho Mirage plans to develop a new water supply well or make modifications to the existing domestic water treatment system to serve the Rancho Mirage General Plan Update project site, an application to amend the water system permit must be reviewed and approved by the CDHS Sacramento District Office. These future developments may be subject to separate environmental review.

Please contact the office at (916) 449-5600 for further information.

Sincerely,

Bridget Binning  
California Department of Health Services  
Environmental Review Unit



Division of Drinking Water and Environmental Management  
Environmental Review Unit/State Revolving Fund/Prop 50  
1616 Capitol Avenue, MS 7418, P.O. Box 997413, Sacramento CA 95899-7413  
(916) 449-5600 Fax: (916) 446-5656  
Internet Address: [www.dhs.ca.gov/os/ddwem](http://www.dhs.ca.gov/os/ddwem)

## 2. *Response to Comments*

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May 18, 2005  
Page 2

Cc:

Steve Williams, District Engineer  
CDHS Riverside  
1350 Front Street, Room 2050  
San Diego, CA 92101

State Clearinghouse  
P.O. Box 3044  
Sacramento, CA 95812-3044

## 2. *Response to Comments*

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### 1. **Response to Comments From Bridget Binning, Environmental Review Unit, State of California Department of Health Services, Dated May 18, 2005**

- 1-1 Comment is hereby noted, included in the official environmental record of the proposed project, and will be forwarded to the appropriate City of Rancho Mirage decision-makers for their review and consideration.



## 2. *Response to Comments*

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## 2. Response to Comments

WARREN D. WILLIAMS  
General Manager-Chief Engineer



1995 MARKET STREET  
RIVERSIDE, CA 92501  
951.955.1200  
951.788.9965 FAX  
www.floodcontrol.co.riverside.ca.us

### RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

June 9, 2005

RECEIVED  
COMMUNITY DEVELOPMENT DEPT.  
05 JUN 15 PM 4: 03

Mr. Randal Bynder, Planning Manager  
City of Rancho Mirage  
Community Development Department  
69-825 Highway 111  
Rancho Mirage, CA 92270

Dear Mr. Bynder:

Re: Notice of Completion of the Rancho  
Mirage General Plan Update Draft  
Environmental Impact Report

This letter is written in response to the Notice of Completion of the Rancho Mirage General Plan Update Draft Environmental Impact Report (DEIR). The proposed project consists of a comprehensive update to the City of Rancho Mirage General Plan. The proposed project is located in the city of Rancho Mirage, Riverside County.

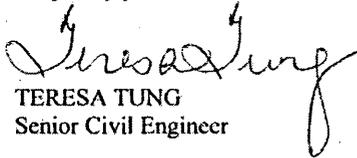


2-1

The Riverside County Flood Control and Water Conservation District (District) has reviewed the DEIR. It should be noted in the DEIR that the southwestern portion of the city of Rancho Mirage lies within the District's jurisdictional boundary.

Thank you for the opportunity to review the DEIR. Please forward any subsequent environmental documents regarding the project to my attention at this office. Any further questions concerning this letter may be referred to me at 951.955.1233 or Jason Swenson at 951.955.8082.

Very truly yours,



TERESA TUNG  
Senior Civil Engineer

c: TLMA  
Attn: David Mares

JDS:mcv  
PC95285

## 2. *Response to Comments*

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## 2. *Response to Comments*

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### 2. **Response to Comments From Teresa Tung, Senior Civil Engineer, Riverside County Flood Control and Water Conservation District, Dated June 9, 2005**

- 2-1 The fact that the southwestern portion of the city of Rancho Mirage lies within the Riverside County Flood Control District's boundary will be noted in the EIR. Section 5.7, *Hydrology and Water Quality*, of the DEIR (page 5-139) which describes the Existing Conditions of the Regional Drainage System will be modified as follows:

#### Drainage and Flooding

##### *Regional Drainage System*

The City is located within the Coachella Valley Planning Area of the Colorado River Basin (Region 7). Region 7 encompasses 1,920 miles and includes all of Imperial County and portions of San Bernardino, San Diego, and Riverside counties. The Whitewater River is the major drainage course in the Coachella Valley Planning Area. The Whitewater River Channel has a constructed downstream extension known as the Coachella Valley Storm Water Channel, which serves as a drainage way for irrigation return flows, treated community wastewater, and storm runoff.<sup>1</sup> ***The southwest portion of the City is also located within the Riverside County Flood Control District.***



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<sup>1</sup> Source: RWQCB, Water Quality Control Plan Colorado River Basin-Region 7, November 2002.

2. *Response to Comments*

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## 2. Response to Comments



Letter 3

ESTABLISHED IN 1918 AS A PUBLIC AGENCY

### COACHELLA VALLEY WATER DISTRICT

POST OFFICE BOX 1058 • COACHELLA, CALIFORNIA 92236 • TELEPHONE (760) 398-2651 • FAX (760) 398-3711

**DIRECTORS:**

PETER NELSON, PRESIDENT  
PATRICIA A. LARSON, VICE PRESIDENT  
TELLIS CODEKAS  
JOHN W. McFADDEN  
RUSSELL KITAHARA

**OFFICERS:**

STEVEN B. ROBBINS,  
GENERAL MANAGER-CHIEF ENGINEER  
MARK BEUHLER,  
ASST. GENERAL MANAGER  
JULIA FERNANDEZ, SECRETARY  
DAN PARKS, ASST. TO GENERAL MANAGER  
REDWINE AND SHERRILL, ATTORNEYS

June 14, 2005

File: 1150.08

Randall Bynder  
Community Development Department  
City of Rancho Mirage  
69-825 Highway 111  
Rancho Mirage, CA 92270

Dear Mr. Bynder:

The District has reviewed the Draft Environmental Impact Report for the Rancho Mirage General Plan Update and would like to submit the following comments:

- 3-1 | 1. Page 5-136, National Pollutant Discharge Elimination System, second paragraph. Please add the word "as" between the words "well" and "construction" in the second sentence.
- 3-2 | 2. Page 5-139, Stormwater Pollution Prevention Plans, second paragraph. Please change "1992" to "2002" in the first sentence.
- 3-3 | 3. Page 5-153, Environmental Analysis, first paragraph. The second sentence should be replaced with these two sentences: "The estimated production within the Upper Whitewater River Subbasin management area during 2003 was 203,905 acre-feet. A description of the water balance for the Upper Whitewater River Subbasin calculated for 2003 is as follows":
- 3-4 | 4. Page 5-156, Impact Analysis, second paragraph. The second sentence should be replaced with these two sentences: "The estimated production within the Upper Whitewater River Subbasin management area during 2003 was 203,905 acre-feet. A description of the water balance for the Upper Whitewater River Subbasin calculated for 2003 is as follows":
- 3-5 | 5. Page 5-156, Impact Analysis, third paragraph. Please replace the last part of the last sentence with "in addition to the combined State Water Project entitlement of 171,100 acre-feet owned by Coachella Valley Water District and the Desert Water Agency".

TRUE CONSERVATION  
USE WATER WISELY



## 2. Response to Comments

---

Randall Bynder

2

June 14, 2005

3-6

6. Page 5-156, Impact Analysis, fourth paragraph. In the first sentence, please replace "tertiary treated" with "recycled." In the second sentence please replace "10 million" with "15 million," and in the last sentence, please replace "reclaimed" with "recycled."

3-7

7. Page 5-159, third paragraph. The last sentence does not contain accurate information. Reservoir 5510-2 was constructed in 2001 and built to new standards.

If you have any questions or need more information, please contact Luke Stowe, Environmental Specialist, extension 2545.

Yours very truly,



Mark L. Johnson  
Director of Engineering

LS:\m\enviro\05\june\bynder

COACHELLA VALLEY WATER DISTRICT

## 2. Response to Comments

### 3. Response to Comments From Mark L. Johnson, Director of Engineering, Coachella Valley Water District, Dated June 14, 2005

- 3-1 Section 5.7, *Hydrology and Water Quality*, Page 5-136, second paragraph under National Pollutant Discharge Elimination System will be modified to read, "All counties with a storm drain system that serve a population of 50,000 or more, as well as construction sites one acre or more in size, must file for and obtain an NPDES permit."
- 3-2 Section 5.7, *Hydrology and Water Quality*, Page 5-139, first sentence under Coachella Valley Water Management will be modified to read, "In 1992 2002, the CVWD prepared the Coachella Valley Final Water Management Plan."
- 3-3 Section 5.7, *Hydrology and Water Quality*, Page 5-153, third paragraph, second sentence under Groundwater will be modified to read, "The depletion of the groundwater supply in the Whitewater subbasin has resulted in an on-going overdraft situation. Each year, the CVWD produces 203,905 acre-feet of water from the limited resources of the subbasin. **The estimated production within the Upper Whitewater River Subbasin management area during 2003 was 203,905 acre-feet. A description of the water balance for the Upper Whitewater River Subbasin calculated for 2003 is as follows:** The process begins with natural inflows of water from rain and snow-melt from adjoining mountains flowing into the Management Area at an approximately rate of 49,000 acre-feet. Natural outflow from the same area caused by runoff is estimated to be 25,000 acre-feet, leaving only 24,000 acre-feet for ground water re-charge. An additional 37,213 acre-feet of water from the State Water Project is used to recharge the subbasin. An additional 71,367 acre-feet of production water is not consumed and returned to the subbasin. With a production rate of 203,905 and a re-charge rate of only 132,580, there is an estimated annual overdraft of 71,325 acre-feet. The projections of water storage capacity and usage are general in nature and should be viewed as approximations rather than finite quantities.
- 3-4 Section 5.7, *Hydrology and Water Quality*, Page 5-156, second paragraph, under Impact 5.7-2 will be modified to read, "The depletion of the groundwater supply in the Whitewater subbasin has resulted in an on-going overdraft situation. Each year, the CVWD produces 203,905 acre-feet of water from the limited resources of the subbasin. **The estimated production within the Upper Whitewater River Subbasin management area during 2003 was 203,905 acre-feet. A description of the water balance for the Upper Whitewater River Subbasin calculated for 2003 is as follows:** The process begins with natural inflows of water from rain and snow-melt from adjoining mountains flowing into the Management Area at an approximately rate of 49,000 acre-feet. Natural outflow from the same area caused by runoff is estimated to be 25,000 acre-feet, leaving only 24,000 acre-feet for ground water re-charge. An additional 37,213 acre-feet of water from the State Water Project is used to recharge the subbasin. An additional 71,367 acre-feet of production water is not consumed and returned to the subbasin. With a production rate of 203,905 and a re-charge rate of only 132,580, there is an estimated annual overdraft of 71,325 acre-feet. The projections of water storage capacity and usage are general in nature and should be viewed as approximations rather than finite quantities.
- 3-5 Section 5.7, *Hydrology and Water Quality*, Page 5-156, third paragraph, last sentence under Impact 5.7-2 will be modified to read, "Currently, these agreements provide for a 330,000 acre-feet of Colorado River allocation and can increase to 456,000 acre-feet, in addition to 109,900 acre-feet from the State Water Project. **in addition to the combined State Water**



## 2. Response to Comments

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### **Project entitlement of 171,000 acre-feet owned by Coachella Valley Water District and the Desert Water Agency."**

- 3-6 Section 5.7, *Hydrology and Water Quality*, Page 5-156, fourth paragraph, first sentence under Impact 5.7-2 will be modified to read, "To further reduce the impacts of development on groundwater supplies, the CVWD has implemented wastewater reclamation strategies to utilize tertiary-treated **recycled** wastewater for golf course, landscape and other irrigation purposes within the Coachella Valley. The Palm Desert treatment plant has installed additional wastewater treatment facilities providing the District with ~~10~~ **15** million gallons a day (mgd) capacity for tertiary treatment. Currently, CVWD tertiary treatment from the Cook Street plant averages about 8 mgd and on-site storage has been developed to assure availability. Unfortunately, due to high cost associated with expanding the system, reclaimed-**recycled** water is currently not available to the City."
- 3-7 Section 5.7, *Hydrology and Water Quality*, Page 5-159, third paragraph, last sentence will be modified to read, "~~While n~~**New standards for the design of steel tanks were adopted in 1994, no upgrades or retrofits have been made to the older tanks since their original construction. Reservoir 5510-2 was constructed in 2001 and built to new standards.**"

## 2. Response to Comments

### Letter 4

June 17, 2005

Mr. Randal Bynder, AICP  
Planning Manager  
City of Rancho Mirage  
69-825 Highway 111  
Rancho Mirage, CA 92270

MORONGO  
BAND OF  
MISSION  
INDIANS



A SOVEREIGN NATION

Re: City of Rancho Mirage General Plan Update/SB18 Consultation

Dear Mr. Bynder:

Thank you for meeting with me on June 8, 2005 as part of SB18 consultation between the Morongo Band of Mission Indians ("Tribe") and the City of Rancho Mirage on the City's General Plan Update. The Tribe also appreciates the contact and letter by the City's Director of Community Development, Robert Brockman.

The Tribe has completed its review of the information the City provided including the General Plan Update Draft EIR and the Cultural Resources Report dated 1996 and comments made at the June 8<sup>th</sup> meeting with you and the City's General Plan consultant (The Planning Center).

4-1

As you know from our meeting, the Tribe has determined that if the City agrees to the inclusion of the following policy statements/conditions in the General Plan/EIR, and you respond in writing agreeing to the inclusion, the Tribe will consider our consultation complete on this project.



Recommended General Plan Policies/Mitigation Measures:

4-2

- The City shall comply with Government Code §65352.3 (i.e. SB18) by consulting with tribes as identified by the Native American Heritage Commission on all general plan and specific plan actions.

4-3

- The City shall protect confidential information concerning Native American cultural resources with internal procedures such as keeping confidential archaeological reports away from public view or discussion in public meetings, and not pinpointing resources on public maps (e.g. in General Plan). Information provided by tribes, in many cases, shall be considered confidential or sacred.

4-4

- The City shall require, at a minimum, a Cultural Resources Phase I survey for any parcel of land within the "High Sensitivity" area as indicated on the map in the 1996 Cultural Resources Report. If recommended by the results of the survey or by the Morongo Band of Mission Indians, archaeological site monitoring shall also be required for

## 2. Response to Comments

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June 17, 2005  
Mr. Randal Bynder  
Page 2 of 3

4-4

development projects within the "High Sensitivity" areas. The Tribe strongly encourages the use of Native American monitors for any project which requires archaeological monitoring. For areas shown as "Sensitivity Unknown" or "Low Sensitivity", at a minimum, the City shall require a "quick check" or transmittal level records search at the California Historical Resource Information System's Eastern Information Center at UCR. (Note to City: These statements are consistent with the recommendations within the 1996 Cultural Resources Report.)

4-5

- The City shall work in good faith with the Morongo Band of Mission Indians, the developer and other parties if the Tribe requests return of certain Native American artifacts from *private* development projects. The developer is expected to act in good faith when considering the Tribe's request for artifacts. Artifacts not desired by the Tribe shall be placed in a qualified repository as established by the California State Historical Resources Commission (see *Guidelines for the Curation of Archaeological Collections*, May 1993). If no facility is available, then the City shall act in good faith to return/donate all artifacts to the Tribe if it so requests them.

The following may best work as conditions on individual development projects; however, the City's General Plan consultant may find an appropriate place for them in either the General Plan or the attendant EIR. It would be the Tribe's strong preference that these are somehow included in the General Plan or EIR.

4-6

- The local government jurisdiction shall work with the developer of any "gated community" (i.e. not open to the public), to ensure that Native Americans are allowed future access, under reasonable conditions, to view/visit sites within the "gated community."

4-7

- If human remains are encountered during grading and other construction excavation, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5.

4-8

- In the event that Native American cultural resources are discovered during project development/construction, all work in the immediate vicinity of the find shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the overall project may continue during this assessment period.

If Native American cultural resources are discovered, the Morongo Band of Mission Indians ("Tribe") shall be contacted by the City or its designee. If requested by the Tribe, the City shall, in good faith, consult on the

## 2. Response to Comments

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June 17, 2005  
Mr. Randal Bynder  
Page 3 of 3

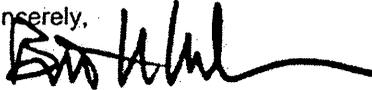
discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.).

4-9

The Tribe will look forward to receiving your written response or any additional pertinent information that you may wish to provide. As indicated above, if the City agrees with these comments and responds so in writing, then the Tribe is ready to deem our SB18 consultation "complete."

Thank you again for contacting the Tribe and participating in this important process to ensure that Native American cultural resources are fully considered in the development process.

Sincerely,



Britt W. Wilson  
Project Manager/Cultural Resources Coordinator  
Morongo Band of Mission Indians

- c. Ernest H. Siva, Tribal Historian & Cultural Advisor, MBMI  
Thomas E. Linton, Director, Planning & Econ. Dev. Dept., MBMI  
Rachel Struglia, The Planning Center



2. *Response to Comments*

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## 2. Response to Comments

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### 4. Response to Comments From Britt Wilson, Project Manager/Cultural Resources Coordinator, Morongo Band of Mission Indians, Dated June 17, 2005

- 4-1 The City has considered the tribe's comments and provides responses below.
- 4-2 The City intends to comply with Senate Bill No. 18 and has been meeting with all tribes who have responded to the City's query letter regarding tribal consultation. The City met with the Agua Caliente Band of Cahuilla Indian tribal representatives on May 25, 2005 and the tribal representatives from the Morongo Band of Mission Indians and the Ramona Band of Mission Indians on June 8, 2005.
- 4-3 The City agrees to protect confidential information concerning Native American cultural resources as requested by the tribes. One of the challenges of protecting tribal sacred places is to achieve a workable balance between the level of information needed by City decision-makers and staff about the location of cultural resources in order to make land use decisions with the tribal requirement to keep the information confidential. The City is working with tribes on a case-by-case basis to work out an approach to balancing the need for disclosure with confidentiality.
- 4-4 The City already requires a Cultural Resources Phase I survey for land within the "High Sensitivity" area on the map indicated in the 1996 report. If monitors are required by the report or by a tribe after consideration of the location of the proposed development, the City will use Native American monitors whenever feasible. The City is contemplating a screening process for areas shown as "Sensitivity Unknown" or "Low Sensitivity." The first step of this screening process would be a City-initiated records check through the California Historic Resources Information System (CHRIS) and through the NAHC.
- 4-5 The City will work in good faith with the Morongo Band of Mission Indians, developers, and other parties if the Tribe requests return of certain Native American artifacts from private development projects. Artifacts not desired by the Tribe will be placed in a qualified repository as established by the California State Historical Resources Commission. If no facility is available, then the City will act in good faith to return or donate all artifacts to the Tribe that requests them. If the Tribes cannot agree on which tribe should receive a particular artifact, the Tribes must reach agreement amongst themselves, and the City's obligation to return the object(s) to the tribe shall be considered met.
- 4-6 If a new gated community is to be developed in area identified as "High Sensitivity" for tribal cultural resources or a particular Tribe indicates it as such, the City will work with the developer to allow Native American access to the area, under reasonable conditions.
- 4-7 If human remains are encountered during grading or other construction or excavation, work in the immediate vicinity of the find shall cease and the County Coroner contacted pursuant to California Health and Safety Code §7050.5. This requirement is stated on pages 5-75 and 5-76 of the Draft EIR under Section 5.4.4, Existing Regulations.
- 4-8 In the event that Native American cultural resources are discovered during project development/construction, all work in the immediate vicinity of the find shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the overall project would continue during the assessment period.



