

FINAL
ENVIRONMENTAL IMPACT REPORT
SCH No. 2015081020
CITY OF PALM DESERT
GENERAL PLAN UPDATE

LEAD AGENCY:



CITY OF PALM DESERT
73510 Fred Waring Drive
Palm Desert, CA 92260

Contact: Ryan Stendell, Community Development Director
(760) 636-5860

CONSULTANT:



MICHAEL BAKER INTERNATIONAL, INC.

3536 Concours Street, Suite 100
Ontario, CA 91764

Contact: Aaron Pfannenstiel,
Project Manager
(909) 918-2998

October 2016

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1.0 INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines and the City of Palm Desert (City) policies for implementing CEQA, Michael Baker International Inc. has prepared the Final Environmental Impact Report (Final EIR) for the proposed University Neighborhood Specific Plan (UNSP), proposed One Eleven Development Code (which includes policy guidance, development standards, and design guidelines for the Highway 111 corridor), and the proposed City of Palm Desert 2015 General Plan Update, which is an update to the City's Comprehensive General Plan originally adopted on March 15, 2004.

The following is an excerpt from the *CEQA Guidelines* Section 15132:

"The Final EIR shall consist of:

- (a) The Draft EIR or a version of the draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency."

This Responses to Comments document, together with the original Draft EIR text include all of the above required components to make up the Final EIR. Each comment letter is followed by the corresponding response(s). A response is provided for each written and verbal comment raising significant environmental issues, as received by the City during the Draft EIR public review period.

1.1 BACKGROUND

The City, as lead agency, has prepared an Environmental Impact Report (EIR) for the proposed University Neighborhood Specific Plan (UNSP), proposed One Eleven Development Code (which includes policy guidance, development standards, and design guidelines for the Highway 111 corridor), and the proposed 2015 General Plan Update (together, the proposed Project; Project). The Project encompasses future community development plans from now until 2040, and provides long-term planning guidelines for the City's growing population and projected development.

The City is likely to grow from its current population of approximately 50,500 to a population of approximately 61,000 by 2040. This growth is expected to include approximately 8,000 new households and 14,000 new jobs over the 25-year planning horizon.

The City determined that the update to the 2004 Comprehensive General Plan would clearly require preparation of an Environmental Impact Report to address all aspects of the environmental analysis resulting from the Project. As a result, the City did not prepare an Initial Study as permitted in Section 15060(d) of the CEQA Guidelines.

To determine the scope of the Draft EIR, the City prepared and distributed a Notice of Preparation (NOP) for the proposed Project. Baseline conditions from which this Draft EIR evaluates impacts were established at the time the Notice of Preparation (NOP) was released on August 5, 2015 and identified that the Draft EIR would address focused environmental topics identified in Appendix G of the State CEQA Guidelines.

The content of the General Plan Update describes intended development and advised changes to be made to the cityscape and community over the next 25 years. The proposed elements, with their respective goals and policies, address a number of topics including Land Use & Community Character, Mobility, Health & Wellness, Environmental Resources, Safety, Noise, and Public Services and Utilities. The City's Housing Element is current, has been certified by the state, and is not being included as a part of this update. The NOP distributed on August 5, 2015, identified the following environmental issues that were addressed in the Draft EIR:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geological Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Recreation
- Transportation

A total of thirteen comment letters were received during the NOP comment period. Comment letters were received from public agencies and tribal government agencies. The NOP and comment letters received regarding the NOP are included in Appendix A of the Draft EIR. Overall issues raised by the public and tribal government agencies during the NOP review period and at the public scoping meeting include the following:

- Recommendation to include information regarding planned water treatment facilities and infrastructure and recently-adopted water quality goals and programs.
- Request to have a Native American monitor present during implementation of projects associated with the General Plan Update.
- Concern regarding the generation of substantial amounts of solid waste that would be diverted to landfills that are scheduled for closure during the planning horizon of the General Plan Update.
- Concern regarding the clarity of the proposed land use designations map and request to revise the map accordingly.
- Recommendation to include language that allows for increased use of alternative fuel technologies and related infrastructure.
- Concern regarding airport land use compatibility.

The Draft EIR, with an accompanying Notice of Completion (NOC), was circulated to the State Clearinghouse, trustee agencies, responsible agencies, other government agencies, and interested members of the public for a 45-day review period as required by CEQA on August 19, 2016. The review period for

the Draft EIR extended from August 19 to October 3, 2016. Shortly after releasing the Draft EIR for public review and comment, City staff noticed that Table 25.18-2 “Downtown District Development Standards” contained in Draft EIR Technical Appendix 3.0-2 (The One Eleven Development Code) overstated land use intensities along the Highway 111 corridor. As a result, on August 24, 2016, the City recirculated Technical Appendix 3.0-2 (The One Eleven Development Code) with the corrected Table 25.18-2, as well as corrected minor typographical errors on pages 19, 27, and 28 of Technical Appendix 3.0-2, and initiated a 45-day public review and comment period on the recirculated Technical Appendix 3.0-2. This comment period extended from August 24 through October 7, 2016.

During the Draft EIR review period, the City received 4 comment letters from the following: 1) Desert Sands Unified School District; 2) Riverside County Airport Land Use Commission; 3) Twenty Nine Palms Band of Mission Indians; and 4) Coachella Valley Water District. After the close of the public review and comment period on the Draft EIR, but before the close of the public review and comment period on the recirculated Technical Appendix 3.0-2 (The One Eleven Development Code), the City received an additional comment from the law firm Holland and Knight; however, this letter commented on the Draft EIR and University Neighborhood Specific Plan, which exceed the scope of the recirculated Technical Appendix 3.0-2. Response to substantive comments from these agencies/organizations are provided herein and none of the comments provided raise significant new issues that would constitute significant new information under CEQA.

2.0 RESPONSES TO COMMENTS

COMMENT LETTER NO. 1 Desert Sands Unified School District



Desert Sands Unified School District

47-950 Dune Palms Road • La Quinta, California 92253 • (760) 777-4200 • FAX: (760) 771-8505

BOARD OF EDUCATION: Michael Duran, Donald B. Griffith, Wendy Jonathan, Matteo Monica III, Gary Tomak
SUPERINTENDENT: Dr. Gary Rutherford
FACILITIES SERVICES

September 12, 2016

Ryan Stendell
Director of Community Development
City of Palm Desert
73-510 Fred Waring Drive
Palm Desert, CA 92260

Request for Comments: **City of Palm Desert 2015 General Plan Update**

Dear Mr. Stendell,

This is in response to your request for input on the above referenced project and its effect on public schools.

All actions toward commercial development will potentially result in an impact on our school system. The District's ability to meet the educational needs of the public with new schools has been seriously impaired in recent years by local, state and federal budget cuts that have had a devastating impact on the financing of new schools.

As you are aware, there is a school mitigation fee that is currently collected on all new development at the time building permits are issued.

Please feel free to call me if you have further questions. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Patrick Cisneros', is written over a horizontal line.