## 2. *Response to Comments*

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If Native American cultural resources are discovered, the local tribes, including the Morongo Band of Mission Indians, will be contacted by the City or its designee. If requested by the tribe, the City shall, in good faith, consult on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to the tribe, etc.).

- 4-9 The City is in agreement with the Morongo Band of Mission Indians that the SB18 consultation is complete. We look forward to working with the Tribe on the protection of tribal cultural resources within the City of Rancho Mirage.

## 2. Response to Comments

Letter 5

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 384  
SACRAMENTO, CA 95814  
(916) 653-4082  
(916) 657-5390 - Fax



June 20, 2005

Mr. Randal Bynder  
City of Rancho Mirage  
69-825 Highway 111  
Rancho Mirage, CA 92270

Re: Rancho Mirage General Plan Update  
SCH# 2004081038

Dear Mr. Bynder:

5-1

Thank you for the opportunity to comment on the above-referenced document. The Commission was able to perform a record search of its Sacred Lands File for the project area, which failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the Sacred Lands File does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

5-2

We understand that a records search through your regional Information Centers and consultation with Native Americans in the vicinity have been conducted, and that the City intends to work with the cultural resources division of the Agua Caliente Tribe to develop plans for monitoring and treatment of newly discovered cultural resources.

5-3

Lack of surface evidence of archeological resources does not preclude the existence of archeological resources. Lead agencies should consider avoidance, as defined in Section 15370 of the CEQA Guidelines, when significant cultural resources are that could be affected. Provisions should also be included for accidentally discovered archeological resources during construction per California Environmental Quality Act (CEQA), Public Resources Code §15064.5 (f), Health and Safety Code §7050.5, and Public Resources Code §5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery and should be included in all environmental documents. If you have any questions, please contact me at (916) 653-6251.

Sincerely,

  
Carol Gaubatz  
Program Analyst

Cc: State Clearinghouse



## 2. *Response to Comments*

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## 2. Response to Comments

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### 5. Response to Comments From Carol Gaubatz, Program Analyst, Native American Heritage Commission, Dated June 20, 2005

- 5-1 Comment is hereby noted, included in the official environmental record of the proposed project, and will be forwarded to the appropriate City of Rancho Mirage decision-makers for their review and consideration.
- 5-2 The City met with the Agua Caliente Tribe of Cahuilla Indians on May 25, 2005 as part of the SB 18 tribal consultation requirement for General Plan projects. The City will work with the cultural resources division of the tribe to develop plans for monitoring and treatment of newly discovered cultural resources.
- 5-3 Compliance with existing codes and regulations is discussed in Section 5.4, *Cultural Resources*, of the DEIR. Page 5-75 discusses compliance with Public Resources Code § 5097.98 and Health and Safety Code §7050.5. However, compliance with Public Resources Code §15064.5 (f) is hereby incorporated on page 5-76, under Existing Regulations:

***CEQA Guidelines 15064.5(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.***



## 2. *Response to Comments*

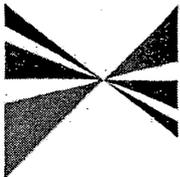
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## 2. Response to Comments

### Letter 6

SOUTHERN CALIFORNIA



ASSOCIATION OF  
GOVERNMENTS

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Terrace • Tim Jasper, Town of Apple Valley • Larry  
McCallion, Highland • Deborah Robertson, Rialto  
• Alan Wagner, Ontario

Ventura County: Jody Mikels, Ventura County •  
Glen Beretta, Santa Valley • Carl Morehouse, San  
Buena Ventura • Toni Young, Port Huenehue

Orange County Transportation Authority: Lou  
Cerezo, County of Orange

Riverside County Transportation Commission:  
Robin Love, Hemet

Ventura County Transportation Commission:  
Keith Millhouse, Moorpark

♻️ Printed on Recycled Paper 5/9 9/2/05

22 June 2005

Mr. Randal Bynder  
Planning Manager  
City of Rancho Mirage  
69-825 Highway 111  
Rancho Mirage, CA 92270

RE: Comments on the Notice of Completion of a Draft Environmental Report for the  
Rancho Mirage General Plan Update  
SCAG No. I20050315

Dear Mr. Bynder:

Thank you for submitting the Notice of Completion of a Draft Environmental Report for the Rancho Mirage General Plan Update to SCAG for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects, and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

SCAG staff has evaluated your submission for consistency with the Regional Comprehensive Plan and Guide (RCPG), the Regional Transportation Plan (RTP), and the Compass regional growth vision. The Draft EIR addresses SCAG's policies and forecasts appropriately and has provided sufficient explanation of how the project helps meet and support regional goals. Based on the information provided in the EIR we have no further comments.

A description of the proposed Project was published in the May 1-15, 2005 Intergovernmental Review Clearinghouse Report for public review and comment.

If you have any questions, please contact me at (213) 236-1851. Thank you.

Sincerely,

Brian Wallace  
Associate Regional Planner  
Intergovernmental Review

DOCS # 111593v1



6-1



## 2. *Response to Comments*

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## 2. *Response to Comments*

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**6. Response to Comments From Brian Wallace, Associate Regional Planner,  
Intergovernmental Review, Southern California Association of Governments, Dated June  
22, 2005**

- 6-1 Comment is hereby noted, included in the official environmental record of the proposed project. The letter is for informational purposes only and no response is required.



## 2. *Response to Comments*

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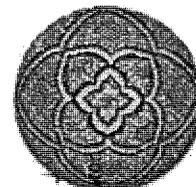
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## 2. Response to Comments

Letter 7

### AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL PLANNING, BUILDING & ENGINEERING



June 22, 2005

VIA FACSIMILE AND REGULAR POST

Randal Bynder, AICP, Planning Manager  
CITY OF RANCHO MIRAGE  
69-825 Highway 111  
Rancho Mirage, CA 92270

Re: **COMMENTS RELATING TO THE DRAFT ENVIRONMENTAL IMPACT  
REPORT FOR THE CITY OF RANCHO MIRAGE GENERAL PLAN UPDATE**

Dear Mr. Bynder:

7-1

After review of the Draft Environmental Impact Report for the City of Rancho Mirage's General Plan Update, Tribal staff would like to provide general comments relative to the overall document. The most significant impact to Reservation properties and Tribal Members is the planned annexation of the Sphere of Influence (SOI). The changes represented by re-designation of the land use classifications from general commercial to neighborhood commercial or high and low density residential, and from neighborhood commercial, mobile home park and office to low density residential within the SOI appears to isolate the Agua Caliente Casino (ACC) and adjacent property proposed for commercial development.

7-2

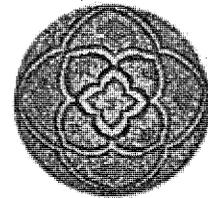
The City's present General Plan defines the Low Density Residential land use designation as a transition between lower and more moderate residential densities. The new designation of low density residential replaces a very large portion of land in the northwest corner of the SOI presently intended for mobile home park 9 du/ac. Instead of a transition zone, most of the SOI is now slated for low density Planned Residential Developments. The lack of variety in land use classifications is obvious. Therefore, it does not appear that the Preferred Land Use Alternative's land use classifications in the SOI provide the intended transitions between land use classifications as provided within the City's current plan.

7-3

Secondly, within the SOI, the complete elimination of General Commercial replaced with Neighborhood Commercial on the south side of Ramon Road is inconsistent with the Tribe's ACC expansion proposal. General Commercial allows a wide variety of commercial shopping centers. As stated within the present General Plan, "Development may range from free-standing retail buildings and restaurants to planned commercial centers. Typical sizes range between 2 to 8 acres with gross leasable square footage varying with uses. Hotels and motels may also be appropriate on these lands." The re-designation to Neighborhood Commercial

650 EAST TAHQUITZ CANYON WAY, PALM SPRINGS, CA 92262  
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## 2. Response to Comments



represents, "...shopping centers conveniently located near residential areas. These developments are typically anchored by supermarkets and super drugstores...Typical sizes are 8 to 10 acres providing approximately 80,000 to 100,000 square feet of gross leasable floor area." This is contradictory with the Tribe's proposal for the 40-acre parcel directly west of Bob Hope Drive and ACC. That proposal is for a 350,000 square foot retail complex. The intent is not grocery or super drugstore type uses within the shopping complex.

7-4 | Overall spatial relationships within the Preferred Land Use Alternative seem to equate more with the present economic development reality than a focus on futuristic planning. The scale of development with the predominance of single family residences in the SOI as indicated in the Preferred Plan would not transition well with the scale of ACC nor the adjacent transportation corridor.

7-5 | Specific comments are as follows:

7-6 | ➤ Section 19 should not include the Tribal property on the west edge of that area.

7-7 | ➤ Page 5-51 Third paragraph – 1<sup>st</sup> sentence: One fee program not "programs"  
Fourth paragraph – last sentence: "All land on the Reservation within the City of Rancho Mirage would fall within the VFCA."

7-8 | ➤ Page 5-62: All land on the Reservation is subject to the Interim Tribal Habitat Conservation Plan adopted by the Tribe in 2001. This document requires payment of an \$800.00 an acre mitigation fee in lieu of the \$600 mitigation fee required for the Fringe Toed Lizard Habitat Conservation Plan. To ensure proper collection and disbursement of collected fees, the Tribe has entered into an agreement with the Center for Natural Lands Management to collect and manage those fees.

7-9 | ➤ Page 5-165 The Tribe does not "own" land but has jurisdiction over those sections.

7-10 | ➤ Figure 5.3-4 indicates a small portion of Section 34, T 4S., R 5E., as being under the jurisdiction of the Coachella Valley Mountain Conservancy. The Tribe has jurisdiction on that property.

7-11 | ➤ Section 5.4-1: Quote from Ross (n.d.:44) regarding the fate of the Bradshaw Trail.

The Bradshaw Trail never became the route of a modern interstate highway as did segments of the far better known Santa Fe and Oregon Trails. It was too short, both in mileage and in terms of the amount of time it served as a major thoroughfare. Moreover, it did not connect any major cities. In fact, for a long time it did not serve any towns at all...With the exception of some military traffic near the Chocolate Mountain Gunnery Range, however, the principle use of the Bradshaw Trail today is recreational.

7-12 | ➤ Mitigation Measure 5.4-4B: Strike the last sentence that reads, "The City of Rancho Mirage shall be the final arbiter of the conditions included in the Agreement."

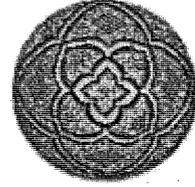
7-13 | ➤ Figure 5.6-1 indicates a Very High Fire Hazard Zone at the location of the Agua Caliente Casino. Please include reference.

AGUA CALIENTE BAND OF CAHUILLA INDIANS

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## 2. Response to Comments

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7.14

Thank you for the opportunity to comment on the Draft Environmental Impact Report prepared for the update of the City's General Plan. Staff looks forward to working with you in order to resolve these concerns. If you have further questions please don't hesitate to call me at (760) 883-1326.

Very truly yours,

Margaret Park, AICP  
Director of Planning  
**AGUA CALIENTE BAND  
OF CAHUILLA INDIANS**

MEP/km

C: Thomas J. Davis, Chief Planning and Development Officer  
Joseph M. Nixon, Ph.D., Tribal Historic Preservation Officer



**AGUA CALIENTE BAND OF CAHUILLA INDIANS**  
AGUACALIENTE.ORG

## 2. *Response to Comments*

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## 2. Response to Comments

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### 7. Response to Comments From Margaret Park, Director of Planning, Agua Caliente Band of Cahuilla Indians, Dated June 22, 2005

- 7-1 Please note that the commercial land use designations in the SOI are being changed from General Commercial to Community Commercial, not Neighborhood Commercial. Community Commercial allows a broader range of uses than General Commercial.
- 7-2 The City has proposed a Medium Density Residential designation (4 du/acre) to much of the SOI, but not the area designated for development as part of the tribe's casino and commercial expansion plans, those plans are accommodated in the update. The land is not designated for "mobile home parks" under the county plan, it is designated medium and high density residential. The county general plan indicates that this area is subject to a specific plan which the city agrees should be prepared. Given the nature of development in the City of Rancho Mirage, most of which is Low Density Residential (2 du/acre), the redesignation to R-M in the SOI represents a doubling of the prevalent density in other areas of the City. While a wide variety of land use classifications may not be represented in the SOI, the City plans to guide development with the cooperation of the Tribe and landowners such that a variety of housing types and designs compatible with overall City goals and objectives is achieved in the SOI.
- 7-3 General Commercial land use designations have not been replaced with Neighborhood Commercial on the south side of Ramon Road, but with Community Commercial. Community Commercial is for the widest variety of uses and provides for regional or community-scale shopping centers and malls, which should support the Tribe's casino expansion proposal. Furthermore, the City proposes to change the designation of the 18 acres south of the casino from I-L to RS-H, in recognition of the proposal.
- 7-4 The spatial relationships in the Preferred Land Use Alternative do reflect present economic realities. While planners can envision plans that might act as a catalyst for new ways of organizing the urban form, advance planning must also take into account the current economic and market realities that cities face.
- 7-5 To confirm the clarification, the City agrees that Section 19 does not include the Tribal property on the west edge of that area. The Tribal property on the west edge of Section 19 falls within Section 24.
- 7-6 Section 5.3, *Biological Resources*, Tribal HCP Conservation Areas, on page 5-51, third paragraph, first sentence will be modified to read as follows: "The Tribal HCP would establish lands to be dedicated to a Habitat Preserve consisting of Reservation lands and all lands dedicated for conservation through avoidance measures implemented by the THCP, and acquired through **one** development fees programs."
- 7-7 Section 5.3, *Biological Resources*, Tribal HCP Conservation Areas, on page 5-51, fourth paragraph, last sentence will be modified to read as follows: "All land on the Reservation Tribal lands within the City of Rancho Mirage would fall within the VFCA."
- 7-8 While the Tribal HCP is pending approval, the City will require applicants to pay the \$600 mitigation fee rather than the \$800 mitigation fee for the Fringe Toed Lizard Habitat Conservation Plan.



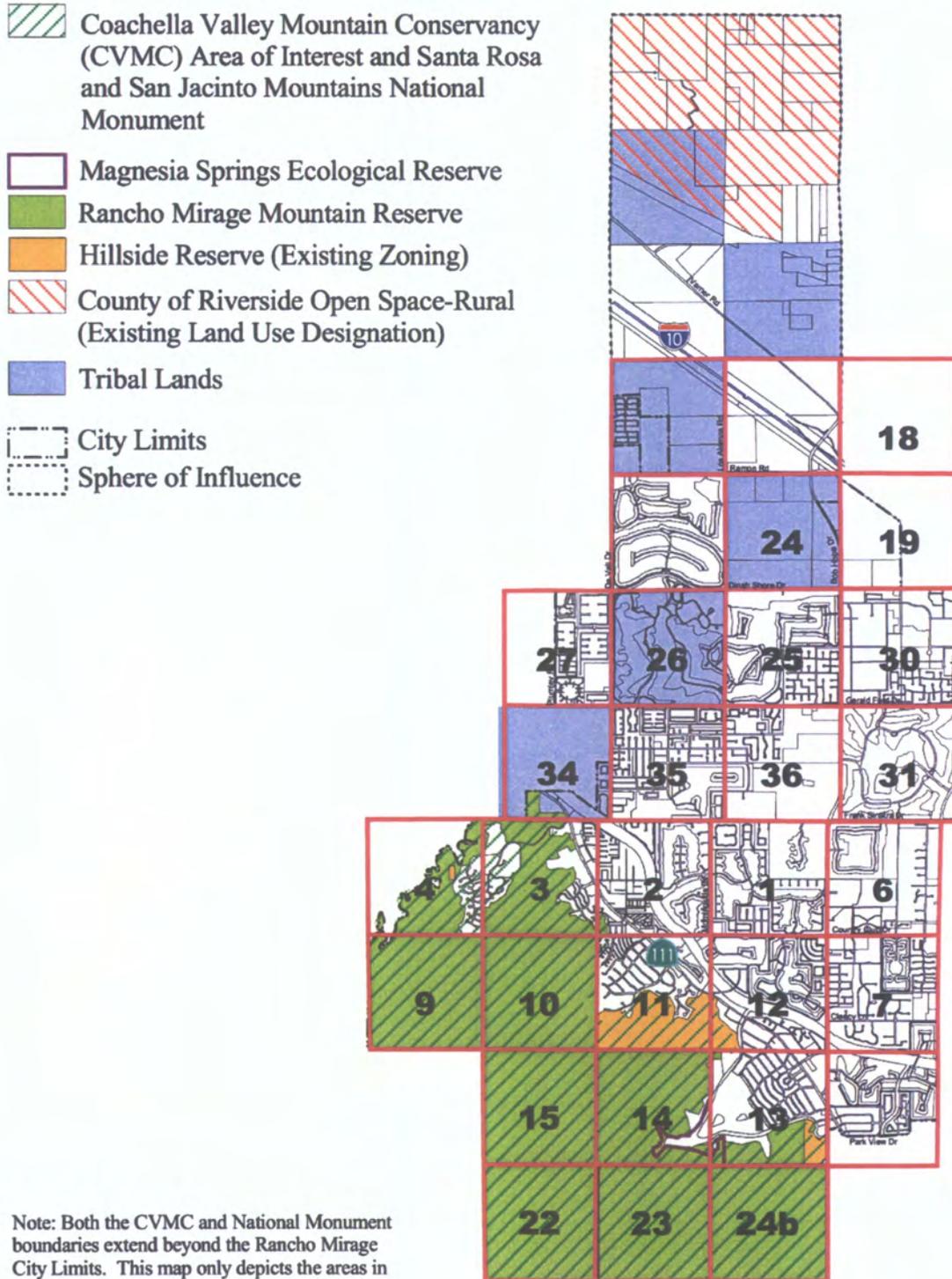
## 2. *Response to Comments*

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- 7-9 The Tribe owns some and has jurisdiction over additional Tribal lands within the historical reservation boundary. Allottee and fee lands are subject to the March 26, 1999 Land Use Contract between the City of Rancho Mirage and the Agua Caliente Band of Cahuilla Indians.
- 7-10 A small portion of land designated as part of the City of Rancho Mirage Mountain Reserve lies within Section 34, an area under tribal jurisdiction. The section grid is overlain on Figure 5.3-4 on the next page to show this overlap in jurisdictional boundaries. The City acknowledges that the Tribe has jurisdiction on that portion of the reserve area. Designation of the Santa Rosa and San Jacinto Mountains National Monument and questions of tribal jurisdiction would have to be raised with the National Park Service and Bureau of Land Management, if applicable.

## 5. Environmental Analysis

### Existing Conservation Areas within City and Sphere Boundaries



Note: Both the CVMC and National Monument boundaries extend beyond the Rancho Mirage City Limits. This map only depicts the areas in Rancho Mirage.



## 2. *Response to Comments*

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## 2. Response to Comments

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- 7-11 Section 5.4, *Cultural Resources*, Environmental Setting, Historic cultural Resources, will be modified as follows:

Before and after the railroad was laid through the Coachella Valley, the area was connected to the outside world by stage routes, one of which ran through Rancho Mirage. The Bradshaw Stage, dating to the 1860's, linked California with Arizona. By 1915, the route became the Bradshaw Highway and later Highway 111. ***The Bradshaw Trail never became the route of a modern interstate highway as did segments of the far better known Santa Fe and Oregon Trails. It was too short, both in mileage and in terms of the amount of time it served as a major thoroughfare. Moreover, it did not connect any major cities. In fact, for a long time it did not serve any towns at all...With the exception of some military traffic near the Chocolate Mountain Gunnery Range, however, the principle use of the Bradshaw Trail today is recreational.*** Early interest in the area was agricultural, particularly suited to the cultivation of dates. Agriculture persisted in the Rancho Mirage area through the 1940's with Johnny and Ruth Warburton, who raised grapes, dates, and onions on eighty acres until their Red Roof Ranch was purchased around 1950 for the proposed Thunderbird Country Club.

- 7-12 The City recommends that Mitigation 5.4-4B be revised as follows:

5.4-4B Prior to the issuance of grading permits for which the CEQA document defines cultural resource mitigation for potential tribal resources, the project applicant shall contact the designated Agua Caliente Band of Cahuilla tribal representative to notify them of the grading, excavation and monitoring program. The applicant shall coordinate with the City of Rancho Mirage and the tribal representative to ~~negotiate an Agreement~~ **develop mitigation measures** that addresses the designation, responsibilities, and participation of tribal monitors during grading, excavation and ground disturbing activities; scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site. The City of Rancho Mirage shall be the final arbiter of the conditions ~~included in the Agreement~~ for projects within the City's jurisdiction. For allottee lands, the City of Rancho Mirage and the Tribe shall share responsibility per the Land Use Contract. For tribal trust land, the tribe has jurisdiction.

- 7-13 Figure 5.6-2, *Fire Hazard Zones*, is based on the Fire Threat Map, Plate 4-3 in Earth Consultants International, May 2004 Technical Background Report to the Safety Element of the General Plan for the City of Rancho Mirage. The map in the ECI report is based on the USGS Topographic Map from the California Department of Forestry and Fire Protection (2003), which shows a small portion of the Agua Caliente Casino as being in a Very High Fire Hazard Zone. The Tribe should contact the California Department of Forestry and Fire Protection directly if inaccurate information is depicted in the base map.

- 7-14 The City of Rancho Mirage appreciates the comments from the Agua Caliente Band of Cahuilla Indians and looks forward to working together on future projects.



## 2. *Response to Comments*

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## 2. Response to Comments

Letter 8



Arnold  
Schwarzenegger  
Governor

June 27, 2005

Randal Bynder  
City of Rancho Mirage  
69-825 Highway 111  
Rancho Mirage, CA 92270

Subject: Rancho Mirage General Plan Update  
SCH#: 2004081038

Dear Randal Bynder:

8-1

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 24, 2005, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency



Sean Walsh  
Director

RECEIVED  
COMMUNITY DEVELOPMENT DEPT.  
05 JUL - 1 PM 3:53



1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
TEL (916) 445-0618 FAX (916) 328-3018 www.opr.ca.gov

## 2. Response to Comments

### Document Details Report State Clearinghouse Data Base

**SCH#** 2004081038  
**Project Title** Rancho Mirage General Plan Update  
**Lead Agency** Rancho Mirage, City of

**Type** EIR Draft EIR

**Description** The update involves a revision to the land use and zoning maps and a revision to elements required by the State of California as well as optional elements. The update includes the consolidation of several existing elements into new elements, the development of new goals and policies, and a revision to the City's economic goals reflected in land use changes.

#### Lead Agency Contact

**Name** Randal Bynder  
**Agency** City of Rancho Mirage  
**Phone** (760) 324-4511  
**email**  
**Address** 69-825 Highway 111  
**City** Rancho Mirage  
**Fax**  
**State** CA **Zip** 92270

#### Project Location

**County** Riverside  
**City** Rancho Mirage  
**Region**  
**Cross Streets** Bob Hope Drive and Frank Sinatra Drive  
**Parcel No.** Citywide  
**Township**

	Range	Section	Base
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#### Proximity to:

**Highways** I-10 & US 111  
**Airports**  
**Railways** Southern Pacific  
**Waterways** Whitewater River Channel  
**Schools**  
**Land Use** N/A

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

**Reviewing Agencies** Resources Agency; Regional Water Quality Control Board, Region 7; Department of Parks and Recreation; Native American Heritage Commission; Department of Health Services; Department of Housing and Community Development; Office of Emergency Services; Department of Fish and Game, Region 6; Department of Water Resources; California Highway Patrol; Caltrans, District 8

**Date Received** 05/11/2005 **Start of Review** 05/11/2005 **End of Review** 06/24/2005

Note: Blanks in data fields result from insufficient information provided by lead agency.

## 2. *Response to Comments*

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### 8. **Response to Comments From Terry Roberts, Director, State Clearinghouse, Dated June 27, 2005**

- 8-1 This letter indicates that the proposed City of Rancho Mirage General Plan Update project has completed the review requirements for an Environmental Impact Report established by the Governor's Office of Planning and Research, CEQA and the CEQA Guidelines. The following state agencies sent comments in by June 24, 2005, the close of the public review period: the Department of Health Services and the Native American Heritage Commission.



## 2. *Response to Comments*

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### 3. *Errata*

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This Errata section identifies any changes needed in the Draft Environmental Impact Report (DEIR) to correct or clarify the information contained in the document. Changes made to the DEIR are identified here in ~~strikeout text~~ to indicate deletions and in ***bold and italics*** to signify additions.

**1. Page 5-274, Section 5.14 of the DEIR, Traffic and Circulation is hereby modified as follows:**

Figure 5.14-6, *Preferred General Plan Recommended Intersection Improvements*, on page 5-299 on the DEIR will be replaced with the new Figure 5.14-6 included below. The hollow arrows shown on the figure are the required lane improvements based on the technical analysis and the City's level of service requirement. The solid arrows are the future lane configurations identified by City staff that is desirable per the City's mobility policy to maximize mobility and minimize congestion for the City of Rancho Mirage. The recommended intersection lane configurations are defined to clearly identify the ultimate right of way required for future roadway improvements. The buildout intersection level of service analysis has been conducted for all intersections using the desired augmented lane configurations. All intersections will meet the City's acceptable LOS criteria based on the identified roadway improvements for the Preferred General Plan conditions.

**2. Page 5-295, Section 5.14 of the DEIR, Traffic and Circulation is hereby modified as follows:**

**Future Peak Hour Conditions**

Intersection improvements at key arterial intersections are recommended, which will allow all intersections to operate at an acceptable level of service as shown on Figure 5.14 6. These improvements are part of the Circulation Plan, and as such will serve to improve flow through the City.



- **A new Major Collector roadway which connects Ramon Road to Da Vall Drive is proposed in the Southern SOI.**
- The new southern SOI roadway which extends northerly along the railroad ROW and also connects Ramon Road to Da Vall Drive is identified as a Minor Arterial (instead of a Minor Collector).
- Da Vall Drive is shown as extending beyond the City boundaries to the railroad ROW and has been upgraded from a Major Collector to a Minor Arterial.
- Bob Hope Drive between Dinah Shore Drive and Varner Road is designated as a Primary Arterial. Bob Hope Drive from Dinah Shore Drive to Frank Sinatra Drive is upgraded from a Minor Arterial to a Major Arterial.
- ~~Designation of Bob Hope Drive, north of Dinah Shore Drive, as a Primary Arterial to adequately serve the projected traffic volumes and to be consistent with the RCIP network.~~
- ~~Designation of Bob Hope Drive, between Dinah Shore Drive and Frank Sinatra Drive, as a Major Arterial to adequately serve the projected traffic volumes.~~

### 3. *Errata*

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## Preferred General Plan Recommended Intersection Improvements



Source: Urban Crossroads

### 3. *Errata*

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### 3. Errata

**An east-west Minor Arterial (Key Largo) located north of Dinah Shore and east of Bob Hope Drive has been added to the roadway circulation system. ~~between Bob Hope Drive and Monterey Avenue (north of Dinah Shore Drive) was also included to better serve the future commercial uses in the area. A north-south Minor Arterial (Key Largo) between Bob Hope Drive and Monterey Avenue (north of Dinah Shore Drive) has also been included to better serve the future commercial uses planned in the area.~~**

- The **conceptual alignment of the Key Largo overcrossing (over the I-10 Freeway) between Monterey Avenue and Bob Hope Drive is proposed to connect with Varner Road and/or Ramon Road in order to relieve potential congestion at the intersection of Monterey Avenue at Dinah Shore Drive and also in the vicinity of the Monterey Avenue/I-10 Freeway Interchange.**
- Rancho Las Palmas between Bob Hope Drive and Highway 111 **has been upgraded is designated as a Major Collector and has been added to the Circulation Plan.**
- Los Alamos Road is upgraded from a Major Collector to a Minor Arterial.
- **Monterey Avenue, between Dinah Shore Drive and Country Club Drive, is upgraded from a Major Arterial to a Primary Arterial. South of Country Club, it is upgraded from a Minor Arterial to Major Arterial to be consistent with the City of Palm Desert General Plan.**
- ~~Designation of Monterey Avenue, south of Country Club Drive, as a Major Arterial to relieve congestion and to be consistent with the City of Palm Desert General Plan.~~
- ~~Designation of Monterey Avenue, north of Country Club Drive as a Primary Arterial, to relieve congestion associated with commercial uses in the Monterey Avenue corridor.~~
- Dinah Shore Drive, from Los Alamos Road to Bob Hope Drive is upgraded from a Minor Arterial to a Major Arterial.
- ~~Designation of Dinah Shore Drive from Plumley Road to Bob Hope Drive as Major Arterial.~~
- Frank Sinatra Drive is upgraded from a Major Collector to a Minor Arterial.
- ~~Designation of Frank Sinatra Drive as a Minor Arterial.~~

**3. Page 5-301, Section 5.14 of the DEIR, Traffic and Circulation is hereby modified to correct a typographical error:**

**IMPACT 5.14-1: TRIP GENERATION RELATED TO THE GENERAL PLAN UPDATE WOULD IMPACT LEVELS OF SERVICE FOR THE EXISTING AREA ROADWAY SYSTEM. (THRESHOLD T-1)**

**Impact Analysis:** A total of 20,549 dwelling units (including both single and multi family housing) and a total of ~~41,568~~ **28,241** employees **jobs** (both retail and non-retail) are projected for build-out of the Preferred Plan.

**4. Page 5-139, Section 5.7 of the DEIR, Hydrology and Water Quality, which describes the Existing Conditions of the Regional Drainage System is hereby modified as follows:**



### 3. Errata

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The City is located within the Coachella Valley Planning Area of the Colorado River Basin (Region 7). Region 7 encompasses 1,920 miles and includes all of Imperial County and portions of San Bernardino, San Diego, and Riverside counties. The Whitewater River is the major drainage course in the Coachella Valley Planning Area. The Whitewater River Channel has a constructed downstream extension known as the Coachella Valley Storm Water Channel, which serves as a drainage way for irrigation return flows, treated community wastewater, and storm runoff.<sup>2</sup> ***The southwest portion of the City is also located within the Riverside County Flood Control District.***

**5. Page 5-136, Section 5.7 of the DEIR, Hydrology and Water Quality, is hereby modified as follows:**

All counties with a storm drain system that serve a population of 50,000 or more, as well as construction sites one acre or more in size, must file for and obtain an NPDES permit.

**6. Page 5-139, Section 5.7 of the DEIR, Hydrology and Water Quality, is hereby modified as follows:**

In 1992 2002, the CVWD prepared the Coachella Valley Final Water Management Plan.

**7. Page 5-153, Section 5.7 of the DEIR, Hydrology and Water Quality, is hereby modified as follows:**

The depletion of the groundwater supply in the Whitewater subbasin has resulted in an on-going overdraft situation. ~~Each year, the CVWD produces 203,905 acre-feet of water from the limited resources of the subbasin.~~ ***The estimated production within the Upper Whitewater River Subbasin management area during 2003 was 203,905 acre-feet. A description of the water balance for the Upper Whitewater River Subbasin calculated for 2003 is as follows:*** The process begins with natural inflows of water from rain and snow-melt from adjoining mountains flowing into the Management Area at an approximately rate of 49,000 acre-feet. Natural outflow from the same area caused by runoff is estimated to be 25,000 acre-feet, leaving only 24,000 acre-feet for ground water re-charge. An additional 37,213 acre-feet of water from the State Water Project is used to recharge the subbasin. An additional 71,367 acre-feet of production water is not consumed and returned to the subbasin. With a production rate of 203,905 and a re-charge rate of only 132,580, there is an estimated annual overdraft of 71,325 acre-feet. The projections of water storage capacity and usage are general in nature and should be viewed as approximations rather than finite quantities.

**8. Page 5-156, Section 5.7 of the DEIR, Hydrology and Water Quality, is hereby modified as follows:**

Currently, these agreements provide for a 330,000 acre-feet of Colorado River allocation and can increase to 456,000 acre-feet, ~~in addition to 109,900 acre-feet from the State Water Project.~~ ***in addition to the combined State Water Project entitlement of 171,000 acre-feet owned by Coachella Valley Water District and the Desert Water Agency.***

**9. Page 5-156, Section 5.7 of the DEIR, Hydrology and Water Quality, is hereby modified as follows:**

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<sup>2</sup> Source: RWQCB, Water Quality Control Plan Colorado River Basin-Region 7, November 2002.

### 3. Errata

To further reduce the impacts of development on groundwater supplies, the CVWD has implemented wastewater reclamation strategies to utilize tertiary-treated **recycled** wastewater for golf course, landscape and other irrigation purposes within the Coachella Valley. The Palm Desert treatment plant has installed additional wastewater treatment facilities providing the District with ~~40~~ **15** million gallons a day (mgd) capacity for tertiary treatment. Currently, CVWD tertiary treatment from the Cook Street plant averages about 8 mgd and on-site storage has been developed to assure availability. Unfortunately, due to high cost associated with expanding the system, reclaimed-**recycled** water is currently not available to the City.

**10. Page 5-159, Section 5.7 of the DEIR, Hydrology and Water Quality, is hereby modified as follows:**

~~While nNew standards for the design of steel tanks were adopted in 1994, no upgrades or retrofits have been made to the older tanks since their original construction. Reservoir 5510-2 was constructed in 2001 and built to new standards.~~

**11. Page 5-76, Section 5.4 of the DEIR, Cultural Resources, under Existing Regulations, is hereby modified as follows:**

*CEQA Guidelines 15064.5(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.*



**12. Page 5-51, Section 5.3 of the DEIR, Biological Resources, under Tribal HCP Conservation Areas, is hereby modified as follows:**

The Tribal HCP would establish lands to be dedicated to a Habitat Preserve consisting of Reservation lands and all lands dedicated for conservation through avoidance measures implemented by the THCP, and acquired through **one** development fees programs.

**13. Page 5-51, Section 5.3 of the DEIR, Biological Resources, under Tribal HCP Conservation Areas, is hereby modified as follows:**

All land on the Reservation Tribal lands within the City of Rancho Mirage would fall within the VFCA.

**14. Page 5-51, Section 5.4 of the DEIR, Cultural Resources, under Environmental Setting, Historic Cultural Resources, is hereby modified as follows:**

Before and after the railroad was laid through the Coachella Valley, the area was connected to the outside world by stage routes, one of which ran through Rancho Mirage. The Bradshaw Stage, dating to the 1860's, linked California with Arizona. By 1915, the route became the Bradshaw Highway and later Highway 111. **The Bradshaw Trail never became the route of a modern interstate highway as did segments of the far better known Santa Fe and Oregon Trails. It was too short, both in mileage and in terms of the amount of time it served as a major thoroughfare. Moreover, it did not connect any major cities. In fact, for a**

### 3. Errata

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*long time it did not serve any towns at all...With the exception of some military traffic near the Chocolate Mountain Gunnery Range, however, the principle use of the Bradshaw Trail today is recreational.* Early interest in the area was agricultural, particularly suited to the cultivation of dates. Agriculture persisted in the Rancho Mirage area through the 1940's with Johnny and Ruth Warburton, who raised grapes, dates, and onions on eighty acres until their Red Roof Ranch was purchased around 1950 for the proposed Thunderbird Country Club.

**15. Page 5-79, Section 5.4 of the DEIR, Cultural Resources, is hereby modified as follows:**

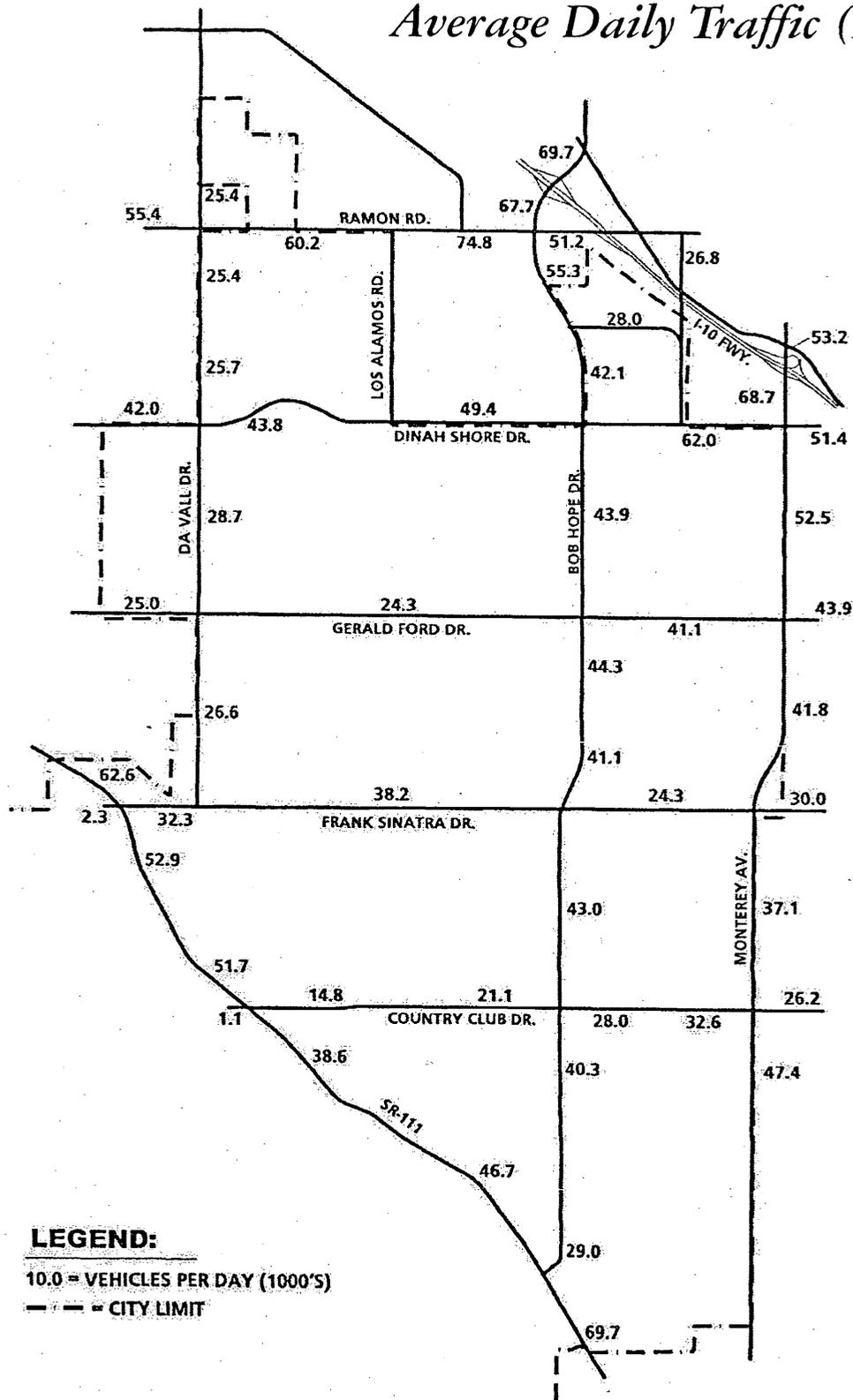
5.4-4B Prior to the issuance of grading permits for which the CEQA document defines cultural resource mitigation for potential tribal resources, the project applicant shall contact the designated Agua Caliente Band of Cahuilla tribal representative to notify them of the grading, excavation and monitoring program. The applicant shall coordinate with the City of Rancho Mirage and the tribal representative to ~~negotiate an Agreement~~ **develop mitigation measures** that addresses the designation, responsibilities, and participation of tribal monitors during grading, excavation and ground disturbing activities; scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site. The City of Rancho Mirage shall be the final arbiter of the conditions included in the Agreement **for projects within the City's jurisdiction. For allottee lands, the City of Rancho Mirage and the Tribe shall share responsibility per the Land Use Contract. For tribal trust land, the tribe has jurisdiction.**

**16. Page 5-297, Section 5.14 of the DEIR, Traffic and Circulation is hereby modified as follows:**

Figure 5.14-5, Preferred General Plan Average Daily Traffic (ADT), has the following change: the traffic volumes for Key Largo were added.