Patrick Cisneros, Director
Facilities Services

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Response No. 1
Patrick Cisneros, Director

This letter is from the Desert Sands Unified School District. It expresses a generalized concern regarding impacts of development in the Project area on the school system, and reiterates that there is a development impact fee required for payment by all new development projects. This comment is noted and the requirement for payment of development impact fees is recognized in the Draft EIR Public Services and Utilities section. Specifically, California Education Code Section 17620 authorizes school districts to levy a fee, charge, dedication, or other requirement against any development project for the construction or reconstruction of school facilities, provided that the district can show justification for levying of fees. Government Code 65995 limits the fee to be collected to the statutory fee (Level I) unless a school district conducts a Facility Needs Assessment (Government Code Section 65995.6) and meets certain conditions. These fees are adjusted every two years in accordance with the statewide cost index for Class B construction, as determined by the State Allocation Board provides full mitigation for potential impacts of development to schools.

COMMENT LETTER NO. 2
Riverside County Airport Land Use Commission



AIRPORT LAND USE COMMISSION
RIVERSIDE COUNTY

CHAIR
Simon Housman
Rancho Mirage

VICE CHAIRMAN
Rod Ballance
Riverside

COMMISSIONERS

Arthur Butler
Riverside

Glen Holmes
Hemet

John Lyon
Riverside

Russell Betts
Desert Hot Springs

Steve Manos
Lake Elsinore

STAFF

Director
Ed Cooper

John Guerin
Paul Rull
Barbara Santos

County Administrative Center
4000 Lemon St., 14th Floor
Riverside, CA 92501
(951) 955-5132

September 22, 2016

Mr. Eric Ceja, Principal Planner
City of Palm Desert Community Development Department
73510 Fred Waring Drive
Palm Desert CA 92260

RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW REQUIRED

Jurisdiction Project Case: City of Palm Desert 2015 General Plan Update EIR

Dear Mr. Ceja:

Thank you for your latest correspondence of September 16, 2016.

In response to your request, please be advised that while ALUC cannot state that the City's General Plan Update (GPU) *is consistent* with our Bermuda Dunes Airport Land Use Consistency Plan, (ALUC has not yet received a formal application submittal from the City requesting review of its GPU for consistency) ALUC can state it has no objections to the proposed Draft Environmental Impact Report for the City of Palm Desert 2015 General Plan Update or its conclusions. The City appears to understand and acknowledge the need to submit all individual projects in the Airport Influence Area (AIA) to ALUC for consistency review.

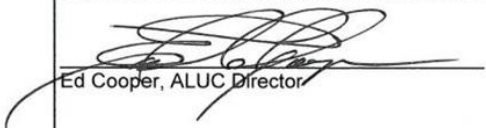
ALUC will remain ready to assist the City with a review of its GPU, as well as any other educational or technical assistance guidance for its projects within the Bermuda Dunes Airport Influence Area.

If you have any further questions, please contact Paul Rull, ALUC Urban Regional Planner IV, at (951) 955-6893 or John Guerin, ALUC Principal Planner, at (951) 955-0982.

Sincerely,

www.rcaluc.org

RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION


Ed Cooper, ALUC Director

Response No. 2
Ed Cooper, Director

This letter is from the Riverside County Airport Land Use Commission. The letter states that the ALUC has no objections to the General Plan Update EIR or the conclusions made therein. It also recognizes that the City understands the need to submit all projects located within the Airport Influence Area to the ALUC for consistency review. Adherence to applicable policies within the General Plan will provide compliance with these requirements on future developments in the Airport Influence Area. Specifically, Policy 6.5 in the General Plan Safety Element requires proposed actions to be referred for review, determination and processing by the Riverside County Airport Land Use Commission as provided by the Airport Land Use Law. The Airport Land Use Commission office shall be notified and sent a Request for Agency Comments for all new projects, and projects proposing added floor area or change in building occupancy type within 2 miles of the airport.

COMMENT LETTER NO. 3
Twenty-Nine Palms Band of Mission Indians



TWENTY-NINE PALMS BAND OF MISSION INDIANS

46-200 Harrison Place . Coachella, California . 92236 . Ph. 760.863.2444 . Fax: 760.863.2449

September 29, 2016

CERTIFIED MAIL # 7014 2870 0002 1518 6657
RETURN RECEIPT REQUESTED

Ryan Stendell, Director of Community Development
City of Palm Desert
73-510 Fred Waring Drive
Palm Desert, CA 92260-2578

Re: City of Palm Desert General Plan Update AB 52 Consultation

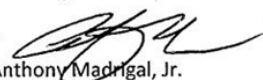
Dear Mr. Stendell:

In regards to consultation in compliance with AB 52 (California Public Resources Code § 21080.3.0) for the City of Palm Desert General Plan Update, the Tribal Historic Preservation Office (THPO) is not aware of any archaeological/cultural sites or properties that pertain to the Twenty-Nine Palms Band of Mission Indians. After reviewing the General Plan Update, we have interest specifically in the University Neighborhood Specific Plan. This project area lies less than 1.5 miles from the Chemehuevi Traditional Use Area.

To further ascertain impacts the Tribe requests that you provide a copy of the cultural resources report that applies to the University Neighborhood Specific Plan. Please do not hesitate to contact the THPO at (760) 775-3259 or by email: TNPConsultation@29palmsbomi-nsn.gov.

Please do not hesitate to contact the THPO at (760) 775-3259 or by email: TNPConsultation@29palmsbomi-nsn.gov.

Sincerely,


Anthony Madrigal, Jr.
Tribal Historic Preservation Officer

cc: Darrell Mike, Twenty-Nine Palms Tribal Chairman
Sarah Bliss, Twenty-Nine Palms Tribal Cultural Specialist

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Response No. 3

Anthony Madrigal, Jr., Tribal Historic Preservation Officer

This letter is from the Twenty-Nine Palms Band of Mission Indians. The letter states that the Tribal Historic Preservation Officer (THPO) is not aware of any archaeological/cultural sites or properties that pertain to the Twenty-Nine Palms Band of Mission Indians.

However, the Tribe is requesting a copy of any cultural resource report that applies to the University Neighborhood Specific Plan (UNSP). Regarding this request, it should be noted that a site-specific cultural resources report was not completed as part of this UNSP Project because the majority of the project site is already disturbed as a result of previous grading. In addition, the site is surrounded by existing development on all sides. However, the cultural resources Technical Background Report (TBR) associated with the Draft EIR describes the results of a citywide records search conducted as part of the General Plan Update, which includes the UNSP area. A records search through the California Historical Resources Information System (CHRIS) housed at the Eastern Information Center (EIC) at the University of California, Riverside, identified a total of 53 recorded cultural resources within the city. Of these, 17 are historic, 35 are prehistoric, and 1 is multicomponent. Of these resources, none are listed in the California Register of Historical Resources (CRHR) or the National Register of Historic Places (NRHP). The records search indicated that a total of 50 cultural resource studies have been conducted within the city of Palm Desert with the earliest listed study conducted in 1973. Of these, only three were conducted in the last five years and are not considered out of date. According to information held at the EIC, approximately one-third of the city has been included in a cultural resource study, leaving at least two-thirds of the city un-surveyed for cultural resources, as shown in Figure 6-1 of the TBR.