# 5. Environmental Analysis

## Preferred General Plan Average Daily Traffic (ADT)



Source: Urban Crossroads

City of Rancho Mirage General Plan Final EIR

The Planning Center • Figure 5.14-5

### 3. *Errata*

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### 3. Errata

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17. Page 5-77, Section 5.4.4 Existing Regulations of the DEIR, Cultural Resources is hereby modified as follows:

- Senate Bill 18: This bill on Traditional Tribal Cultural Places was signed into law in late 2004 and went into effect on March 1, 2005. It places new requirements **upon local governments** within CEQA for developments within or near Traditional Tribal Cultural Places. **Per SB 18, the law** It requires **local jurisdictions to provide opportunities for involvement of California Native American tribes in the land planning process for the purpose of preserving traditional tribal cultural places.** establishment of a Native American Traditional Tribal Cultural Site Register (TTCS Register), which would list all Native American sites deemed to be sacred to local tribes by the Native American Heritage Commission (NAHC). Under SB 18, a new process requires the Lead Agency on a project covered by CEQA to ask the NAHC whether the proposed project is within a 5-mile radius of a TTCS. **The Final Tribal Guidelines recommends that** The NAHC would have **provide** written **information as soon as possible but no later than** 30 days to inform the Lead Agency if the proposed project is determined to be in proximity to a TTCS and another **45 90 days for tribes to respond to a local government if they want to consult with the local government** to determine whether the project would have an adverse impact on the TTCS. **There is no statutory limit on the consultation duration. Forty-five days before the action is publicly considered by the local government council, the local government refers action to agencies, following the CEQA public review time frame. The CEQA public distribution list may include tribes listed by the NAHC who have requested consultation or it may not.** If the NAHC, the tribe, and interested parties agree upon the mitigation measures necessary for the proposed project, it would be included in the project's Environmental Impact Report (EIR). If both the City and the tribe agree that adequate mitigation or preservation measures cannot be taken, then neither party is obligated to take action.
- Per SB 18, the law institutes a new process which would require a city or county to consult with the NAHC and any appropriate Native American tribe for the purpose of preserving relevant TTCSs prior to the adoption, revision, amendment, or update of a city's or county's general plan or adoption of a specific plan. **While SB 18 does not specifically mention consultation or notice requirements for adoption or amendment of specific plans, the Final Tribal Guidelines advises that SB 18 requirements extend to specific plans as well, as State planning law requires local governments to use the same process for amendment or adoption of specific plans as general plans (defined in Government Code §65453).** In addition, SB 18 provides a new definition of TTCS requiring a traditional association of the site with Native American traditional beliefs, cultural practices, or ceremonies or the site must be shown to actually have been used for activities related to traditional beliefs, cultural practices, or ceremonies. Previously, the site was defined to require only an association with traditional beliefs, practices, lifeways, and ceremonial activities. **In addition, SB 18 law also amended Civil Code §815.3 and adds California Native American tribes to the list of entities that can acquire and hold conservation easements for the purpose of protecting their cultural places.**



### 3. *Errata*

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**18. Page 3-7, Section 3 of the DEIR, Project Description is hereby modified as follows:**

Figure 3.2, *Existing Rancho Mirage General Plan Land Use*, contained a typographical error in the overlays legend. The figure described the senior overlay acreage as 2,239 acres when it should have been 8 acres and the special corner overlay acreage as 9 acres when it should have been 91 acres. The change is shown on Figure 3.2, following this page. This change does not create any new environmental impacts or the need for any new mitigation measures because the overlays were mapped correctly.

### 3. Project Description

## Existing Rancho Mirage General Plan Land Use

- RESIDENTIAL**
- R-E Residential Estate 1 du/ac Max.
  - R-L-2 Low Density 2 du/ac Max.
  - R-L-3 Low Density 3 du/ac Max.
  - R-M Medium Density 4 du/ac Max.
  - R-H High Density 9 du/ac Max.
  - MRP Mobile Home Park 9 du/ac Max.
  - H-R Hillside Reserve 1du/640 ac Max.
- COMMERCIAL**
- O Office
  - C-N Neighborhood Commercial
  - C-G General Commercial
  - C-C Community Commercial
  - Re-H Resort Hotel
  - MUR Mixed Use (Commercial/Office/Residential)
  - I Industrial
- INSTITUTIONAL**
- P Public/Quasi-Public
  - P/CH City Hall
  - P/FS Fire Station
  - P/H Hospital
  - P/S School
  - P/L Library
  - P/PO Post Office
  - PJ-SS Utility Substation

- OPEN SPACE**
- Public Park
  - MR Mountain Reserve
  - OS-PV Private Open Space
  - OS-N Floodways and Drainage Channels

ROW Right of Way

**OVERLAYS**

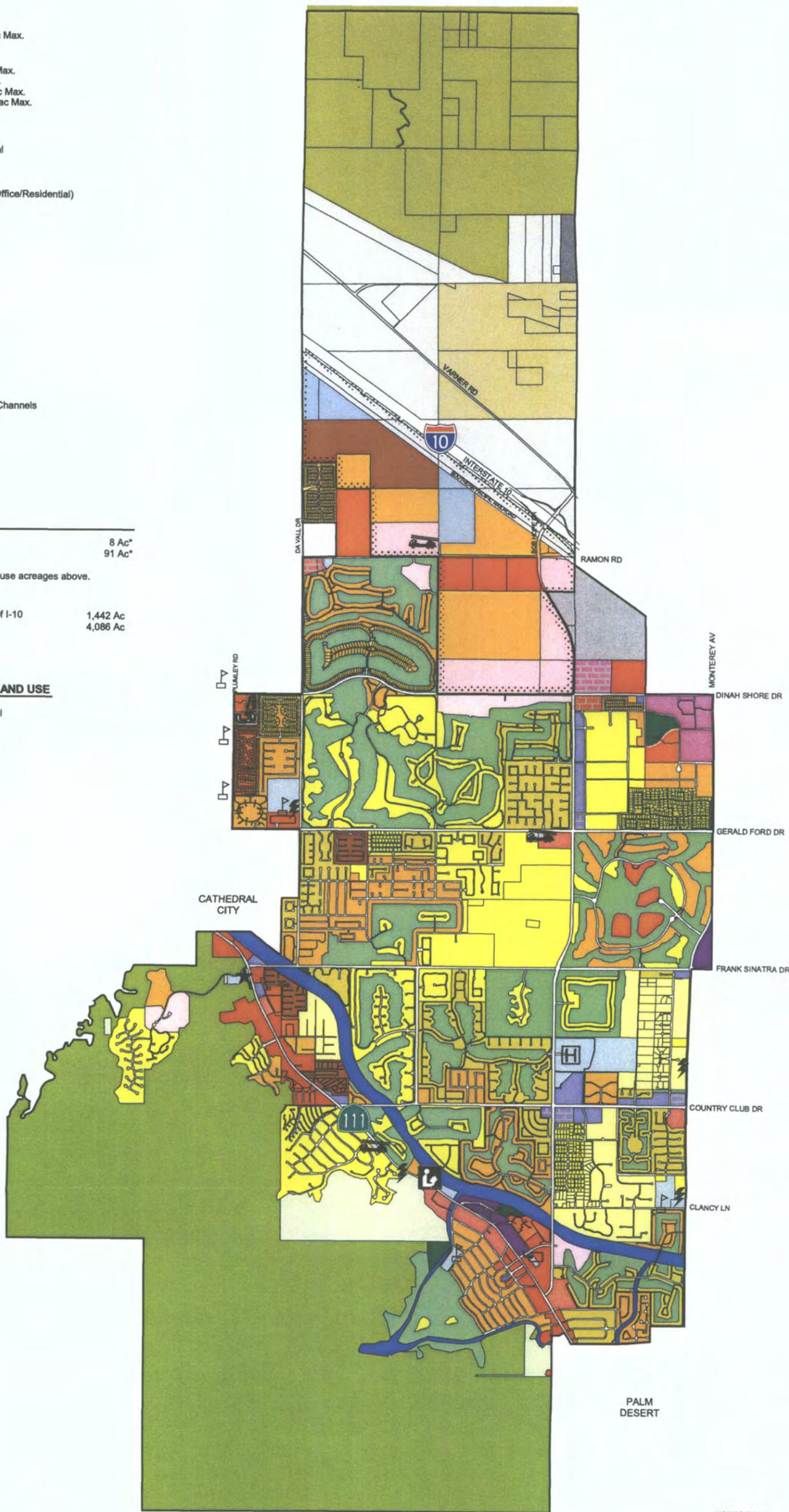
- Senior Overlay 8 Ac\*
- Special Corner 91 Ac\*

\* These acreages are included in land use acreages above.

- Sphere of Influence South of I-10 1,442 Ac
- Sphere Area North of I-10 4,086 Ac

**RIVERSIDE COUNTY LAND USE**

- MDR Medium Density Residential
- HDR High Density Residential
- CR Commercial - Regional
- CT Commercial - Tourist
- LI Light Industrial
- HI Heavy Industrial
- PF Public Facilities
- OS-RUR Open Space - Rural
- IND Indian Lands



NOT TO SCALE



### 3. *Errata*

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### 3. *Errata*

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**19. Page 3-9, Section 3 of the DEIR, Project Description is hereby modified as follows:**

Figure 3.3, *Preferred Plan Land Use Alternative*, contained a typographical error in the overlays legend. The figure described the senior overlay acreage as 2,239 acres when it should have been 8 acres and the special corner overlay acreage as 9 acres when it should have been 91 acres. The change is shown on Figure 3.3, following this page. This change does not create any new environmental impacts or the need for any new mitigation measures because the overlays were mapped correctly.



### 3. *Errata*

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### 3. Project Description

## Preferred Land Use Alternative

	CITY	SPHERE	TOTAL
<b>RESIDENTIAL</b>			
R-E Residential Estate 1 du/ac Max.	527		527
R-L-2 Very Low Density 2 du/ac Max.	1,690		1,690
R-L-3 Low Density 3 du/ac Max.	922		922
R-M Medium Density 4 du/ac Max.	1,318	1,037	2,355
R-H High Density 9 du/ac Max.	302	39	341
MHP Mobile Home Park 9 du/ac Max.	96		96
H-R Hillside Reserve 1 du/640 ac Max.	343		343
OS-RUR* Open Space - Rural Residential*		2,071	2,071
<b>COMMERCIAL</b>			
O Office	89		89
C-N Neighborhood Commercial	126		126
C-G General Commercial	264		264
C-C Community Commercial	342	75	417
Rs-H Resort Hotel	174	36	210
MU Mixed Use (Commercial/Office/Residential)	36		36
LI* Light Industrial*		1,202	1,202
HI* Heavy Industrial*		36	36
<b>INSTITUTIONAL</b>			
P Public/Quasi-Public	76		76
P/CH* City Hall	8		8
P/FS Fire Station	4		4
P/H Hospital	132		132
P/S School	62		62
P/L Library	10		10
P/PO Post Office	3		3
PU-SS Utility Substation	9		9
<b>OPEN SPACE</b>			
Public Park	54	74	128
MR Mountain Reserve	5,182		5,182
OS-PV Private Open Space	2,469	182	2,650
OS-W Floodways and Drainage Channels	332		332
IND* Indian Lands*		650	650
ROW Right of Way	1,228	150	1,347
<b>Total</b>	<b>15,797</b>	<b>5,550</b>	<b>21,347</b>

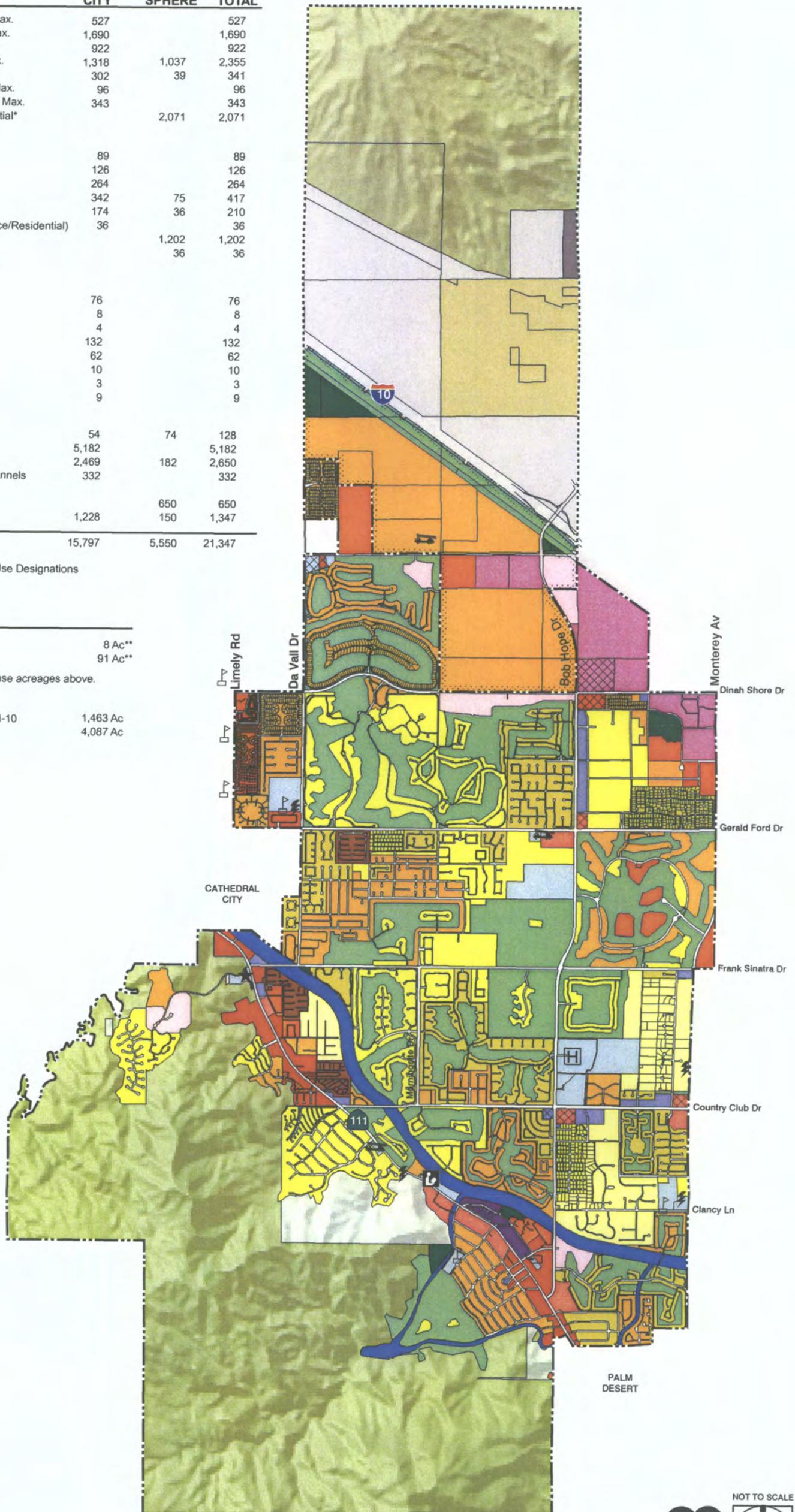
\* Riverside County General Plan Land Use Designations

#### OVERLAYS

Senior Overlay	8 Ac**
Special Corner	91 Ac**

\*\* These acreages are included in land use acreages above.

Sphere of Influence South of I-10	1,463 Ac
Sphere Area North of I-10	4,087 Ac



**DRAFT**

PALM DESERT

NOT TO SCALE



### 3. *Errata*

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## 4. *Mitigation Monitoring Program*

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The Mitigation Monitoring Program (MMP) for the **City of Rancho Mirage General Plan Update**. EIR will be in place through all phases of the project, including design, construction and operation. Enforcement of the MMP will be the responsibility of a Project Manager (PM).

### **4.1 ROLES AND RESPONSIBILITIES: PROJECT MANAGER**

The PM will be assigned by the City of Rancho Mirage. The PM assigned to the project will supervise the design, construction and operation of the project and is responsible for overall management of the MMP. The PM is thoroughly familiar with the project and qualified to determine if an adopted measure is being properly implemented. The PM oversees the MMP and reviews the Reporting and Implementation (R & I) forms to ensure they are filled out correctly and proper action is being taken on each measure. The PM and/or assignee will also be responsible for filling out and updating of the R & I forms during all phases of the project. The PM will determine the need for a measure to be modified and ensure the use of a mitigation specialist if technical expertise beyond that of the PM is required. If it is found that an adopted mitigation measure is not being properly implemented, the PM will require corrective actions to ensure adequate implementation. The responsibilities of the PM include the following:

- 1) A MMP will be prepared to include potential significant impacts and their corresponding mitigations identified in the list of mitigation measures attached hereto.
- 2) Appropriate specialists will be retained, as needed, to monitor specific mitigation activities and provide appropriate written approvals to the PM.
- 3) The PM and/or assignee will approve, by signature and date, the completion of each action item identified on the MMP.
- 4) All MMP reporting for an impact issue requiring no further monitoring will be signed off and dated as completed by the PM and/or assignee at the bottom of the MMP reporting form.
- 5) Unanticipated circumstances may arise requiring the refinement of mitigation measures. The PM is responsible for noting and approving any such refinements on the MMP.
- 6) The PM has the authority to request that the Building Official stop the work of construction contractors if any aspect of the MMP is not being complied with after written notification has been issued.

### **4.2 MITIGATION MONITORING PROGRAM DEFINITIONS**

The MMP consists of key program elements. The definitions of these elements are summarized below.

#### **Mitigation Monitoring Program File**

A file is established to document and retain records of the MMP. The file organization is established by the PM.



## 4. *Mitigation Monitoring Program*

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## 5. *Mitigation Monitoring Program Procedures*

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This monitoring program has been prepared pursuant to Public Resources Code Section 21081.6, which requires adoption of a reporting or monitoring program for projects in which the agency has required changes or adopted mitigation to avoid significant environmental effects. Specific reporting and/or monitoring requirements to be enforced during implementation of the General Plan must be defined prior to final approval of the project proposal by the responsible decision maker(s).

Each required mitigation measure is listed in the table below and categorized by impact area. Also designated is the phase of the project during which time the measure shall be implemented.



## 5. *Mitigation Monitoring Program Procedures*

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## 5. Mitigation Monitoring Program Procedures

### City of Rancho Mirage General Plan Update Mitigation Monitoring Program

Mitigation Measure	Timing	Responsible Monitoring Party	Completion Date/Initials
<b>AESTHETICS</b>			
There are no mitigation measures in this section			
<b>AIR QUALITY</b>			
<p>5.2-2A Prior to the issuance of grading permits, the property owner/developer shall include a note on all grading plans which requires the construction contractor to implement following measures during grading. These measures shall also be discussed at the pregrade conference.</p> <ul style="list-style-type: none"> <li>• Use low emission mobile construction equipment.</li> <li>• Maintain construction equipment engines by keeping them tuned.</li> <li>• Use low sulfur fuel for stationary construction equipment.</li> <li>• Utilize existing power sources (i.e., power poles) when feasible.</li> <li>• Configure construction parking to minimize traffic interference.</li> <li>• Minimize obstruction of through-traffic lanes. When feasible, construction should be planned so that lane closures on existing streets are kept to a minimum.</li> <li>• Schedule construction operations affecting traffic for off-peak hours.</li> <li>• Develop a traffic plan to minimize traffic flow interference from construction activities (the plan may advance public notice of routing, use of public transportation and satellite parking areas with a shuttle service.</li> </ul>	<p>Prior to the issuance of grading permits and during pregrade conference</p>	<p>Public Works Director prior to construction activities/ Community Development Director after construction has commenced</p>	

## 5. Mitigation Monitoring Program Procedures

### City of Rancho Mirage General Plan Update Mitigation Monitoring Program

Mitigation Measure	Timing	Responsible Monitoring Party	Completion Date/Initials
<p>5.2-2B The City shall reduce vehicle emissions caused by traffic congestion by implementing transportation system management techniques that include synchronized traffic signals and limiting on-street parking.</p>	On-going	Public Works Director	
<b>BIOLOGICAL RESOURCES</b>			
<p>There are no mitigation measures in this section. The City has a standard condition stating the following:  Prior to Final Map approval, the subdivider shall pay to the City a Fringe-Toed Lizard Mitigation Fee in the amounts in effect at such time, unless such fee is superseded by any other lawfully imposed mitigation fee specifically applicable to the project at the time of issuance of the subject permits which applicant shall be required to pay in lieu of the Fringe-Toed Lizard Mitigation fee.</p>			
<b>CULTURAL RESOURCES</b>			
<p>5.4-4A Upon receipt of an application for a project subject to CEQA and within the City's jurisdiction, the City or City's representative shall consult with the Agua Caliente Band of Cahuilla Indians to determine if the proposed project is within a culturally sensitive area to the Tribe. If sufficient evidence is provided to reasonably ascertain that the site is within a culturally sensitive area then a cultural resource assessment prepared by a City-certified archaeologist shall be required. The findings of the cultural resources assessment shall be incorporated into the CEQA documentation. A copy of the report shall be forwarded to the Tribe. If mitigation is recommended in the CEQA documentation, the procedure described in MM 5.4-4B shall be followed.</p>	After receipt of an application of a project subject to CEQA	Community Development Director	

## 5. Mitigation Monitoring Program Procedures

### City of Rancho Mirage General Plan Update Mitigation Monitoring Program

Mitigation Measure	Timing	Responsible Monitoring Party	Completion Date/Initials
<p>5.4-4B Prior to the issuance of grading permits for which the CEQA document defines cultural resource mitigation for potential tribal resources, the project applicant shall contact the designated Agua Caliente Band of Cahuilla tribal representative to notify them of the grading, excavation, and monitoring program. The applicant shall coordinate with the City of Rancho Mirage and the tribal representative to <del>negotiate an Agreement</del> <b>develop mitigation measures</b> that addresses the designation, responsibilities, and participation of tribal monitors during grading, excavation and ground disturbing activities; scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site. The City of Rancho Mirage shall be the final arbiter <del>of the conditions included in the agreement</del> <b>for projects within the City's jurisdiction. For allottee lands, the City of Rancho Mirage and the Tribe shall share responsibility per the Land Use Contract. For tribal trust land, the tribe has jurisdiction.</b></p>	<p>Prior to the issuance of a grading permit</p>	<p>Community Development Director</p>	
<b>GEOLOGY AND SOILS</b>			
<p>5.5-1A The City shall require geologic and geotechnical investigations in areas of potential seismic or geologic hazards as part of the environmental or development review process. All grading operations will be conducted in conformance with the recommendations contained in the applicable geotechnical investigation and the City's grading code.</p>	<p>Prior to development review process</p>	<p>Public Works Director</p>	

## 5. Mitigation Monitoring Program Procedures

### City of Rancho Mirage General Plan Update Mitigation Monitoring Program

Mitigation Measure	Timing	Responsible Monitoring Party	Completion Date/Initials
<b>HAZARDS AND HAZARDOUS MATERIALS</b>			
There are no mitigation measures in this section			
<b>HYDROLOGY AND WATER QUALITY</b>			
There are no mitigation measures in this section			
<b>LAND USE AND RELEVANT PLANNING</b>			
There are no mitigation measures in this section			
<b>MINERAL RESOURCES</b>			
5.9-1A	If the City annexes the SOI north of I-10, prior to project approval, the City shall require preparation of a site-specific mineral resources evaluation for development proposals located within MRZ-2 Zones within the City or City's SOI.	Public Works Director	
<b>NOISE</b>			
5.10-2A	Prior to issuance of building permits for any project generating over 100 peak hour trips, the project property owner/developers shall submit a final acoustical report prepared to the satisfaction of the Planning Director. The report shall show that the development will be sound-attenuated against present and projected noise levels, including roadway, aircraft, helicopter and railroad, to meet the City interior and exterior noise standards.	Public Works Director	
5.10-2B	Prior to the issuance of building permits for any project that involves a noise sensitive use within a 65 dBA CNEL contour along major roadways, the I-10 freeway or the SPRR, the project property owner/developers shall submit a final acoustical report prepared to the satisfaction of the Planning Director. The report shall show that the development will be sound-attenuated against present and projected noise levels, including roadway, aircraft, helicopter and railroad, to meet the City's interior and exterior noise standards.	Public Works Director	

## 5. Mitigation Monitoring Program Procedures

<b>City of Rancho Mirage General Plan Update Mitigation Monitoring Program</b>			
Mitigation Measure	Timing	Responsible Monitoring Party	Completion Date/Initials
<b>POPULATION AND HOUSING</b>			
There are no mitigation measures in this section			
<b>PUBLIC SERVICES AND UTILITIES</b>			
There are no mitigation measures in this section			
<b>RECREATION</b>			
There are no mitigation measures in this section			
<b>TRAFFIC AND CIRCULATION</b>			
5.14-1A The City shall establish a fee benefit area for the construction of the Key Largo overcrossing over the I-10 Freeway between Monterey Avenue and Bob Hope Drive to connect to Varner Road and/or Ramon Road to relieve congestion at the intersections of Monterey Avenue/Dinah Shore Drive and Monterey Avenue/I-10 Freeway interchange. As part of the fee benefit program, the City shall initiate a nexus study for the roadway improvements and a program to designate the fair-share responsibility for improvements.	The time the first development application is submitted where the supporting documentation confirms an impact at the intersection	Community Development Director	
<b>UTILITY AND SERVICE SYSTEMS</b>			
There are no mitigation measures in this section.			

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5. *Mitigation Monitoring Program Procedures*

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## 6. Findings of Fact

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### FINDINGS OF FACT FOR CITY OF RANCHO MIRAGE GENERAL PLAN UPDATE

#### 6.1 INTRODUCTION

The Final EIR includes the Draft EIR, dated May 11, 2005 ("Draft EIR"), written comments on the Draft EIR that were received during the public review period and written responses to those comments, changes to the Draft EIR, and a mitigation monitoring program (hereinafter referred to collectively as "FEIR").

The City of Rancho Mirage, as Lead Agency for the proposed project, certifies that (1) the FEIR has been completed in compliance with the California Environmental Quality Act (CEQA), (2) the FEIR was presented to the City Council, and the City Council reviewed and considered the information contained in the FEIR and public hearing documents prior to approving the project, and (3) the FEIR reflects the Council's independent judgment and analysis.

As required by CEQA, the City Council has made specific findings regarding project impacts. Those findings are presented below, along with facts and evidence to support each finding. Attached to the "Findings of Fact" is a "Statement of Overriding Considerations" that explains why the project benefits outweigh the unavoidable significant impacts of the project. Concurrent with the adoption of the Findings of Fact and Statement of Overriding Considerations, the City Council will adopt a Mitigation Monitoring and Reporting Program as presented in the FEIR.

The Final Environmental Impact Report (FEIR) is comprised of two documents. These documents are identified below:

- 1) City of Rancho Mirage General Plan Update Draft Environmental Impact Report, May 11, 2005
- 2) City of Rancho Mirage General Plan Update Final Environmental Impact Report, October 12, 2005

The documents and other material that constitute the record of proceedings on which these findings are based are located at the Planning Counter, in the City of Rancho Mirage. The custodian for these documents is the City of Rancho Mirage. This information is provided in compliance with Public Resources Code §21081.6(a)(2) 14 Cal. Code Regs §15091(e).

#### 6.2 FORMAT

This document summarizes the significant environmental impacts of the project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed project which were developed in an effort to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

This document is divided into the following five sections:

- Introduction and Project Summary;
- Findings on the Project Alternatives Considered in the Environmental Impact Report;
- Findings on Potentially Significant Impacts of the Proposed Project Identified in the DEIR/FEIR.
- Statement of Overriding Considerations



## 6. Findings of Fact

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*Introduction and Project Summary*, includes a brief description of the environmental setting, list project objectives, and description of the proposed project.

*Findings on the Project Alternatives Considered in the Environmental Impact Report*, presents alternatives to the project and evaluates them in relation to the findings set forth in Section 15091(a)(3) of the State CEQA Guidelines, which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of the specific economic, social, or other considerations.

*Findings on Potentially Significant Impacts of the Proposed Project Identified in the DEIR/FEIR*, presents significant impacts of the proposed project that were identified in the FEIR, the mitigation measures identified in the MMP, the findings for the impacts, and the rationales for the findings.

*Statement of Overriding Considerations*, presents the overriding considerations for significant impacts related to the project that cannot be or have not been mitigated or resolved. These considerations are required under Section 15093 of the State CEQA Guidelines, which require decision makers to balance the benefits of a proposed project against its unavoidable environmental risk in determining whether to approve the project.

### 6.3 PROJECT SUMMARY

#### 6.3.1 Project Location

The City of Rancho Mirage is located in the Coachella Valley within eastern Riverside County and encompasses approximately 24.7 square miles or 15,796 acres. The City's Sphere of Influence (SOI) covers an additional 8.7 square miles or 5,529 acres. The SOI is currently in the County of Riverside's jurisdiction.

Two major freeways, Interstate 10 (I-10) and State Route 111 (Highway 111), traverse Rancho Mirage. The I-10 runs in an east-west direction forming a portion of the City's northern boundary. Highway 111 also transects the City in an east-west direction, but in the south of the City. The two major entry points to Rancho Mirage are Bob Hope Drive and Monterey Avenue. Monterey Avenue is a major arterial road that spans the length of Rancho Mirage's eastern boundary with direct connection to the I-10. Monterey Avenue may be indirectly accessed from Highway 111 via Park View Drive. Bob Hope Drive is an arterial road in Rancho Mirage oriented in the north-south direction with direct access to Highway 111. Bob Hope Drive may be indirectly accessed from the I-10 via Ramon Road.

#### 6.3.2 Project Objectives

The objectives of the proposed project are as follows:

- Provide a comprehensive update to the City's General Plan to reflect the current economic conditions in the City and to plan for the optimal balance of land uses while enhancing economic development opportunities, particularly retail uses, within the City of Rancho Mirage.
- Concentrate and enhance commercial uses in strategic locations, including (1) expanding retail potential along the I-10 corridor, near the Monterey Market Place; (2) creating opportunities in the City's SOI and at the City's major intersections; and (3) continuing infill development along the Highway 111 corridor.
- Provide a comprehensive update to the City's General Plan to reflect projected demographic conditions in the Coachella Valley that may affect the City, by planning for additional housing units, and a large retail commercial center in the northern portion of the City.

## 6. Findings of Fact

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- Encourage the construction of residential communities through Planned Unit Developments and Specific Plans, in order to promote standards for development and amenities beyond those expected under conventional development.
- Preserve and enhance the predominantly low density, high quality residential character of the City.
- Provide a variety of housing types which will allow the City to fulfill its affordable housing obligation.
- Identify potential locations for enhanced gateways into the City, particularly from the Interstate 10 and Highway 111.
- Preserve the desert resort environment of the City by enhancing the treatment of arterial roadway edges and protecting the expansive views of the Santa Rosa Mountains which form a backdrop to the City.
- Provide a new cultural center featuring a library and museum closer to the geographic center of the city.
- Update the City's Land Use map to reflect more accurate, up-to-date data provided by a parcel-based GIS mapping system.
- Provide a streamlined, user-friendly General Plan accessible to the public.

### 6.3.3 Description of Proposed Project

The preferred land use alternative removes the Light Industrial land use designation within the City, reduces the acreage of Office Commercial (O) and Mixed Use (M-U), and increases acreage devoted to all types of other commercial uses: Neighborhood Commercial (C-N), General Commercial (C-G), Community Commercial (C-C) and Resort Hotel (Rs-H). This is consistent with the City's desire to expand commercial and retail opportunities within the City. Commercial land use designations replace the Industrial land use designations.

### 6.4 SUMMARY OF ENVIRONMENTAL IMPACTS

In compliance with CEQA, the City evaluated the project's potential for resulting in significant environmental effects, determined that an EIR should be prepared for the project, and completed a multi-step process to determine the appropriate scope of issues to be examined in the EIR. An Initial Study (IS) was prepared using an Environmental Checklist form to provide the City with information to use as a basis for deciding whether to prepare an EIR or Negative Declaration, to assist in the preparation of the EIR, and to facilitate environmental assessment early in the design of the project. In addition, the City solicited input from agencies through the distribution of a Notice of Preparation (NOP). The NOP process is used to help determine the scope of the environmental issues to be addressed in the Draft EIR. Based on this process and the Initial Study for the project, certain environmental categories were identified as having the potential to result in significant impacts. Issues considered significant or potentially significant were addressed in the Draft EIR. Issues identified as less than significant or having no impact were not addressed beyond the discussion contained in the Initial Study. Issues addressed in the Draft EIR are listed in the following section. The purpose of the public review period was to solicit comments on the scope and content of the environmental analysis to be included in the Draft EIR.



## 6. Findings of Fact

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The IS/NOP and copies of scoping comment letters are incorporated in the Draft EIR. Based on the results of the Initial Study issued August 6, 2004, a number of environmental issues were identified as requiring more detailed review in the Draft EIR.

Based on the IS/NOP, the DEIR evaluated the following environmental issues:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Traffic and Circulation
- Utilities and Service Systems

The only impact category identified as not having the potential to be significantly affected by, or affecting the proposed project was Agricultural Resources.

### 6.5 FINDINGS ON PROJECT ALTERNATIVES CONSIDERED IN THE DRAFT EIR

#### 6.5.1 Alternatives Considered and Rejected During the Scoping/Project Planning Process

Three distinct land use alternatives were analyzed during the General Plan Visioning process in order to develop a Preferred Land Use Plan for the General Plan Update. Alternative 1 included Mixed Use (Commercial, Office, and Residential) in the SOI and along Highway 111, Medium Density Residential, a public park, and a potential resort hotel location in the SOI, and a potential resort hotel location at The Eagle.

Alternative 2 included Neighborhood Commercial east of the Agua Caliente Indian Casino, a potential resort hotel location south of the Indian Casino, High Density Residential surrounded by Medium Density Residential in the SOI with two possible locations for a resort hotel, and Neighborhood Commercial at select intersections throughout the City. Light Industrial was identified in the area between the Southern Pacific Rail corridor and the Interstate-10 and directly south of the Indian Casino.

Alternative 3 included Neighborhood Commercial east of the Agua Caliente Indian Casino, a potential resort hotel location directly south of the Indian Casino, Commercial Tourist uses surrounding the Indian Casino and to the northwest. In addition, the SOI included High Density and Medium Density Residential with Institutional uses.

Aspects of each of these alternatives found their way into the Preferred Plan, which is fully analyzed in this DEIR. However, all of the above were rejected as described above either as being inconsistent with the existing character of the City (e.g., Mixed Use, High Density Residential, Light Industrial), not the best location for a resort hotel, or not using available land to for the highest and best use (e.g., institutional uses along the I-10). Furthermore, these alternatives would not have reduced the significant environmental impacts of the project including air quality and traffic and circulation.

#### 6.5.2 Alternative Sites

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project. The key question and first

## 6. Findings of Fact

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step in the analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (Guidelines §15126(5)(B)(1)). In general, any development of the size and type proposed by the project would have substantially the same impacts on air quality, land use/planning, noise, population/housing, public services, recreation, transportation/traffic and utilities/service systems. Without a site specific analysis, impacts on aesthetics, biological resources, cultural resources, geology/soils, hazards and hazardous materials, hydrology/water quality, and mineral resources cannot be evaluated.

Since the proposed project consists of a General Plan Update, an alternative site analysis is not appropriate. However, areas proposed for development were reviewed to determine if development could be redirected to less sensitive areas. Since the City of Rancho Mirage is predominantly built out, there are very few undeveloped areas which remain available for development. The large majority of undeveloped land is within the City's SOI, which contains areas of sensitive biological habitat and a mineral resource zone. As a result, shifting development intensities entirely to the SOI is not feasible and would create greater environmental impacts. As a result, Alternative Development Areas were rejected and are not analyzed in detail in this DEIR.