Because physical conditions change over time and cultural resource assessments can become outdated, cultural resource assessments for specific, individual project sites are conducted for developments which are at a point in the planning process where they are considered to be reasonably foreseeable. Because no development is proposed within the UNSP at this time, it is not feasible to conduct a site-specific survey. However, individual future projects that are submitted to the City for development on the project site will be required to comply with mitigation measures provided in Section 4.6, "Cultural Resources" of the Draft EIR.

Specifically, implementation of Mitigation Measures MM 4.6-2a through MM 4.6-2d is required for future projects that require excavation activity (e.g., clearing/grubbing, grading, trenching, or boring) into native soil and that have the potential to exhibit native ground surface within or in the immediate vicinity of the excavation footprint. These mitigation measures require project applicants to meet enforceable performance standards through the preparation of a Phase I Assessment for archaeological resources and consultation with local tribal agencies in accordance with AB 52. If resources are identified, they shall be evaluated for their eligibility for listing in the California Register of Historical Resources, the National

Register of Historic Places (if applicable), and/or a local listing and to determine whether the resource qualifies as a unique archaeological resource pursuant to CEQA (Phase II Assessment). If the resources are determined eligible for listing in the California Register of Historical Resources, appropriate mitigation shall be developed and implemented to mitigate impacts to the resource.

In addition, archaeological construction monitoring and construction personnel awareness training shall be conducted for development proposals that have a high potential to encounter previously unknown buried resources during construction. If resources are encountered during construction, appropriate treatment measures shall be developed to preserve the resource, with the preference being to preserve the resource in place. If it is not feasible to preserve the resource in place, a program to remove or recover the resource from the construction site shall be implemented. With these mitigation measures and compliance with the above performance standards, any impacts to future cultural resources are anticipated to be less than significant, as discussed in Section 4.6 of the Draft EIR, pages 4.6-7 through 4.6-9.

Additionally, the Environmental Resources Element of the City of Palm Desert General Plan contains goals and policies intended to protect and preserve cultural and Native American resources and sites within the Project area. Policy 9.3 requires notification of California Native American tribes and organizations of proposed projects that have the potential to adversely impact cultural resources. Policy 10 requires development to avoid archaeological and paleontological resources, whenever possible, and to minimize and fully mitigate any impacts to such resources in the event that they cannot be avoided.

COMMENT LETTER NO. 4 Coachella Valley Water District



Established in 1918 as a public agency

Coachella Valley Water District

City of Palm Desert

OCT 06 2016

Directors:
John P. Powell Jr., President - Div. 3
Peter Nelson, Vice President - Div. 4
G. Patrick O'Dowd - Div. 1
Ed Pack - Div. 2
Cástulo R. Estrada - Div. 5

October 3, 2016

Jim Barrell, General Manager
Community Development
Robert Cheng, Assistant General Manager
Sylvia Bermudez, Clerk of the Board
Best Best & Krieger LLP Attorneys

File: 1150.06

Ryan Stendell
Director of Community Development
Planning Department
City of Palm Desert
73510 Fred Waring Drive
Palm Desert, CA 92260

Dear Mr. Stendell:

Subject: City of Palm Desert 2015 General Plan Update
Draft Environmental Impact Report (DEIR)

Thank you for affording the Coachella Valley Water District (CVWD) the opportunity to review the subject project (DEIR). CVWD provides domestic water, wastewater, recycled water, irrigation/drainage, regional stormwater protection and groundwater management services to a population of nearly 300,000 throughout the Coachella Valley. CVWD submits the following comments regarding your project.

Please refer to our comment letter submitted on the Notice of Preparation for the Draft EIR, dated September 9, 2015 (see enclosed).

Planning and Special Programs comments:

The project lies within the study area of the 2010 Coachella Valley Water Management Plan Update. The goal of the Plan is to assure groundwater basin sustainability. Each new development incrementally impacts the regions water supplies and the groundwater basin. The elements of the Water Management Plan include supplemental imported water, source substitution and water conservation. The Plan lists specific actions for reducing overdraft. An example action would be to ensure that the City's landscape ordinance is followed. The elements and actions described in the Plan shall be incorporated into the design of this development to maximize sustainable water use and reduce the projects negative impact on the Coachella Valley groundwater basin.



P.O. Box 1058 Coachella, CA 92236
Phone (760) 398-2651 Fax (760) 398-3711

www.cvwd.org

Ryan Stendell
City of Palm Desert

2

October 3, 2016

Stormwater comments:

The project area includes lands that receive regional stormwater protection by the Whitewater River Storm Channel, Palm Valley Stormwater Channel System, and other facilities operated/maintained by CVWD. The project area includes areas that are subject to flooding from local drainage, including along the Interstate-10 corridor and to the north thereof which are subject to regional flooding. Flood protection measures for local drainage and regional flood shall comply with California Drainage Law and provide that stormwater flows are received onto and discharged from a site in a manner reasonably compatible with predevelopment conditions.

Below are suggested edits to the Draft EIR: new text is underlined; deleted text has ~~strikethrough~~.

EIR Section 4.5, page 4.5-17

Waters of the United States and the State: Jurisdictional waters of the United States and the State, along with isolated wetlands, provide a variety of functions for plants and wildlife. Wetlands and other water features provide habitat, foraging, cover, and migration and movement corridors for both special-status and common species. Waters in the Planning Area include the Whitewater River Storm Channel; which runs west to east through the Coachella Valley including the center of Palm Desert and eventually flows out of the Planning Area and into the Salton Sea. All other waterways in the Planning Area are south of the Whitewater River Storm Channel and drain from the Santa Rosa and San Jacinto mountains. Waterways in the Planning Area also include Palm Valley Stormwater Channel, Ramon Creek, Cat Creek, Dead Indian Creek, Ebbens Creek, Grapevine Creek, and Carrizo Creek.

EIR Section 4.9, page 4.9-1

Surface Water: Limited surface water is available in the winter and spring months from the Whitewater River Storm Channel, Palm Valley Stormwater Channel, Ramon Creek, Bruce Creek, Dead Indian Creek, and Cat Creek, as well as a number of smaller creeks and washes. The majority of regional stormwater ~~local surface water~~ is derived from runoff from the San Bernardino and San Jacinto mountains, with lesser amounts from the Santa Rosa Mountains. This runoff either percolates in the streambeds or is captured in mountain-front debris basins where it recharges the groundwater basin. According to the estimates developed for the 2010 Coachella Valley Water Management Plan (CVWMP) update, an average of approximately 44,000 acre-feet per year (AFY) of surface water recharges the Whitewater River subbasin.

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Ryan Stendell
City of Palm Desert

3

October 3, 2016

Sanitation comments:

EIR Section 4.14, page 4.14-27

Wastewater is conveyed through sewer trunk lines generally ranging in size from 8 to 42 4-to-24 inches, relying primarily on gravity flow. CVWD maintains ~~two~~ ~~five~~ sewer lift stations within the city boundaries. Effluent from the city is conveyed to CVWD's Cook Street treatment plant (WRP 10), which treats an average of 10 mgd and had a capacity of 18 mgd in 2014. Effluent from Bermuda Dunes, Del Webb's Sun City, and other development north of Miles Avenue is conveyed to the treatment plant located at Madison Street and Avenue 38 (WRP 7). This plant treats approximately 2.5 mgd of wastewater and has a capacity of 5 mgd.

Wastewater Reclamation

CVWD, recognizing the need for other sources of water to reduce demand on groundwater, entered the water reclamation field in 1967 and currently operates ~~five~~ ~~six~~ water reclamation plants (WRPs) in the valley. Recycled water from two of these facilities (WRP 9 and WRP 10) has been used for golf course and greenbelt irrigation in the Palm Desert area for many years, thereby reducing demand on the groundwater basin. However, CVWD closed WRP 9 in 2015. A third facility (WRP 7), located north of Indio, began providing recycled water for golf course and greenbelt irrigation in 1997.

If you have any questions please call Luke Stowe, Environmental Supervisor at (760) 398.2651, extension 2545.

Sincerely,



Steve Bigley
Director of Environmental Services

Enclosure/1/as

EM: jl/ENV SVCS/ENV/2016/OCT/CVWD comments PD GPU DEIR.doc



P.O. Box 1058 Coachella, CA 92236
Phone (760) 398-2651 Fax (760) 398-3711

www.cvwd.org



Established in 1918 as a public agency

Coachella Valley Water District

Directors:
John P. Powell, Jr., President - Div. 3
Peter Nelson, Vice President - Div. 4
G. Patrick O'Dowd - Div. 1
Ed Pack - Div. 2
Cástulo R. Estrada - Div. 5

Officers:
Jim Barrett, General Manager
Julia Fernandez, Board Secretary

Best Best & Krieger LLP, Attorneys

September 9, 2015

File: 1150.06

Ms. Lauri Aylaian
Community Development Director
City of Palm Desert
73-510 Fred Waring Drive
Palm Desert, CA 92260

Dear Ms. Aylaian:

Subject: Notice of Preparation for the City of Palm Desert —
2015 General Plan Update and Program Environmental Impact Report

Thank you for affording the Coachella Valley Water District (CVWD) the opportunity to review and comment on the Notice of Preparation (NOP) for the City of Palm Desert's (City) 2015 General Plan Update and Program Environmental Impact Report (EIR and "proposed project").

CVWD provides domestic water, wastewater, recycled water, irrigation/drainage, regional stormwater protection and groundwater management services to a population of nearly 300,000 throughout the Coachella Valley.

At this time, CVWD submits the following comments regarding the proposed project:

- Please address CVWD's 5-year Capital Improvement Plan (as it relates to projects within or affecting the City). Please visit www.CVWD.org to review the 5-Year Capital Improvement Plan;
- EIR should note that CVWD is embarking on a multi-year construction program to construct new infrastructure and facilities to treat Chromium-6 at a number of well sites;
- EIR should note that CVWD is investigating suitable locations for future surface water treatment facilities and related infrastructure within the General Plan area; and
- CVWD has adopted and periodically updates the Coachella Valley Water Management Plan (CVWMP) located on our website www.CVWD.org. Each new development contributes incrementally to the demand for existing and future water supplies. The goal of the CVWMP is to prevent long-term overdraft. The CVWMP includes specific programs that should be supported in a General Plan Update. Examples of programs include importation of supplemental water supplies, recharge of groundwater basin, using non-potable and recycled water for irrigation, and water conservation. Please incorporate and address the CVWMP's goals and programs into the General Plan Update and EIR to prevent long-term overdraft of the groundwater basin.

cont'd
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www.cvwd.org

P.O. Box 1058 Coachella, CA 92236
Phone (760) 398-2651 Fax (760) 398-3711

Response No. 4

Steve Bigley, Director of Environmental Services

This letter is from the Coachella Valley Water District. The letter notes that the project lies within the study area of the 2010 Coachella Valley Water Management Plan Update (Plan), the goal of which is to assure groundwater basin sustainability. The letter reiterates that the elements and actions described in the Plan shall be incorporated into the design of development associated with the project in order to maximize sustainable water use and reduce the project's negative impact on the Coachella Valley groundwater basin.

More specifically, the comment letter attaches and includes the District's previously September 9, 2015 comment letter on the Notice of Preparation. The comments in that letter largely provide background regarding water supply and the District's various efforts to address water issues through various capital and treatment projects. Those issues are addressed in the Draft EIR at pages 4.14-34 through 4.14-41.

The October 3, 2016 letter also provides suggested edits to the stormwater and sanitation discussions within Draft EIR Sections 4.5, "Biological Resources," 4.9, "Hydrology and Water Quality," and 4.14, "Public Service and Utilities". These requested revisions are minor and editorial in nature and do not result in a change to the respective impact determinations and analysis within the Draft EIR. These revisions have been incorporated into the Draft EIR. Refer to Section 3.0, "Errata" below.

COMMENT LETTER NO. 5 Holland and Knight

Comment Received After Close of Public Review Period

Holland & Knight

50 California Street, Suite 2800 | San Francisco, CA 94111 | T 415.743.6900 | F 415.743.6910
Holland & Knight LLP | www.hklaw.com

Chelsea Maclean
(415) 743-6979
chelsea.maclean@hklaw.com

October 7, 2016

[Sent via email: rstendell@cityofpalmdesert.org]

Ryan Stendell
Director of Community Development
City of Palm Desert
73-510 Fred Waring Drive
Palm Desert, CA 92260

Re: Comments on General Plan Update & University Neighborhood Specific Plan Draft Environmental Impact Report (SCH # 2015081020)

Dear Mr. Stendell:

We thank you for the City's work on the General Plan Update, University Neighborhood Specific Plan (UNSP) and associated Draft Environmental Impact Report (Draft EIR). On behalf of a client, we appreciate the opportunity to submit comments on the Draft EIR and underlying planning documents. We note that the original review period was scheduled to close on October 3, 2016, but that the Draft EIR was recirculated, extending the review period until October 7, 2016.¹ We appreciate the City's consideration of the following comments:

1. *Draft EIR Table 4.16-1 [Population & Employment Growth Estimate]*: The Population & Employment Growth Estimate projects "1,67" households for the UNSP area. Since the UNSP provides for 2,618 dwelling units (see UNSP, Table 2.1), this Draft EIR reference appears to be a typo and request correction.
2. *UNSP Figure 2.3 [Neighborhood Sub-Areas] and Table 2.1 [Planned Development Potential Sub-Area]*: We note that the UNSP acknowledges that the property subject to the UNSP is owned both by the City and is privately owned. (See, e.g., UNSP, p. 6-3.) We recommend revising Figure 2.3: Neighborhood Sub-Areas and Table 2.1: Planned Development Potential Sub-Areas to better reflect the division of property ownership so that the allocation of dwelling units in the bordering planning areas and implementation of the UNSP is more clearly delineated. Specifically, we recommend replacing Figure 2.3 [Neighborhood Sub-

¹ CEQA.net entry for General Plan Update & University Specific Plan Draft EIR, available at: <http://www.ceqanet.ca.gov/DocDescription.asp?DocPK=705352> (accessed October 6, 2016).

Areas] with a figure similar to the following, which better delineates the separate property ownership. We recommend that Table 2.1: Planned Development Potential Sub-Areas is revised to reflect the Sub-Areas as depicted in the figure below.