### 6.5.3 Alternatives Selected for Analysis

The CEQA Guidelines indicate that an EIR must "describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.: [Guidelines Sec. 15126.6(a)] Accordingly, the alternatives selected for review pursuant to this EIR focus on: (a) the specific General Plan policies pertaining to project site; and, (b) alternatives that could eliminate or reduce significant environmental impacts to a level of insignificance, consistent with the project objectives (i.e. the alternatives could impede to some degree the attainment of project objectives, but still would enable the project to obtain its basic objectives). The alternatives analyzed in the following sections include:

- 1) "No-Project"/Existing General Plan Alternative;
- 2) Reduced Intensity Alternative.
- 3) Alternative Land Plan

#### 6.5.3.1 "No-Project"/Existing General Plan Alternative

When the project is the revision of an existing land use or regulatory plan, policy, or ongoing operation, the no-project alternative will be the continuation of the plan, policy, or operation into the future. Therefore, the No Project/Existing General Plan Alternative, as required by the CEQA Guidelines, analyzes the effects of continued implementation of the City's existing General Plan. This alternative assumes the existing General Plan remains as the adopted long-range planning policy document for the City. Development would continue to occur within the City in accordance with the existing General Plan, Municipal Code, and Specific Plans. Buildout pursuant to the existing General Plan would allow current development patterns to remain. The existing General Plan would not allow for the development in the SOI as envisioned in the proposed General Plan Update. In addition, current policy would allow for industrial development within the SOI. The No Project/Existing General Plan Alternative would provide 9,617 dwelling units, decrease population by 33,710 persons, and provide 34,259 fewer jobs within the City at buildout, as compared to the proposed General Plan Update.



## 6. Findings of Fact

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### **Finding: Alternative less than Desirable**

The City Council finds that the "No-Project"/Existing General Plan Alternative is less desirable than the proposed project and rejects this Alternative for the following reasons:

- This Alternative would not achieve many of the objectives established for the project.
- This Alternative would not locate a range of housing opportunities in close proximity to regional employment and activity centers.
- This Alternative would have greater environmental impacts than the proposed project in the areas of hazards and hazardous materials, land use and planning, and population and housing.

### **6.5.4 Reduced Intensity Alternative**

The Reduced Intensity Alternative focuses on reducing impacts associated with population and housing as well as traffic impacts. In particular, it changes land use designations to create a better jobs-housing balance. It would reduce population by approximately 7,903 people, employment by 24,317 jobs, and dwelling units by 2,832. Areas A and B would change from an Industrial land use designation to Residential Estate (R-E), Area C would change from High Density Residential to R-E, Area D would change from Community Commercial to Very Low Density Residential (R-L-2) and Areas E through P focus on conversion of commercial areas to other low density uses including residential and institutional uses. Figure 7-1 shows the Reduced Intensity Land Use Alternative.

### **Finding: Alternative Less than Desirable**

The City Council finds that the Reduced Intensity Alternative is less desirable than the proposed project and rejects this Alternative for the following reasons:

- This Alternative would not achieve many of the objectives established for the project.

### **6.5.5 Alternative Land Plan**

The Alternative Land Use Plan focuses on reducing impacts associated with traffic and circulation. It has been proposed to minimize traffic impacts and in particular, to eliminate the need for the Key Largo overpass. As a result, the land uses changes focus on four areas of the City labeled A, B, C, and D on Figure 7-2, the Alternative Land Use Plan. In sum, the Alternative Land Use Plan decreases housing units by 1,087, population by 3,110 people, and 15,112 jobs. Areas A and B change from Industrial use (in the northern SOI) to Residential Estate(R-E), Area C changes from Community Commercial to Low Density Residential (R-L-2) and Area D changes from Community Commercial to R-L-2.

### **Finding: Alternative Less than Desirable**

The City Council finds that the Alternative Land Plan is less desirable than the proposed project and rejected this Alternative for the following reasons:

- This Alternative would not achieve many of the objectives established for the project.
- This Alternative would lessen impacts associated with air quality and noise. It would eliminate a significant traffic and circulation impact, but this Alternative would contribute fewer jobs to a housing rich subregion.

## 6. Findings of Fact

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### 6.6 FINDINGS ON IMPACTS FOUND NOT TO BE SIGNIFICANT

It was determined that several potential environmental effects would not occur as a result of this project, or would occur but would not have a significant impact on the environment. This determination was made based on the findings of this Draft EIR prepared for this project. The list below identifies those topics that were found to be not significant and which were not, therefore, included in the evaluation of project and cumulative impacts in the Draft EIR:

#### 6.6.1.1 Aesthetics

- Implementation of the General Plan Update would not substantially alter the visual appearance of the City.
- The General Plan Update would allow new uses that are likely to generate additional light and glare. The Existing regulations would serve to mitigate the potential impacts of the proposed project.

#### 6.6.1.2 Air Quality

- The General Plan would not create objectionable odors.

#### 6.6.1.3 Biological Resources

- Development in accordance with the proposed General Plan would not result in the loss of riparian habitat in the undeveloped portions of the City and SOI area.
- Development in accordance with the proposed General Plan would not impact USACE and CDFG jurisdictional waters along the Whitewater River and its tributaries in undeveloped portions of the City and SOI area.
- The proposed project would require compliance with the City ordinance protecting biological resources in the mountainous portions of the City and SOI. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.
- The proposed project would require compliance, upon adoption, with the Coachella Valley Multi-Species Habitat Conservation Plan. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.

#### 6.6.1.4 Cultural Resources

- Buildout of the General Plan could impact an identified historic resource. The Existing Regulations would serve to mitigate the potential impact of the proposed project.
- The General Plan Update could impact archeological resources. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.
- The General Plan Update could destroy paleontological resources or a unique geologic feature. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.



## 6. Findings of Fact

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### 6.6.1.5 Geology and Soils

- Unstable geologic units or soils conditions, including soil erosion, could result due to development of the project. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.
- Soil conditions may not adequately support proposed septic tanks. The Existing regulations would serve to mitigate the potential impacts of the proposed project.

### 6.6.1.6 Hazards and Hazardous Materials

- Project construction and operations would involve the transport, use and disposal of hazardous materials. The Existing Regulations would serve to mitigate potential impacts of the proposed project.
- The project site is located in the vicinity of an airport or within the jurisdiction of Palm Springs International Airport Land Use Plan. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.
- Build-out of the General Plan could affect the implementation of an emergency response or evacuation plan. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.
- The General Plan area is within a designated fire hazard zone (moderate, high, and very high) and could expose structures and residences to fire danger. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.

### 6.6.1.7 Hydrology and Water Quality

- Development pursuant to the General Plan Update would increase the amount of impervious surfaces on the site and would therefore increase surface water flows into drainage systems within the watershed. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.
- Development pursuant to the General Plan Update would increase the amount of impervious surfaces on the site and would therefore impact opportunities for groundwater recharge. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.
- The General Plan Update would not introduce housing within a 100-year flood hazard zone.
- Implementation of the General Plan Update would allow for future development, resulting in short-term unquantifiable increases in pollutant concentrations during construction. After project development, the quality of storm runoff (sediment, nutrients, metals, pesticides, pathogens and hydrocarbons) may be altered. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.
- The General Plan is not located within the inundation area of any dam and would not be subject to inundation by seiche, tsunami, or mudflow.

## 6. Findings of Fact

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### 6.6.1.8 Land Use and Planning

- The General Plan Update would not divide an established community.
- Build-out of the General Plan would not conflict with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect.
- The General Plan would not conflict with the draft Coachella Valley Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan.

### 6.6.1.9 Noise

- Construction activities would result in temporary noise increase in the General Plan area. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.
- Build-out of the General Plan would not create groundborne vibration and groundborne noise.
- The proximity of the General Plan area to an airport would not result in exposure of future residents to airport related noise.

### 6.6.1.10 Public Services and Utilities

- The General Plan Update would introduce new structures and residents/workers into the Riverside County Fire Department service boundaries, thereby increasing the requirement for fire protection facilities and personnel. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.
- The General Plan Update would introduce new structures and residents/workers into the County of Riverside Sheriff's Department service boundaries, thereby increasing the requirement for police protection facilities and personnel. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.
- The General Plan Update would generate new students that would impact the school enrollment capacities of area schools. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.
- The General Plan Update would generate additional population increasing the service needs for the local libraries. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.
- The General Plan Update would generate additional population increasing the service needs for parks services. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.

### 6.6.1.11 Recreation

- The General Plan Update would generate additional residents that would increase the use of existing park and recreation facilities. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.



## 6. *Findings of Fact*

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- Build-out of the General Plan would not result in environmental impacts to provide new and/or expanded recreational facilities.

### **6.6.1.12 Traffic and Circulation**

- Trip Generation related to the General Plan, in combination with existing and proposed cumulative development, would not result in designated road and/or highways exceeding County Congestion Management Agency service standards.
- Air traffic patterns would not be changed by the General Plan Update.
- General Plan Update circulation improvements have been designed to adequately address potential hazardous conditions (sharp curves, ect), potential conflicting uses, and emergency access.
- Adequate parking would be provided for the General Plan Update.
- The General Plan Update complies with adopted policies, plans and programs for alternative transportation.

### **6.6.1.13 Utilities and Service Systems**

- Build-out of the General Plan would result in impacts to the quantity of runoff and increases in pollutant loading to receiving waters thus potentially exceeding wastewater treatment requirements of the applicable Regional Water Quality Control Board. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.
- Build-out of the General Plan would result in an increase in wastewater or sewage that require the project or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Upon build-out of the General Plan, existing and/or proposed storm drainage systems are adequate to serve the drainage requirements of the proposed project. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.
- Build-out of the General Plan would result in sufficient water supplies available to serve the project from existing entitlements and resources. The Existing Regulations would serve to mitigate the potential impacts of the proposed project.
- Build-out of the proposed General Plan would result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- Build-out of the General Plan would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- Build-out of the General Plan would comply with Federal, State, and local statutes and regulations related to solid waste.

## 6. Findings of Fact

### 6.7 FINDINGS ON POTENTIALLY SIGNIFICANT IMPACTS OF THE PROPOSED PROJECT IDENTIFIED IN THE DEIR

The Draft EIR contained a comprehensive analysis of the potential project impacts. The City Council finds that the project will result in a less than significant impact with mitigation, or significant and unavoidable impact in the environmental issue areas described below.

#### 6.7.1 Air Quality

**Environmental Setting:** The City of Rancho Mirage General Plan project area lies in the Salton Sea Air Basin (SSAB or Basin), a geographic area regulated by South Coast Air Quality Management District (SCAQMD), which includes the central desert portion of Riverside as well as the Imperial County. The distinctive climate of the SSAB is determined by its terrain and geographical location. The Basin is located in a desert valley, bounded by the South Coast Air Basin (SCAB) to the west by the San Jacinto Mountains and the Mojave Desert Air Basin (MDAB) to the east by the Little San Bernardino Mountains. The SSAB is influenced by the Pacific Subtropical High cell that sits off the coast, inhibiting cloud formation and encouraging daytime solar heating.

**Project Impacts:** Air quality impacts may occur during site preparation and operation. Major sources of emissions during construction include exhaust emissions generated during site preparation and subsequent construction of the structures, fugitive dust generated as a result of soil disturbance during cut and fill and grading activities, and the emission of reactive organic compounds during site paving and painting of the structures. The major source of long-term air quality impacts is that associated with the emissions produced from project-generated vehicle trips.

**IMPACT:** **THE GENERAL PLAN UPDATE IS NOT CONSISTENT WITH THE APPLICABLE AIR QUALITY MANAGEMENT PLAN.**

**Project Impacts:** The preferred alternative would result in substantial increases of dwelling units, population and employment above the SCAG 2025 projections. Because the demographic growth forecasts associated with the preferred alternative are substantially higher than the SCAG 2025 projections, the proposed project is not consistent with the 2003 AQMP. This significant air quality impact is considered temporary until the next revision of the AQMP when it would have incorporated the build-out assumptions of the General Plan update and provide measures to achieve attainment.

#### Findings:

- 1) The City Council finds that the project benefits outweigh the significant environmental impacts, and are therefore overridden as set forth in the Statement of Overriding Considerations.

**IMPACT:** **THE GENERAL PLAN UPDATE WOULD RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF A CRITERIA POLLUTANT FOR WHICH THE PROJECT REGION IS NON-ATTAINMENT UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD (INCLUDING RELEASING EMISSIONS WHICH EXCEED QUANTITATIVE THRESHOLDS FOR OZONE PRECURSORS).**

**Project Impacts:** Construction activity that would occur over the next 20 years in accordance with the proposed General Plan Update would cause temporary, short-term emissions of various air pollutants. Given the amount of development that the proposed General Plan Update could accommodate over the next 20 to 25 years, it is reasonable to conclude that some major construction activity could occur at any given time



## 6. Findings of Fact

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over the life of the General Plan, which could exceed SCAQMD's adopted thresholds and would result in a significant air quality impact due to construction activities.

Operational impacts could result from local and regional vehicle emissions generated by future traffic growth, as well as direct emissions due to the use of on-site utilities and consumer goods associated with the proposed land uses. At build-out, the addition of land uses permitted under the proposed General Plan Update would add to the existing vehicle trips already generated throughout the City. Future growth in accordance with the proposed General Plan Update would exceed the daily SCAQMD thresholds for CO, NO<sub>x</sub>, ROG, PM<sub>10</sub> and is considered a significant adverse impact.

### Findings:

- 2) **The City Council finds the following mitigation measures are feasible and shall be incorporated into the project.**

5.2-2A Prior to the issuance of grading permits, the property owner/developer shall include a note on all grading plans which requires the construction contractor to implement following measures during grading. These measures shall also be discussed at the pregrade conference.

- Use low emission mobile construction equipment.
- Maintain construction equipment engines by keeping them tuned.
- Use low sulfur fuel for stationary construction equipment.
- Utilize existing power sources (i.e., power poles) when feasible.
- Configure construction parking to minimize traffic interference.
- Minimize obstruction of through-traffic lanes. When feasible, construction should be planned so that lane closures on existing streets are kept to a minimum.
- Schedule construction operations affecting traffic for off-peak hours.
- Develop a traffic plan to minimize traffic flow interference from construction activities (the plan may include advance public notice of routing, use of public transportation and satellite parking areas with a shuttle service).

5.2-2B The City shall reduce vehicle emissions caused by traffic congestion by implementing transportation system management techniques that include synchronized traffic signals and limiting on-street parking.

## 6. Findings of Fact

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- 3) The City Council finds that implementation of Mitigation Measures 5.2-2A and 5.2-2B will lessen project generated air quality impacts. No feasible mitigation measures will reduce project impacts to less than significant level during short-term construction or long-term operation. Therefore, this impact is significant and unavoidable.
- 4) The City Council finds that project benefits outweigh the significant environmental impacts, and are therefore overridden as set forth in the Statement of Overriding Considerations.

**IMPACT:** THE GENERAL PLAN UPDATE DOES VIOLATE AN AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION OR EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS.

**Project Impacts:** During the operations phase of the General Plan Update, traffic may have the potential to contribute to local area air quality impacts. Build-out year CO concentrations were found to be lower than the existing year 2005 concentrations due to technological improvements in vehicle emissions. Based on the CALINE4 analyses, neither the existing nor future year traffic would result in any exceedence's of the state 1-hour CO AAQS at the study area intersections. Similarly, 8-hour concentrations at the analyzed intersections would be below the state AAQS. Localized air quality impacts related to CO from mobile source emissions would therefore be less than significant for the proposed project.

The General Plan update would result in development of the City beyond the SCAG's projections of dwelling units, population and employment for the year 2025. Because the project would result in development which exceeds the SCAG projections which formed the basis for attainment of the AAQS, the project would have the potential to temporarily delay the attainment of the AAQS. Delaying the attainment of the AAQS would prolong sensitive receivers to exposure of PM<sub>10</sub> and ozone which are currently in a state of non-attainment. As such, significant air quality impacts would occur due to substantially contributing to an existing air quality violation and exposing sensitive receptors to substantial concentrations of PM<sub>10</sub> and ozone.

### Findings:

- 5) The City Council finds that project benefits outweigh the significant environmental impacts, and are therefore overridden as set forth in the Statement of Overriding Considerations.

### 6.7.2 Biological Resources

**Environmental Setting:** The City of Rancho Mirage is located within the Coachella Valley, an arid region of southeastern California at the northern end of the Colorado Desert. The following vegetation communities and habitats are found within the City of Ranch Mirage and SOI areas: Sonoran Creosote Brush Scrub, Sonoran Mixed Woody and Succulent Scrub Habitat, Dunes and Sand Fields, Desert Dry Wash Woodland, and Desert Fan Palm Oasis Woodland.

Common wildlife species within the planning area include a variety of desert-adapted species including coyote, bobcat, antelope ground squirrel, mourning dove, rock wren, Gambel's quail, blue-gray gnatcatcher, greater roadrunner, Costa's hummingbird, sidewinder, desert iguana, zebra-tailed lizard, western whiptail, and side-blotch lizard. Areas such as blowsand, rocky areas, and springs provide habitat for other species, including many sensitive species.



## 6. Findings of Fact

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Wildlife corridors within the planning area are limited to the northern and southern undeveloped portions of the City. Several east-west wildlife corridors exist within the Santa Rosa Mountains, the Indio Hills/Edom Hill area, and to a lesser extent, the Whitewater River, although the channel has undergone significant modification from a natural waterway into a channelized riverbed.

Waters and wetlands within Rancho Mirage that potentially fall under USACE or CDFG jurisdiction include the Whitewater River and its tributaries, springs, oases, washes, and surface waters located within the City and its SOI. In the northern portion of the City's SOI, several unnamed drainages emanate from the Indio Hills and Edom Hill to the valley floor. Unnamed drainages in the southern portion of the City are associated with Magnesia Spring, Magnesia Canyon and Bradley Canyon in Santa Rosa Mountains. These drainages are tributary to the Whitewater River. A portion of the Palm Valley Storm Water channel is also tributary to the Whitewater River, originating from the south outside of the City boundaries and traversing the mostly developed portions of the City. The desert dry wash woodland, desert fan palm oasis woodland, and riparian habitats in the southern portion of the City are maintained by hydrological processes such as flooding, groundwater from springs, and the availability of perennial water. Riparian plant and wildlife species are also be present in the Magnesia Springs area associated with desert fan palm oasis habitat.

**Project Impacts:** Development in accordance with the land use policies of the preferred Land Use Plan could allow for the introduction of developed (residential, commercial, industrial) uses into largely undeveloped areas, ultimately resulting in the loss of native vegetation and habitats that support sensitive species.

**IMPACT:** **DEVELOPMENT OF LANDS IN ACCORDANCE WITH THE PROPOSED GENERAL PLAN LAND USE DESIGNATIONS COULD POTENTIALLY RESULT IN THE LOSS OF HABITAT, SENSITIVE NATURAL COMMUNITIES, AND SENSITIVE SPECIES IN UNDEVELOPED PORTIONS OF THE CITY AND SOI**

**Project Impacts:** The majority of impacts to sensitive vegetation communities and wildlife species would occur as a result of project-specific activities developed pursuant to the City of Rancho Mirage General Plan update. At the time individual development applications are submitted, the City will assess development proposals for potential impacts to significant natural resources pursuant to CEQA and associated State and Federal regulations.