3. UNSP Page 4-4 [Neighborhood Medium]: The description of the Neighborhood Medium designation explains that the zone provides for a “livelier neighborhood setting for housing types that may include multi-family buildings up to 3 stories as well as attached and detached single-family dwellings.” We request clarification that this designation allows for a range of attached housing products including townhomes and condominiums and that it is not limited to rental apartments.
4. UNSP Tables 4.2 and 4.3 [Development Standards]: In order to improve the marketability and viability of the UNSP build-out, we recommend revisions to the University Neighborhood development standards as follows:

cont'd
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Development Standard	NL (Proposed)	NL 2PV (Proposed) 2-Packs & Variable Lot	Zone	NM (Proposed)	NC (Proposed)	
TABLE 4.2 UNIVERSITY NEIGHBORHOODS DEVELOPMENT STANDARDS						
A. LOT SIZE*						
1. Lots with alley/ear access	Min. 40'	Max. 100'	Min. 40'	Max. 100'	Min. 22'	Max. 100'
a. Lot width (interior lots)	50'	110'	50'	110'	33'	200'
b. Lot width (corner lots)	90'	140'	90'	140'	75'	200'
c. Lot Depth	75'	150'	90'	140'	90'	200'
2. Lots without alley/ear access	Min. 50'	Max. 120'	Min. 43'	Max. 100'	Min. 50'	Max. 160'
a. Lot width (interior lots)	55'	130'	46'	100'	55'	160'
b. Lot width (corner lots)	90'	140'	85'	140'	90'	140'
c. Lot Depth	90'	140'	85'	140'	90'	140'
B. BUILDING SETBACKS (as measured from property lines)						
1. Ground-Floor Residential						
a. Primary Street Setback	10'	25'	10'	25'	10'	25'
b. Side Street Setback (corner lots)	10'	25'	10'	25'	10'	25'
c. Side Yard Setback	5'	no max.	5'	no max.	0'	no max.
2. Ground-Floor Non-Residential						
a. Primary Street Setback	N	N	N	N	0'	15'
b. Side Street and Side Yard Setbacks	N	N	N	N	0'	15'
3. Rear Setbacks						
a. Lots with alley/ear access	3'	no max.	3'	no max.	3'	no max.
b. Lots without alley/ear access	15'	no max.	15'	no max.	15'	no max.
4. Primary Street Setback						
a. Lots with alley/ear access	3'	no max.	3'	no max.	0'	no max.
b. Lots without alley/ear access	15'	no max.	15'	no max.	10'	no max.
5. Side Yard Setback (corner lots)						
a. Lots with alley/ear access	3'	no max.	3'	no max.	0'	no max.
b. Lots without alley/ear access	15'	no max.	15'	no max.	10'	no max.
6. Rear Setback						
a. Lots with alley/ear access	3'	no max.	3'	no max.	0'	no max.
b. Lots without alley/ear access	15'	no max.	15'	no max.	10'	no max.
7. Rear Setback						
a. Lots with alley/ear access	3'	no max.	3'	no max.	0'	no max.
b. Lots without alley/ear access	15'	no max.	15'	no max.	10'	no max.

cont'd
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Development Standard	NL	NM	NC			
TABLE 4.3 UNIVERSITY NEIGHBORHOODS DEVELOPMENT STANDARDS						
C. DEVELOPMENT INTENSITY						
1. Residential intensity range ^a	7-12 du/acre	12-24 du/acre	20-40 du/acre			
2. Units per parcel (max.)	3 ^b	24	60			
D. BUILDING HEIGHT						
1. To eave of pitched roof (max.)	2 floors / 24 ft.	3 floors / 36 ft.	4 floors / 33 ft.			
2. To top of parapet of flat roof (max.)	2 floors / 24 ft.	3 floors / 36 ft.	4 floors / 33 ft.			
3. Pitched roof height above top of eave (max.)	12 ft.	12 ft.	15 ft.			
4. Ground floor above grade at building setback line (max.)	4 ft.	3 ft.	4 ft.			
5. Ground story height (min./max.)	9/12'	9/12'	16/20'			
E. BUILDING CONFIGURATION GUIDELINES^c						
1. House Form Buildings (See Section 5.2)						
a. Primary Mass	Min. 20'	Max. 50'	Min. 20'	Max. 60'	Min. 20'	Max. 70'
b. Secondary Masses	Min. 15'	Max. 30'	Min. 15'	Max. 30'	Min. 15'	Max. 40'
i. Width	15'	30'	15'	30'	15'	40'
ii. Front Wing Depth	8'	30'	8'	30'	8'	40'
iii. Rear Wing Depth	10'	40'	10'	40'	10'	40'
c. Building Separation	10'	no max.	8'	no max.	8'	no max.
2. Block-Form Buildings (See Section 5.2)						
a. Facade Modulation Increment ^d	10'	10'	10'	10'	10'	10'
b. Building Width	20'	100'	20'	100'	20'	100'
c. Building Depth	23'	70'	20'	130'	20'	130'
d. Building Separation	10'	30'	9'	30'	9'	30'
3. Recommended Building Types (by zone)						
a. House-Form Single-Family	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2
b. House-Form Multi-Family	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2
c. Rowhouse	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2
d. Block-Form Multi-Family	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4
e. Block-Form Mixed-Use	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4
f. Block-Form Flex	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4

Development Standard	NL (Proposed)	NL 2PV (Proposed) 2-Packs & Variable Lot	Zone	NM (Proposed)	NC (Proposed)	
TABLE 4.3 UNIVERSITY NEIGHBORHOODS DEVELOPMENT STANDARDS						
C. DEVELOPMENT INTENSITY						
1. Residential intensity range ^a	4-8 du/acre	4-8 du/acre	7-24 du/acre	20-45 du/acre	20-45 du/acre	
2. Units per parcel (max.)	(Delete)	(Delete)	(Delete)	(Delete)	(Delete)	
D. BUILDING HEIGHT						
1. To eave of pitched roof (max.)	2 floors/24'	2 floors/24'	3 floors/36'	4 floors/30'	4 floors/30'	
2. To top of parapet of flat roof (max.)	2 floors/24'	2 floors/24'	3 floors/36'	4 floors/30'	4 floors/30'	
3. Pitched roof height above top of eave (max.)	12'	12'	12'	15'	15'	
4. Ground floor above grade at building setback line (max.)	(Delete)	(Delete)	(Delete)	(Delete)	(Delete)	
5. Ground story height (min./max.)	9/12'	9/12'	9/12'	16/20'	16/20'	
E. BUILDING CONFIGURATION GUIDELINES^c						
1. House Form Buildings (See Section 5.2)						
a. Primary Mass	Min. 20'	Max. 50'	Min. 20'	Max. 60'	Min. 20'	Max. 70'
b. Secondary Masses	Min. 15'	Max. 30'	Min. 15'	Max. 30'	Min. 15'	Max. 40'
i. Width	15'	30'	15'	30'	15'	40'
ii. Front Wing Depth	8'	30'	8'	30'	8'	40'
iii. Rear Wing Depth	10'	40'	10'	40'	10'	40'
c. Building Separation	10'	no max.	8'	no max.	8'	no max.
2. Block-Form Buildings (See Section 5.2)						
a. Facade Modulation Increment ^d	10'	10'	10'	10'	10'	10'
b. Building Width	20'	100'	20'	100'	20'	100'
c. Building Depth	23'	70'	20'	130'	20'	130'
d. Building Separation	10'	30'	9'	30'	9'	30'
3. Recommended Building Types (by zone)						
a. House-Form Single-Family	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2
b. House-Form Multi-Family	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2
c. Rowhouse	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2	see Section 5.2
d. Block-Form Multi-Family	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4
e. Block-Form Mixed-Use	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4
f. Block-Form Flex	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4	see Section 5.4

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TABLE 4.3 UNIVERSITY NEIGHBORHOODS DEVELOPMENT STANDARDS				
Development Standard	Zone			
	NL	NM	NC	NC
F. ALLOWED ENCROACHMENTS FOR RECOMMENDED FRONTAGE TYPES				
All street-facing facades must provide pedestrian access through at least 1 of the frontage types listed below. Frontage types may encroach into the public right-of-way or setback as identified below, and may be further limited by the California Building Code (CBC). Please refer to Appendix A.5 for design criteria for each frontage type.				
1. Shopfront	N	N	N	N
2. Arcade	N	N	Into R.O.W. within 2 ft. of curb	Into R.O.W. within 2 ft. of curb
3. Gallery	N	N	Into R.O.W. within 2 ft. of curb	Into R.O.W. within 2 ft. of curb
4. Stoop ¹	3 ft. into Primary Street, Side Street, and Rear setbacks only	3 ft. into Primary Street, Side Street, and Rear setbacks only	To R.O.W. line and into Rear Setback only	To R.O.W. line and into Rear Setback only
5. Doorway ¹	To R.O.W. line and into Rear Setback only	To R.O.W. line and into Rear Setback only	To R.O.W. line and into Rear Setback only	To R.O.W. line and into Rear Setback only
G. ALLOWED ENCROACHMENTS FOR ARCHITECTURAL ELEMENTS				
Architectural elements are allowed as listed below. Architectural elements may encroach into the public right-of-way or setback as identified below, and may be further limited by the California Building Code (CBC). Please refer to Sections 3.4 and Appendix A.7 for design criteria for each architectural element.				
1. Awning, canopy	N	N	Into R.O.W. within 2 ft. of curb	Into R.O.W. within 2 ft. of curb
2. Balcony ²	3 ft. into Primary Street, Side Street, and Rear setbacks only	3 ft. into Primary Street, Side Street, and Rear setbacks only	3 ft. into R.O.W.	3 ft. into R.O.W.
3. Bay Window	3 ft. into Primary Street, Side Street, and Rear setbacks only	3 ft. into Primary Street, Side Street, and Rear setbacks only	2 ft. into R.O.W. ³	2 ft. into R.O.W. ³
4. Cantilevered Room ⁴	2 ft. into Primary Street, Side Street, and Rear setbacks only and with a maximum width of 20 ft.	2 ft. into Primary Street, Side Street, and Rear setbacks only and with a maximum width of 20 ft.	N	N
5. Eaves	2 ft. into all setbacks	2 ft. into all setbacks	2 ft. into R.O.W. and all setbacks	2 ft. into R.O.W. and all setbacks
6. Chimneys	2 ft. into all setbacks	2 ft. into all setbacks	2 ft. into setbacks only	2 ft. into setbacks only

TABLE 4.3 UNIVERSITY NEIGHBORHOODS DEVELOPMENT STANDARDS (CONT.)				
Development Standard	Zone			
	NL	NM	NC	NC
H. REQUIRED ON-SITE OPEN SPACE				
1. Required On-Site Open Space: Each lot shall provide the quantity of Open Space indicated below, comprised of 1 or more of the following Open Space Types: (1) Court, (2) Back Yard, (3) Side Yard, and/or (4) Roof Deck as allowed by each individual zone. Please refer to Appendix A.6 for design guidelines for each open space type. Required Open Space must be located behind the Primary Street, Side Street, Side Yard and Rear Yard setback lines. Setback areas do not count toward the minimum Required Open Space area.				
a. Min. area total	20% of Total Lot Area	15% of Total Lot Area	10% of Total Lot Area	5% of Total Lot Area
b. Min. area of at least 1 open space	10% of Total Lot Area	10% of Total Lot Area	10% of Total Lot Area	10% of Total Lot Area
2. Design Standards				
	Width	Length	Width	Length
a. Front Yard	Lot width (min.)	Primary Street Set-back depth (max.)	Lot width (min.)	Primary Street Set-back depth (max.)
b. Court ¹	20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.
c. Rear Yard ²	20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.
d. Side Yard ³	3x width min.	20 ft. min.	3x width min.	3x width min.
e. Roof Deck ⁴	N	N	10 ft. min.	15 ft. min.
f. Covered Passage	10 ft. min.	3x width min.	10 ft. min.	3x width min.
g. Uncovered Passage	15 ft. min.	3x width min.	15 ft. min.	3x width min.

¹ Not required for non-residential buildings or for buildings with residential uses where 14-mile walking distance of a park that is at least 0.25 acres in size.
² Minimum setback requirements for rear yards shall be determined with the dimensions of 20 ft. deep by 3 ft. wide.
³ Open Space Type may count towards minimum Required Open Space requirement as defined in Section H.1 of Table 25.18-2.
⁴ Within Neighborhood Center (NC) zone only, Open Space Type may count towards minimum Required Open Space requirement as defined in Section H.1 of Table 25.18-2.

TABLE 4.3 UNIVERSITY NEIGHBORHOODS DEVELOPMENT STANDARDS				
Development Standard	Zone			
	NL (Proposed)	NL-2PV (Proposed) 2-Facts & Variable Lot	NM (Proposed)	NC (Proposed)
F. ALLOWED ENCROACHMENTS FOR RECOMMENDED FRONTAGE TYPES				
All street-facing facades must provide pedestrian access through at least 1 of the frontage types listed below. Frontage types may encroach into the public right-of-way or setback as identified below, and may be further limited by the California Building Code (CBC). Please refer to Appendix A.5 for design criteria for each frontage type.				
1. Shopfront	N	N	0'	0'
2. Arcade	N	N	N	Into R.O.W. within 2 ft. of curb
3. Gallery	N	N	N	Into R.O.W. within 2 ft. of curb
4. Stoop ¹	5' into Front Street, Side Street, and Rear Setbacks only	5' into Front Street, Side Street, and Rear Setbacks only	5' into Front Street, Side Street, and Rear Setbacks only	To R.O.W. line and into Rear Setback only
5. Doorway ¹	To R.O.W. line and into Rear Setback only	To R.O.W. line and into Rear Setback only	To R.O.W. line and into Rear Setback only	To R.O.W. line and into Rear Setback only
6. Porch (Covered Patios in side or rear yards) ²	10' into Front Street, Side Street, and Rear Setbacks only, provided at least 3' from sidewalk	10' into Front Street, Side Street, and Rear Setbacks only, provided at least 3' from sidewalk	10' into Front Street, Side Street, and Rear Setbacks only, provided at least 3' from sidewalk	N
7. Terrace ³	To R.O.W. line and into Rear Setback only	To R.O.W. line and into Rear Setback only	To R.O.W. line and into Rear Setback only	To R.O.W. line and into Rear Setback only
¹ Porches, Covered Patios and Terraces count toward useable open space.				
G. ALLOWED ENCROACHMENTS FOR ARCHITECTURAL ELEMENTS				
Architectural elements are allowed as listed below. Architectural elements may encroach into the public right-of-way or setback as identified below, and may be further limited by the California Building Code (CBC). Please refer to Sections 3.4 and Appendix A.7 for design criteria for each architectural element.				
1. Awning, canopy	N	N	N	Into R.O.W. within 2 ft. of curb
2. Balcony ²	5' into Front Street, Side Street, and Rear Setbacks only	5' into Front Street, Side Street, and Rear Setbacks only	5' into Front Street, Side Street, and Rear Setbacks only	3' into R.O.W.
3. Bay Window	3' into Front Street, Side Street, and Rear Setbacks only	3' into Front Street, Side Street, and Rear Setbacks only	3' into Front Street, Side Street, and Rear Setbacks only	3' into R.O.W.
4. Cantilevered Room ³	2' into Front Street, Side Street, and Rear Setbacks only and with a maximum width of 30'	2' into Front Street, Side Street, and Rear Setbacks only and with a maximum width of 30'	2' into Front Street, Side Street, and Rear Setbacks only and with a maximum width of 30'	2' into Front Street, Side Street, and Rear Setbacks only and with a maximum width of 30'
5. Eaves	2' into all setbacks	2' into all setbacks	2' into all setbacks	2' into R.O.W. and all setbacks
6. Chimneys	2' into all setbacks	2' into all setbacks	2' into setbacks only	2' into setbacks only