Development in accordance with the land use policies of the preferred Land Use Plan could allow for the introduction of developed (residential, commercial, industrial) uses into largely undeveloped areas, ultimately resulting in loss of native vegetation and habitats that support sensitive species.

County land use designations would conserve the northernmost portions of the City's SOI as open space however industrial uses would be allowed to develop in areas of the valley floor north of the I-10. Further, the City's preferred land use designations for the SOI area south of the I-10 include residential and commercial uses. If the City ultimately annexes this portion of the SOI and retains the County's existing industrial land use designations in the valley floor north of the I-10, development in accordance with the preferred land use plan would ultimately impact Sonoran mixed woody and succulent scrub and sand fields habitats that support sensitive species including Coachella Valley fringe-toed lizard, Coachella giant sand-treader cricket, and Coachella Valley milk vetch.

The City of Rancho Mirage is a participant in the development of the proposed Coachella Valley Multiple Species Habitat Conservation Plan/ Natural Communities Conservation Plan (CVMSHCP) and is coordinating with the Tribe regarding the Agua Caliente Band of Cahuilla Indians Tribal Habitat Conservation Plan (Tribal HCP). Upon adoption of the CVMSHCP and Tribal HCP, additional protection for habitats and sensitive species would be afforded to the undeveloped portions of the City, its SOI, and Tribal lands within the City

## 6. Findings of Fact

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through inclusion in the plans' conservation areas and programs. However, until the CVMSHCP and the Tribal Plan have been adopted, impacts would remain significant and unavoidable.

### Findings:

- 6) **The City Council finds that the project benefits outweigh the significant environmental impacts, and are therefore overridden as set forth in the Statement of Overriding Considerations.**

### 6.7.3 Cultural Resources

**Environmental Setting:** The first residents of the Coachella Valley in the vicinity of what is now the City of Rancho Mirage were Native Americans who became known as the Agua Caliente Band of Cahuilla Indians. According to the Cultural Resource Survey performed in 1996, in the Rancho Mirage area, the oldest cultural remains date back about 1,500 years and are located in the Anza Borrego Indian Hill Rock Shelter. The oldest radiocarbon dated occupation in the Coachella Valley comes from the intersection of Washington Street and Highway 111, a site known as Point Happy.

A total of six Cahuilla cultural heritage sites have been identified within the City and one in the City's SOI. Several other sites are adjacent or nearby. The Bradley Canyon Trail, Magnesia Spring, Edom Hill/Indio Hills, and Bradley Canyon are examples of these sites. In addition to the Magnesia Spring Cove sensitive area, the Santa Rosa Mountains, including Bradley Canyon, Edom Hill, the Whitewater River channel and the Indio Hills are also considered likely areas to contain significant cultural resources.

#### *Paleontological Resources*

According to the County of Riverside General Plan, the majority of the City of Rancho Mirage is located in an area with low sensitivity of paleontologic resources.<sup>3</sup>

#### *Historic Resources*

The historic resources survey identified 105 properties (including two historic districts) that constitute the City's inventory of architectural and historical resources.

**Project Impacts:** Development in accordance with the land use policies of the preferred Land Use Plan could allow for the introduction of developed (residential, commercial, industrial) uses into largely undeveloped areas, ultimately resulting in the impacts to archaeological and paleontological resources while redevelopment in developed areas could result in impacts to historic resources.

#### **IMPACT: GRADING ACTIVITIES COULD POTENTIALLY DISTURB HUMAN REMAINS.**

**Project Impacts:** The City and the SOI areas are located in an area determined to have high cultural sensitivity as identified in the County of Riverside General Plan. In addition, the Agua Caliente Band of Cahuilla Indians identifies the entire City of Rancho Mirage and SOI areas as within the Traditional Use Area. As a result, build-out of the Rancho Mirage General Plan could unearth human remains, including those outside of formal cemeteries. Potential impacts to cultural resources, including human remains, would be reduced by compliance with existing regulations including the California Public Resources Code Section 5097.98.

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<sup>3</sup> Riverside County Integrated Project. County of Riverside General Plan, Figure 0S-8, Paleontological Sensitivity. 2003.



## 6. Findings of Fact

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### Findings:

- 7) **The City Council finds the following mitigation measures are feasible and shall be incorporated into the project.**
  - 5.4-4A Upon receipt of an application for a project subject to CEQA and within the City's jurisdiction, the City or City's representative shall consult with the Agua Caliente Band of Cahuilla Indians to determine if the proposed project is within a culturally sensitive area to the Tribe. If sufficient evidence is provided to reasonably ascertain that the site is within a culturally sensitive area then a cultural resources assessment prepared by a City-certified archaeologist shall be required. The findings of the cultural resources assessment shall be incorporated into the CEQA documentation. A copy of the report shall be forwarded to the Tribe. If mitigation is recommended in the CEQA document, the procedure described in MM 5.4-4B shall be followed.
  - 5.4-4B Prior to the issuance of grading permits for which the CEQA document defines cultural resource mitigation for potential tribal resources, the project applicant shall contact the designated Agua Caliente Band of Cahuilla tribal representative to notify them of the grading, excavation and monitoring program. The applicant shall coordinate with the City of Rancho Mirage and the tribal representative to ~~negotiate an Agreement~~ **develop mitigation measures** that addresses the designation, responsibilities, and participation of tribal monitors during grading, excavation, and ground disturbing activities; scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site. The City of Rancho Mirage shall be the final arbiter of the conditions ~~included in the Agreement~~ **for projects within the City's jurisdiction. For allottee lands, the City of Rancho Mirage and the Tribe shall share responsibility per the Land Use Contract. For tribal trust land, the tribe has jurisdiction.**
- 8) **The City Council finds that implementation of Mitigation Measures 5.4-4A and 5.4-4B will reduce the potentially significant cultural resource impacts to less than significant levels, thereby avoiding any significant impacts.**

### 6.7.4 Geology and Soils

**Environmental Setting:** Local geology in the Rancho Mirage area includes (1) artificial fill, (2) Holocene sediments, (3) older alluvial fan deposits, (4) sedimentary rocks, and (5) basement rocks of the Santa Rosa Mountains. Geologic hazards are generally defined as surficial earth processes that have the potential to cause loss or harm to the community or the environment. The following types of geologic hazards are present in the Rancho Mirage area: slope failure, compressible soils, collapsible soils, ground subsidence, erosion, wind-blown sand, and seismic hazards.

**Project Impacts:** Development in accordance with the land use policies of the preferred Land Use Plan could introduce developed (residential, commercial, industrial) uses into largely undeveloped areas, ultimately resulting in the exposure of persons or structures to geologic hazards.

## 6. Findings of Fact

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**IMPACT: RESIDENTS WITHIN THE CITY AND SOI WOULD BE SUBJECTED TO POTENTIAL SEISMIC-RELATED HAZARDS.**

**Project Impacts:** At present, the area of the SOI north of the I-10 freeway is mostly vacant and undeveloped. The proposed project is a General Plan Update that would involve minor changes to land use designations in the City's SOI and the intensification of land uses in this area.

Fault rupture, including primary surface rupture, secondary faulting or ground deformation, should be anticipated in Rancho Mirage during the next moderate to large earthquake on any one of the nearby active faults, including the San Andreas Fault (Coachella Valley, San Bernardino Mountains and Mojave segments), Banning and Garnet Hill faults, Burnt Mountain fault, Eureka Peak fault, San Jacinto Fault (Ariza and Coyote Creek), San Gorgonio Pass and San Gorgonio/Banning/Garnet Fault, and Pinto Mountain fault. In particular, the San Andreas Fault is capable of generating some of the greatest levels of ground shaking in the region. The Coachella Valley segment of this fault is approximately 1.5 miles northeast of the City's SOI. The Banning and Garnet Hill faults- related components of the San Andreas system- are located within the City's SOI.

The entire valley floor of Rancho Mirage and the southern portion of the SOI are highly susceptible to seismically induced settlement. Also, the deformation of sidehill fills (artificial fill wedges) is a hazard in the Rancho Mirage area. Ridgetop fissuring and shattering that result from strong ground shaking are expected to occur in the topographically steep areas of the City. If development encroaches into the City's hillsides and mountains, this hazard will have a greater impact. Rock falls, as a result of an earthquake, can occur in the hillsides and mountains of the Rancho Mirage area, particularly in the slope areas adjacent to the valley.

Generally, the occurrence of liquefaction in Rancho Mirage is very low. Liquefaction could occur in or adjacent to the Whitewater River if the surface sediments became saturated at the time an earthquake occurs.

Seismically induced landsliding is generally confined to the mountain and hillside areas of the City and its SOI. The impact of landsliding is expected to be less than significant, as the mountain areas in the southern part of the City would be preserved as open space thereby restricting development of this area.

### Findings:

- 9) **The City Council finds the following mitigation measure is feasible and shall be incorporated into the project.**
- 5.5-1A The City shall require geologic and geotechnical investigations in areas of potential seismic or geologic hazards as part of the environmental or development review process. All grading operations will be conducted in conformance with the recommendations contained in the applicable geotechnical investigation and the City's grading code.
- 10) **The City Council finds that implementation of Mitigation Measure 5.5-1A will reduce the potentially significant geology and soils impacts to less than significant levels, thereby avoiding any significant effects.**



## 6. Findings of Fact

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### 6.7.5 Mineral Resources

**Environmental Setting:** In the City's SOI, an area designated as MRZ-2 has been identified which coincides with an existing mining operation of aggregate base. The County land use designation for the MRZ-2 Zone in the SOI is Industrial. The total acreage of the MRZ-2 Zone is 160 acres, with 124 designated as Light Industrial and 36 acres as Heavy Industrial.

**Project Impacts:** Development in accordance with the land use policies of the preferred Land Use Plan could allow for the introduction of developed (industrial) uses which would ultimately result in the loss of significant mineral resources.

**IMPACT:** **BUILD-OUT OF THE GENERAL PLAN WOULD RESULT IN THE LOSS OF AVAILABILITY OF A KNOWN MINERAL RESOURCE.**

**Impact Analysis:** The City's SOI contains an area designated as MRZ 2 indicating that significant mineral deposits are present or a likelihood of their presence and development should be controlled. The City has not designated land uses in the SOI north of I-10 and has no plans to annex this land in the timeframe of the General Plan Update. The County of Riverside land use designations apply to the SOI north of I-10 and those designations are Light and Heavy Industrial. At the time that the City does annex the SOI area, there is potential for development that could result in the loss of a MRZ-2 designated resource.

#### Findings:

- 11) **The City Council finds the following mitigation measure is feasible and shall be incorporated into the project.**

5.9 1A If the City annexes the SOI north of I 10, prior to project approval, the City shall require preparation of a site-specific mineral resources evaluation for development proposals located within MRZ 2 Zones within the City or City's SOI.

- 12) **The City Council finds that implementation of Mitigation Measure 5.9-1A will reduce the potentially significant mineral resource impacts to less than significant levels, thereby avoiding any significant effects.**

### 6.7.6 Noise

**Environmental Setting:** The major source of noise in the City is from mobile sources and most specifically, traffic traveling through the City on its various roadways and freeways. Aircraft from the Palm Springs International Airport also contribute to this noise. The City is not located within the 65 dBA CNEL contours of this airport or any private airports. In addition, both freight and commuter rail-traffic pass through the City and noise generated along these rail lines can be substantially higher than in areas that are located away from the tracks. The City also includes a variety of stationary noise sources which are primarily associated with industrial land use designations in the northern SOI.

#### On-Road Vehicles

Modeling predicts that the average noise levels along arterial segments in the City of Rancho Mirage currently range from approximately 71 dBA to about 79 dBA CNEL as calculated at a distance of 50 feet from the centerline of the road. Noise levels near the freeways are projected at about 85 dBA CNEL as measured at a distance of 50 feet from the centerline of the road. Furthermore, regional increases in traffic that are not a result of the General Plan Update will affect roadway noise in the vicinity of the I-10 and Highway 111.

## 6. Findings of Fact

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### *Railroad Noise*

The 65 dBA Ldn noise contour falls at a distance of approximately 837 feet from the centerline of the tracks at the at-grade crossings when the train horn is sounded such as Ramon Road and Monterey Avenue. Noise levels without the horn are estimated at 65 dBA Ldn at a distance of 601 feet from the railroad centerline. If future train activities increase, the 65 dBA Ldn would extend further from the railroad centerline.

**Project Impacts:** Development in accordance with the land use policies of the preferred Land Use Plan could allow for the introduction of developed (residential, commercial, industrial) uses which would ultimately result in the noise impacts to sensitive receptors that exceed the City's noise standards.

**IMPACT:** **BUILD-OUT OF THE GENERAL PLAN WOULD RESULT IN LONG-TERM OPERATION-RELATED NOISE THAT WOULD EXCEED LOCAL STANDARDS.**

**Project Impacts:** Potential impacts on existing and proposed land uses stem mainly from the addition of project-generated vehicles along site access roads. While an increase of 3 or 5 dBA is potentially significant, it is only significant if it impacts sensitive land uses. There are several areas in the City where the 60 and 65 dBA CNEL noise contours overlap recreational and residential areas. For proposed uses, impacts on sensitive areas are considered significant if a CNEL of 60 and 65 dBA are exceeded. There are several areas in the City where the 60 and 65 dBA CNEL noise contours overlap recreational and residential areas. Furthermore, other sensitive land uses, such as schools, churches, or recreational uses overlap the 65 dBA CNEL contours generated by on-road vehicles. This is especially true in those areas near the freeways. All the roadways analyzed would experience noise levels in excess of the 3 dB threshold for noise sensitive uses. These increases in noise levels would occur at existing noise sensitive land uses and would exceed the City's land use compatibility standards for noise. The increase in traffic noise is due to the large increases in traffic volumes projected to occur with the build-out of the General Plan. As such, traffic generated noise attributable to the General Plan Update would result in significant noise impacts to select noise sensitive uses, but the existence of walls around many of the developments would serve to mitigate these noise impacts.

As the City does not have an at-grade roadway crossing, noise levels with just the noise generated by the train without the horn are estimated to have a 65 dBA L<sub>dn</sub> at a distance of 601 feet from the railroad centerline.

While the City has no vibration standards, Caltrans sets the criterion level for pile driving at between 0.2 and 2 inches per second. Construction, pile driving carries a high nuisance factor and vibration related to pile-driving activities is considered as potentially significant if these activities are performed within 200 feet of any permanent structures.

The General Plan Update includes industrial uses north of the I 10 adjacent to Indian lands and mountain reserve uses. Potential areas of land use-noise conflict could occur at the borders along the noise sensitive uses that may occur on Indian lands. This can be due to the continual presence of heavy trucks used for the pick-up and delivery of goods and supplies; or from the use of noisy equipment actually used in the manufacturing or machining process. While vehicle noise is exempt from local regulation while operating on public roadways, for the purposes of the planning process, this noise may be regulated as a stationary-source while operating on private property. The impact could be significant if a new industrial source that emits excessive noise is allowed along such a border area.



## 6. Findings of Fact

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### Findings:

- 13) **The City Council finds the following mitigation measures are feasible and shall be incorporated into the project.**
- 5.10-2A Prior to the issuance of building permits for any project generating over 100 peak hour trips, the project property owner/developers shall submit a final acoustical report prepared to the satisfaction of the Planning Director. The report shall show that the development will be sound-attenuated against present and projected noise levels, including roadway, aircraft, helicopter and railroad, to meet City interior and exterior noise standards.
- 5.10-2B Prior to the issuance of building permits for any project that involves a noise sensitive use within the 65 dBA CNEL contour along major roadways, the I-10 freeway or the SPRR, the project property owner/developers shall submit a final acoustical report prepared to the satisfaction of the Planning Director. The report shall show that the development will be sound-attenuated against present and projected noise levels, including roadway, aircraft, helicopter and railroad, to meet City interior and exterior noise standards.
- 14) **The City Council finds that implementation of Mitigation Measure 5.10-2A and 5.10-2B will lessen project generated noise impacts. No feasible mitigation measures will reduce project impacts to a less than significant level. Therefore, this impact is significant and unavoidable.**
- 15) **The City Council finds that project benefits outweigh the significant environmental impacts, and are therefore overridden as set forth in the Statement of Overriding Considerations.**

### 6.7.7 Population and Housing

**Environmental Setting:** According to the U.S. Census, the City of Rancho Mirage had a population of 13,356 in 2000 and accounted for approximately four percent (4%) of the Coachella Valley's total population and less than one percent (1%) of the County of Riverside's total population. Of the City's 12,195 existing dwelling units (estimated in 2004<sup>4</sup>), approximately 7,000 were occupied by permanent residents, while about 5,200 or 42% serve as second or vacation homes for part-time residents. The City's population increases during the fall, winter, and spring months and decreases during the summer period. The vacancy rate for the City of Rancho Mirage, as reported by the U.S. Census, was 43% due to the high seasonal, recreational and occasional use housing units. Without these types of vacant units, the vacancy rate for the City of Rancho Mirage drops to 17%.

The City of Rancho Mirage employment is centered on the growing desert tourism industry which is widespread in the hot dry climate of the Coachella Valley. In addition, the City of Rancho Mirage houses the renowned Eisenhower Medical Center which also serves as an employment base for the City of Rancho Mirage. According to the 2000 Census, the City of Rancho Mirage contained an employed civilian labor force (16 years and older) of 4,318.

**Project Impacts:** Build-out of the general plan would result in population growth that exceeds SCAG projections.

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<sup>4</sup> The California Department of Finance reported 13,331 total units in 2004. However, this number includes an overestimation of mobile home units (1,987). The actual number of mobile homes was 851 in 2004. Accordingly, the total unit count has been decreased by 1,136 to 12,195 units.

## 6. Findings of Fact

**IMPACT: THE GENERAL PLAN UPDATE WOULD DIRECTLY RESULT IN POPULATION GROWTH IN THE PROJECT AREA.**

**Project Impacts:** Build-out in accordance with the General Plan would therefore result in a population increase of 29,303 people, an almost 200% population increase over the next 20 years or a 10% annual population increase. As a result, the anticipated growth rate from the General Plan build-out would be highest rate of population increase for the City of Rancho Mirage since the 1970s.

The City's projected build-out population is 44,268 while SCAG's build-out population for the City is 26,049. The City's Preferred Alternative estimates 41,568 jobs as compared to SCAG's 14,040 jobs. The SCAG population projections based on year 2025 underestimate the growth the commercial and retail growth that the City intends to stimulate through land use changes in the General Plan Update. SCAG projections also exclude the growth of the SOI area. Therefore, the General Plan would result in substantial build-out of the City and SOI areas, the magnitude of growth which has not been forecasted by the regional government.

### Findings:

- 16) The City Council finds that project benefits outweigh the significant environmental impacts, and are therefore overridden as set forth in the Statement of Overriding Considerations.