TABLE 4.3 UNIVERSITY NEIGHBORHOODS DEVELOPMENT STANDARDS (CONT.)				
Development Standard	Zone			
	NL (Proposed)	NL-2PV (Proposed) 2-Facts & Variable Lot	NM (Proposed)	NC (Proposed)
H. REQUIRED ON-SITE OPEN SPACE				
1. Required On-Site Open Space: Each lot shall provide the quantity of Open Space indicated below, comprised of 1 or more of the following Open Space Types: (1) Front Yard, (2) Court, (3) Back Yard, (4) Side Yard, and/or (5) Roof Deck as allowed by each individual zone. Please refer to Appendix A.6 for design guidelines for each open space type. Required Open Space must be located behind the Primary Street, Side Street, Side Yard and Rear Yard setback lines. Setback areas do not count toward the minimum Required Open Space area.				
a. Min. area total	15% of Total Lot Area	15% of Total Lot Area	10% of Total Lot Area	5% of Total Lot Area
b. Min. area of at least 1 open space	100 sq ft	100 sq ft	125 sq ft	100 sq ft
c. Min. dimension for open space	10'	10'	10'	10'
2. Design Standards				
	Width	Length	Width	Length
a. Front Yard				
b. Court ¹				
c. Rear Yard ²	(Delete)	(Delete)	(Delete)	(Delete)
d. Side Yard ³				
e. Roof Deck ⁴				
f. Covered Passage				
g. Uncovered Passage				

¹ Not required for non-residential buildings or for buildings with residential uses within 14-mile walking distance of a park that is at least 0.25 acres in size.
² On-site open space requirement may be met with private balconies with min. dimensions of 6 ft. deep by 6 ft. wide.
³ Open Space Type may count towards minimum Required Open Space requirement as defined in Section H.1 of Table 25.18-2.
⁴ Within Neighborhood Center (NC) zone only, Open Space Type may count towards minimum Required Open Space requirement as defined in Section H.1 of Table 25.18-2.

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TABLE 4.3 UNIVERSITY NEIGHBORHOODS DEVELOPMENT STANDARDS				
Development Standard	Zone			
	NL	NM	NC	OS
I. Parking Placement¹				
1. Primary Street Setback	25 ft.	20 ft.	20 ft.	
2. Side Street Setback	10 ft.	10 ft.	5 ft.	
3. Side Yard Setback	5 ft.	5 ft.	5 ft.	
4. Rear Setback²				
a. With alley/rear access	5 ft.	5 ft.	5 ft.	
b. Without alley/rear access	5 ft.	5 ft.	5 ft.	
J. Parking Requirements				
1. Residential Uses				
a. Studio and 1 Bedroom	min. 2 / unit	min. 1.25 / unit	min. 1.25 / unit	
b. 2 Bedrooms +	min. 2 / unit	min. 2 / unit	min. 1.75 / unit	
2. Non-Residential Use				
	N	N	3 spaces / 1,000 sq. ft.	
K. Allowed On-Site Vehicular Access				
1. Service Alley Vehicular access shall be provided via a rear or side service alley for all lots less than 20 ft wide, and for all multi-family building types.				
2. Residential Driveway Types by Lot Width				
a. Side drive to rear garage	50 ft. min.	50 ft. min.	50 ft. min.	
b. Front drive to street-facing garage	60 ft. min.	60 ft. min.	60 ft. min.	
c. Circular Drive	100 ft. min.	100 ft. min.	N	
2. Driveway Width	10 ft. max.	12 ft. max.	20 ft. max.	

Development Standard	Zone			
	NL (Proposed)	NL-2PV (Proposed) 2-Packs & Variable Lot	NM (Proposed)	NC (Proposed)
PARKING PLACEMENT¹				
1. Primary Front Street Setback	20'	18'	18'	18'
2. Side Street Setback	10'	10'	10'	5'
3. Side Yard Setback	5'	5'	5'	5'
4. Rear Setback²				
a. Lots with alley/rear access	3'	3'	3'	3'
b. Lots without alley/rear access	5'	5'	5'	5'
J. PARKING REQUIREMENTS				
1. Residential Uses				
a. Studio and 1 Bedroom	min. 2 / unit	min. 2 / unit	min. 1.25 / unit	min. 1.25 / unit
b. 2 Bedroom +	min. 2 / unit	min. 2 / unit	min. 2 / unit	min. 1.75 / unit
2. Non-Residential Use				
	N	N	N	3 spaces / 1,000 sq. ft.
K. ALLOWED ON-SITE VEHICULAR ACCESS				
Vehicular access shall be provided via a rear or side service alley for all lots less than 20 ft.				
1. Service Alley				
Vehicular access shall be provided via a rear or side service alley for all lots less than 20 ft wide, and for all multi-family building types.				
2. Residential Driveway Types by Lot Width				
a. Side drive to rear garage	50' min.	50' min.	50' min.	50' min.
b. Front drive to street-facing garage	50' min.	43' min.	50' min.	50' min.
c. Circular Drive	100' min.	100' min.	100' min.	N
2. Driveway Width	10' max.	10' max.	20' max.	20' max.

Sign Type	Zone			
	NL (Proposed)	NL-2PV (Proposed) 2-Packs & Variable Lot	NM (Proposed)	NC (Proposed)
Wall Sign	(Delete)	(Delete)	(Delete)	Appendix A.8.A
Window Sign	(Delete)	(Delete)	(Delete)	Appendix A.8.B
Front Yard Wall Sign	(Delete)	(Delete)	Appendix A.8.C	Appendix A.8.C
Projecting Sign	(Delete)	(Delete)	(Delete)	Appendix A.8.D
Sidewalk Sign	(Delete)	(Delete)	(Delete)	Appendix A.8.E
Roof Sign	(Delete)	(Delete)	(Delete)	Appendix A.8.F



Key:
 N = Not permitted within zone.
¹ Subterranean parking may extend to street by lot.
² Within garage or carport the rear yard setback shall not be less than 50% of the depth of the lot, not to exceed 10'.
³ May be located off-site or reduced as part of approved parking sharing agreement with neighborhood Center.