### 6.7.8 Traffic and Circulation

**Environmental Setting:** All study area intersections are currently operating at LOS "D" or better during AM and PM peak hours. Daily traffic volumes on the City's arterial system and immediate vicinity range from very low volumes to daily traffic volumes that exceed 40,000 vehicles per day (VPD). Highway 111 carries volumes greater than 40,000 VPD east of Bob Hope Drive. Monterey Avenue carries 38,700 VPD south of the I 10 Freeway. The I 10 Freeway carries approximately 85,000 to 90,000 VPD in the study area.

**Project Impacts:** Development in accordance with the land use policies of the preferred Land Use Plan could allow for the introduction of developed (residential, commercial and industrial) uses which would ultimately result in increases in traffic on roadways within the City, thus impacting the level of service.

**IMPACT: TRIP GENERATION RELATED TO THE GENERAL PLAN UPDATE WOULD IMPACT LEVELS OF SERVICE FOR THE EXISTING AREA ROADWAY SYSTEM.**

**Project Impacts:** A total of 20,549 dwelling units (including both single and multi family housing) and a total of 41,568 jobs (both retail and non-retail) are projected for build-out of the Preferred Plan. Because more employment is projected than households, the City would be importing workers from surrounding communities. Despite this importation of workers and the growth in households anticipated through build-out, all intersections, both at the existing condition and at build-out, are at or above LOS D, the City's threshold. The proposed Circulation Element includes improvements necessary to maintain desired levels of service in the City at build-out. One of the recommendations is to add the Key Largo overcrossing over the I-10 Freeway to connect with Varner Road and/or Ramon Road in order to relieve potential congestion at the intersection of Monterey Avenue at Dinah Shore Drive and also in the vicinity of the Monterey Avenue/I-10 Freeway interchange. If this overcrossing were not added, the LOS at the following intersections would fall below LOS D:<sup>5</sup>

- Bob Hope Drive/Ramon Road

<sup>5</sup> Urban Crossroads, December 2004.



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- Bob Hope Drive/Dinah Shore Drive
- Monterey Avenue /Dinah Shore Drive
- Da Vall Drive/Ramon Road
- Da Vall Road/Dinah Shore Drive

The Key Largo overpass would divert traffic away from these critical intersections and would relieve the congestion associated with the growth in commercial and residential uses anticipated in the southern SOI.

### Findings:

- 17) **The City Council finds the following mitigation measure is feasible and shall be incorporated into the project.**
- 5.14-1A The City shall establish a fee benefit area for the construction of the Key Largo overcrossing over the I-10 Freeway between Monterey Avenue and Bob Hope Drive to connect to Varner Road and/or Ramon Road to relieve congestion at the intersections of Monterey Avenue/Dinah Shore Drive and Monterey Avenue/I-10 Freeway interchange. As part of the fee benefit program, the City shall initiate a nexus study for the roadway improvements and a program to designate the fair share responsibility for the improvements.
- 18) **The City Council finds that implementation of Mitigation Measure 5.14-1A will lessen project generated traffic impacts. No feasible mitigation measures will reduce project impacts to a less than significant level. Therefore, this impact is significant and unavoidable**
- 19) **The City Council finds that project benefits outweigh the significant environmental impacts, and are therefore overridden as set forth in the Statement of Overriding Considerations.**

### 6.8 **ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/PROJECT PLANNING PROCESS**

The following is a discussion of the land use alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in this DEIR. Three distinct land use alternatives were analyzed during the General Plan Visioning process in order to develop a Preferred Land Use Plan for the General Plan Update.

Alternative 1 included Mixed Use (Commercial, Office, and Residential) in the SOI and along Highway 111, Medium Density Residential, a public park, and a potential resort hotel location in the SOI, and a potential resort hotel location at The Eagle.

Alternative 2 included Neighborhood Commercial east of the Agua Caliente Indian Casino, a potential resort hotel location south of the Indian Casino, High Density Residential surrounded by Medium Density Residential in the SOI with two possible locations for a resort hotel, and Neighborhood Commercial at select intersections throughout the City. Light Industrial was identified in the area between the Southern Pacific Rail corridor and the Interstate-10 and directly south of the Indian Casino.

Alternative 3 included Neighborhood Commercial east of the Agua Caliente Indian Casino, a potential resort hotel location directly south of the Indian Casino, Commercial Tourist uses surrounding the Indian Casino and to the northwest. In addition, the SOI included High Density and Medium Density Residential with Institutional uses.

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Aspects of each of these alternatives found their way into the Preferred Plan, which is fully analyzed in this DEIR. However, all of the above were rejected as described above either as being inconsistent with the existing character of the City (e.g., Mixed Use, High Density Residential, Light Industrial), not the best location for a resort hotel, or not using available land to for the highest and best use (e.g., institutional uses along the I-10). Furthermore, these alternatives would not have reduced the significant environmental impacts of the project including air quality and traffic and circulation.

### 6.8.1.1 No Project/No Development Alternative

When the project is the revision of an existing land use or regulatory plan, policy, or ongoing operation, the no-project alternative will be the continuation of the plan, policy, or operation into the future. Therefore, the No Project/Existing General Plan Alternative, as required by the CEQA Guidelines, analyzes the effects of continued implementation of the City's existing General Plan and Zoning Code. This alternative assumes the existing General Plan remains as the adopted long-range planning policy document for the City. Development would continue to occur within the City in accordance with the existing General Plan, Zoning Code, and Specific Plans. Buildout pursuant to the existing General Plan would allow current development patterns to remain. The existing General Plan would not allow for the development in the SOI as envisioned in the proposed General Plan Update. In addition, current policy would allow for industrial development within the SOI. The No Project/Existing General Plan Alternative would provide 9,617 dwelling units, decrease population by 33,710 persons, and provide 34,259 fewer jobs within the City at buildout, as compared to the proposed General Plan Update.

#### Finding: Alternative Less than Desirable

The City Council finds that the No-Project/Existing General Plan Alternative is less desirable than the proposed project and rejects this Alternative for the following reasons:

- This Alternative would not achieve the economic and land use objectives established for the project.
- This Alternative would not locate a wide-range of housing opportunities in close proximity to regional employment and activity centers nor would it provide jobs in a housing-rich region.
- Unavoidable adverse impacts to air quality, biological resources, noise, and transportation/traffic would still occur and adoption of a Statement of Overriding Considerations would still be required.

### 6.8.1.2 Reduced Intensity Alternative

The Reduced Intensity Alternative focuses on reducing impacts associated with population and housing as well as traffic impacts. In particular, it changes land use designations to create a better jobs-housing balance. It would reduce population by approximately 7,903 people, employment by 24,317 jobs, and dwelling units by 2,832. The Alternative Land Use Plan changes industrial uses in the northern SOI to residential and changes commercial uses in the southern SOI to residential and high density residential to lower density residential in the southern SOI, and converts commercial areas throughout the City to other low density uses including residential and institutional uses.

#### Finding: Alternative Less than Desirable

The City Council finds that the Reduced Intensity Alternative is less desirable than the proposed project and rejected this Alternative for the following reasons:



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- This Alternative would reduce the number of jobs and allowable housing units in the City, thereby impeding the City's ability to achieve its housing goals contained in the adopted Housing Element.
- This Alternative would not achieve the economic and land use objectives established for the project.
- While this alternative would lessen impacts associated with air quality, noise, population and housing, and transportation/traffic, it would contribute fewer jobs to a housing-rich subregion.
- Unavoidable adverse impacts to air quality, biological resources, noise, and transportation/traffic would still occur and adoption of a Statement of Overriding Considerations would still be required.

### 6.8.1.3 Alternative Land Use Plan

The Alternative Land Use Plan focuses on reducing impacts associated with traffic and circulation. It has been proposed to minimize traffic impacts and in particular, to eliminate the need for the Key Largo overpass. In sum, the Alternative Land Use Plan decreases housing units by 1,087, population by 3,110 people, and 15,112 jobs. The Alternative Land Use Plan changes industrial uses in the northern SOI to residential and changes commercial uses in the southern SOI to residential.

#### **Finding: Alternative Less than Desirable**

The City Council finds that the Alternative Land Use Plan is less desirable than the proposed project and rejects this Alternative for the following reasons:

- This Alternative would not achieve the economic and land use objectives established for the project.
- While this alternative would lessen impacts associated with air quality, noise, population and housing, and transportation/traffic, it would contribute fewer jobs to a housing-rich subregion.
- Unavoidable adverse impacts to air quality, biological resources, noise, and population and housing would still occur and adoption of a Statement of Overriding Considerations would still be required.

## 7. *Statement of Overriding Considerations*

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### **STATEMENT OF OVERRIDING CONSIDERATIONS FOR The City of Rancho Mirage General Plan Update**

The Environmental Impact Report ("EIR") prepared for the City of Rancho Mirage General Plan Update ("the project") identified five significant adverse unavoidable project impacts relating to operational air quality, biological resources, noise, population and housing, and traffic.

The project will result in significant environmental impacts related to air quality. Construction activities associated with individual development projects in accordance with the proposed General Plan Update would exceed AQMD's significance thresholds. The policies contained in the proposed General Plan Update are expected to reduce emissions associated with future development. However, even after the application of these policies, the proposed project is expected to generate emissions levels in exceedance of AQMD's threshold criteria for CO, ROG, NO<sub>x</sub>, and PM<sub>10</sub> in the SSAB, which is classified as a non-attainment area. The proposed project is also not consistent with AQMP due to the substantial increase in the number of vehicle trips generated by the development envisioned in the General Plan Update which would likewise constitute a significant air quality impact. However, inconsistency with the AQMP is considered a temporary impact until the next revision of the AQMP when it would have incorporated the build-out assumptions of the General Plan update and provide measures to achieve attainment. However, until revision of the AQMP, impacts are considered significant and unavoidable.

The project will result in significant environmental impacts related to biological resources. Approval of the CVMSHCP and Tribal HCP is proceeding and adoption is likely in 2006. Upon approval and issuance of Take Authority, the City intends to adopt and implement the CVMSHCP as a participating entity. Similarly the Tribe, upon approval and issuance of Take Authority, intends to adopt and implement the Tribal HCP. Upon adoption and implementation of the CVMSHCP and Tribal HCP, impacts to biological impacts would be less than significant. However, until the CVMSHCP and Tribal HCP are adopted, impacts would remain significant and unavoidable.

The project will result in significant noise impacts upon build-out. The substantial traffic noise increases due the traffic volumes associated with the General Plan Update would remain above the 3 dBA threshold and would represent a significant noise impact.

The project will result in significant population and housing impacts. The proposed project would result in direct population growth above and beyond regional projections. Therefore, the population increases are considered significant and unavoidable. When SCAG updates their regional plans and incorporates Rancho Mirage's new growth projections into their regional growth projections, population and housing impacts would be less than significant. However, until the SCAG projections are updated, impacts would remain significant and unavoidable.

The project will result in significant level of service impacts along Bob Hope Drive/Ramon Road, Bob Hope Drive/Dinah Shore Drive, Monterey Avenue /Dinah Shore Drive, Da Vall Drive/Ramon Road, and Da Vall Road/Dinah Shore Drive if the Key Largo overpass is not constructed. While the Key Largo overcrossing over the I-10 Freeway has been proposed to relieve congestion at these five intersections, the overcrossing is proposed outside city boundaries in County of Riverside jurisdiction, and therefore, would be considered a significant unavoidable adverse impact because the City has no control over the implementation or timing of this improvement. As a result, traffic impacts related to these intersections would be considered a significant unavoidable adverse impact and a Statement of Overriding Considerations must be adopted concurrent with project approval.



## 7. *Statement of Overriding Considerations*

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The project, however, will create substantial benefits for the community to be served by the project. The project will expand employment and housing opportunities within the City of Rancho Mirage and the Coachella Valley.

The City of Rancho Mirage City Council after balancing the specific economic, legal, social, technological, and other benefits of the proposed Project, has determined that the unavoidable adverse environmental impacts identified above may be considered "acceptable" due to the following specific considerations, which outweigh the unavoidable, adverse environmental impacts of the proposed Project. Each of the separate benefits of the proposed project, as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in these Findings.

### **7.1 PROJECT BENEFITS**

The City of Rancho Mirage City Council has balanced the project's benefits against the project's significant unavoidable air quality, biological resources, noise, population and housing, and traffic impacts. The City Council finds that the project's benefits outweigh the project's significant unavoidable impacts, and those impacts, therefore, are considered acceptable in light of the project's benefits. The City Council finds that each of the following benefits is an overriding consideration, independent of the other benefits, that warrants approval of the project notwithstanding the project's significant unavoidable traffic impacts. Growth under the General Plan Update would provide the following public benefits:

#### **7.1.1 Provision of Jobs in a Housing-Rich Region**

The City of Rancho Mirage is heavily dependant on tourism, the area's primary industry. This employment sector is characterized by traditionally low wages, thus impacting the need for affordable housing. In addition, the need for this type of employment is heavily dependant on the season as the City's population increases during the fall, winter, and spring months and decreases during the summer period. With these seasonal population increases comes the seasonal flux in employment opportunities generated by the tourism industry. As seasonal jobs are associated with low wages, persons employed by the tourism industry are unlikely to live in the City, as year round employment opportunities are currently unavailable.

To improve upon the existing jobs/housing imbalance, the General Plan Update provides for creation of new employment centers through designation of additional commercial/retail land use opportunities. To foster job growth, the project would expand employment by concentrating and enhancing commercial uses in strategic locations. The project would concentrate and enhance commercial uses through (1) expanding retail potential along the I-10 corridor, near the Monterey Market Place; (2) creating opportunities in the City's SOI and at the City's major intersections; and (3) continuing infill development along the Highway 111 corridor.

The City's Preferred Alternative estimates 41,568 jobs would be created through implementation of the General Plan Update, greatly improving the jobs-to-housing ratio within the City. With the General Plan Update, the City's job-to-housing ratio would be 2.02. As a result, the General Plan Update provides additional employment opportunities for the Coachella Valley and the City. Furthermore, many of these created employment opportunities are anticipated to be permanent, as a result of new commercial and retail ventures. Therefore, employment opportunities would provide year round benefit, as opposed to seasonal flux in job growth associated with the tourism industry. The project therefore reflects projected demographic conditions in the Coachella Valley that may affect growth, and provides opportunities for year round employment opportunities that meet the needs of the future population of Rancho Mirage.

## 7. *Statement of Overriding Considerations*

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### **7.1.2 Provision of Community Facilities**

The proposed General Plan Update reflects the City's vision for its development through 2020, and provides goals and policies that will guide future development in the City ensuring the long-term sustainability of community facilities. In the absence of these goals and policies that guide future growth, development would occur but would lack vision and could potentially threaten the existing character of the City. Thus, the General Plan Update provides for future growth in the City in a manner which allows for allocation of resources to improve, maintain, or create additional community facilities. Through the goals and policies of the General Plan Update, the project preserves and enhances the predominately low density, high quality residential character of the City by promoting standards for development and amenities beyond those expected under conventional development and preserving the desert resort environment of the City by enhancing the treatment of arterial roadway edges and protecting the expansive views of the Santa Rosa Mountains which form a backdrop to the City. The City of Rancho Mirage General Plan Update provides provisions for community facilities within the City that would meet the needs of the future population, which including the following:

#### ***Parks and Recreation***

Open Space designation currently accounts for approximately 31.7 percent of developed lands, making open space the second largest land use in the City, second only to residential. The General Plan Update designates 8,036 acres for open space compared to 7,839 acres in open space in the existing general plan. The General Plan update also provides provisions for creation of additional public parks in the City and SOI area. A 6.6-acre neighborhood park site has been proposed in the City's SOI, to the east of the future I-10/Bob Hope Drive interchange. Also, two community parks have been proposed: a 20–25 acre multi-city community park on City-owned land near the intersection of Via Vail and Key Largo and a large community park in the City's SOI near the I-10 and Da Vall Drive. Another proposed recreational facility is a Memorandum Of Understanding (MOU) proposal for a 44,000 square feet YMCA complex and a new 25-acre park, called Monterey Park. Overall, 74 park acres are proposed for the SOI, with a total of 128 acres of parkland in the City and SOI. As a result, the General Plan Update provides for additional land use opportunities for public and private parks and conservation of open space through land use designations and through goals, and policies of the Conservation and Open Space Element.

#### ***Transportation Improvements***

Although traffic increases are associated with the proposed project, traffic improvements have been identified as part of the City's Circulation Element to mitigate the traffic impacts. The Circulation Element proposed as part of the General Plan Update reflects changes needed to accommodate the project population growth. Intersection improvements at key arterial intersections would allow all intersections to operate at an acceptable level of service.

#### ***Public Services***

While the General Plan does not directly result in construction of new facilities or the provision of additional equipment and personnel to the City's fire, police, school and library service providers, the General Plan Update includes goals and policies aimed to ensure these community service facilities would keep up with the pace of growth in the City. Furthermore, additional personnel, building and material costs for these services in the City of Rancho Mirage would be offset through the increased revenue and fees generated by future development in accordance with the General Plan Update. Currently the Rancho Mirage Public Library is expanding its collections at a new location within the City. According to Hennen's American Public Library Ratings for 2003, the Rancho Mirage Public Library received the second highest score among public libraries in California. Placement of the Rancho Mirage Public Library at its new location would move this community



## 7. *Statement of Overriding Considerations*

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facility closer to the geographic center of the city. Institutional land uses would be maintained through implementation of the General Plan Update in the Public Services and Facilities Element to ensure high quality of future service.

### **7.1.3 Provision of Housing Close to Major Transportation Networks**

The City of Rancho Mirage provides for additional housing opportunities within the City for future anticipated population growth. To accommodate increases in population while still preserving the low density, high quality residential character of the City, the General Plan Update places infill development along I-10 as a priority. Much of the areas for additional housing opportunity provided in the General Plan Update are a result of the increase in density and allocation of additional residential land use near the I-10. Currently, the existing General Plan establishes much of the area south of the I-10 as mobile home park and institutional land uses. The General Plan Update provides for a variety of housing types within this area under the Medium Density Residential land use designation. This housing density along the I-10 reflects the economic base of the employment of the City, as housing availability in Rancho Mirage is a function of affordability not supply. Additional housing opportunities provided under the General Plan Update would allow the City to fulfill its affordable housing obligation while preserving the unique desert environment. This land use would be compatible with the adjacent land uses surrounding the medium density residential as the General Plan Update would provide a smooth transition between low density residential and the adjacent I-10 Freeway and light industrial land uses.

Furthermore, as many of the major commercial centers are also located along the major transportation networks development of medium density residential would place persons in close proximity to these serve centers. This allows for an efficient utilization of the circulation system and resulting in less vehicle miles traveled, which would equate to additional benefits for air quality and noise.

### **7.1.4 Conclusion**

For the foregoing reasons, the City of Rancho Mirage concludes that the General Plan Update will result in a beneficial mix of residential, commercial, institutional, recreation and open space uses providing significant housing, recreational, and public services benefits of local and regional significance, as well as various public infrastructure improvements, which outweigh the unavoidable environmental impacts. Therefore, the City of Rancho Mirage has adopted this Statement of Overriding Considerations.