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- UNSP Page 6-4 [Schedule and Phasing]: In the UNSP's discussion of implementation, we request clarification that there may be separate "master developer(s)" for the City-owned property and privately owned property. Similarly, we request clarification that separate Phasing Plans may be submitted for each property. We urge that this clarification is appropriate given that the properties are separately owned and since the backbone infrastructure has already been installed for the privately owned property.
- UNSP Page 6-9 [Development Plan Review]: We request deletion of the "Development Plan" Section 6.8(B) since the corresponding procedures under the Municipal Code were repealed by Ordinance No. 1303 in February 2016 to reflect the new requirement for specific plans to be adopted for properties within the Planned Community District (as is the case with UNSP property).

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7. *UNSP Page 6-12 [Maximum Development Yield and Density Transfers]*: This page provides that the maximum development yield for the areas subject to the UNSP is **1,290** dwelling units. We recommend correcting this typo to provide that the maximum development yield is **2,618** dwelling units, as provided in Table 2.1.

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8. *UNSP Page 6-12 [Maximum Development Yield and Density Transfers]*: We request clarification to the following statement:

Requests by Neighborhood Builder(s)/Developer(s) for density transfers between neighborhoods may be submitted for City consideration and approval, subject to prior authorization by the Master Developer. Any approval by Planning Director for density transfer between neighborhoods *cannot* exceed the potential maximum of each individual planning area, providing that the maximum total development potential of the entire project is not exceeded.

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It appears the word “cannot” should be replaced with the word “can”, meaning that density may be transferred between planning areas, provided that the maximum total development potential of the entire project is not exceeded. Otherwise, it is unclear under what scenario a density transfer could be approved if transfers cannot exceed the potential of each individual planning area.

9. *UNSP Globally*: We request definitions for notable terms used throughout the UNSP related to future approvals (i.e. “Project Clearance”, “Project Approvals”, “Individual Projects”). Clarification of these terms will clarify processing under the UNSP going forward.

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Thank you for your consideration of these comments.

Sincerely,

HOLLAND & KNIGHT LLP



Chelsea Maclean

Response No. 5
Chelsea Maclean, Partner

Comment Received After Close of Public Review Period on the Draft EIR

This letter is from the law firm Holland and Knight dated October 7, 2016 on behalf of an unidentified client. Although the letter recognizes the extended review period deadline of October 7, 2016, this extension only applied to the Draft EIR Appendix Section that contains the One Eleven Development Code. Because the comment letter appears to be commenting on issues outside of the One Eleven Development Code, all comments contained in this letter are considered submitted after the close of the Draft EIR Public Review period (October 3, 2016). Nonetheless, responses are provided below.

This letter contains one opening statement and nine separate comments, only one of which is applicable to the Draft EIR (comment 2 below). The remainder of the comments (comments 3 through 10 below) are specific to the language of the University Neighborhood Specific Plan (UNSP) component of the project.

- 1) Opening statement: This comment states that “the original review period was scheduled to close on October 3, 2016, but that the Draft EIR was re-circulated, extending the review period until October 7, 2016.” However, this is inaccurate. The 45-day review period for the Draft EIR ran from August 19 through October 3, 2016. The 45-day review period for the recirculated Technical Appendix 3.0-2 ran from August 24 through October 7, 2016. This latter review period ending on October 7, 2016 is applicable only to Draft EIR Technical Appendix 3.0-2 (Highway 111 development code), and not the remainder of the Draft EIR. The review period for the Draft EIR ended on October 3, 2016. Therefore, this comment letter is considered untimely.
- 2) Comment 1: This comment notes a typo in Draft EIR Table 4.16-1, “Population & Employment Growth Estimate” regarding the UNSP area, which states there are “1,67” households for the UNSP area. The comment requests correction to “2,618” dwelling units. The correction has been incorporated. Refer to Section 3.0, “Errata” below.
- 3) Comment 2: This comment recommends revisions to Figure 2.3 and Table 2.1 of the UNSP in order to more clearly delineate the division of property ownership. The recommended revisions have been incorporated into the UNSP.

This comment applies to the UNSP component of the project only and does not apply to the Draft EIR; therefore, this revision is not included in the Draft EIR errata. This revision will not result in new potentially significant impacts beyond those identified in the Draft EIR because the revision does not result in any change or reallocation of dwelling units within the planning areas. Instead, this revision merely better describes and clarifies the types of housing units that are allowed within this designation within the UNSP, and which were the basis for the environmental review within

the Draft EIR. It should be noted that this does not permit a change in the types of housing products that are allowed in the UNSP, just further clarifies property ownership in the plan area.

- 4) Comment 3: This comment requests clarification of the description of the Neighborhood Medium designation zone within the UNSP to allow for a range of attached housing products that is not limited to rental apartments. The recommended revision has been incorporated into the UNSP. It should be noted that this does not permit a change in the types of housing products that are allowed in the UNSP, instead this just expands on the descriptions of the allowed development types within this particular designation.

This comment applies to the UNSP component of the project only and does not apply to the Draft EIR. This revision will not result in new potentially significant impacts beyond those identified in the Draft EIR because the revision does not result in a change of the allowed housing product types. Instead this revision merely clarifies the types of housing units that are allowed within this designation, and which were the basis for the environmental review within the Draft EIR.

- 5) Comment 4: This comment recommends revisions to the UNSP development standards in order to improve marketability of buildout, and several tables are included with recommended revised development intensities, lot sizes, building configurations, etc. However, revisions to certain development standards such as density reductions and modification of roadways, if implemented, may result in greater environmental impacts than those identified in the UNSP. Therefore, the following revisions have been incorporated into the UNSP for those development standards that are not likely to result in greater environmental impacts; the revised version of the UNSP will be presented to Planning Commission and City Council. The remainder of the requested development standard revisions would likely result in greater environmental impacts, and therefore, have not been incorporated into the UNSP.

- Table 4.2, Subsection A) Decreased minimum lot depths for NL, NM zones;
- Table 4.2, Subsection B) adjusted rear setbacks for lots without alleys in the NM zone;
- Table 4.2, Subsection E) Increased width of secondary massing in the NC zone;
- Table 4.3, Subsection G) Increasing the allowable encroachment into the public ROW for zones NL, NM; and
- Table 4.3, Subsection "Sign Type" table was updated to clarify where "signs" would be permitted by zone.

This comment applies to the UNSP component of the project only and does not apply to the Draft EIR. It should be noted that the amount of developed area within the UNSP will remain the same. Although the development standards have been modified, the amount of disturbed area associated with development will not change, therefore no additional impacts associated with air quality or greenhouse gas emissions would occur. Further, no land uses will change as a result of these revisions and these revisions will not result in additional development over what was analyzed in

the EIR, therefore no change in impacts associated with traffic will occur. Finally, although very minimal changes in setbacks and massing would occur, adherence to the design guidelines of the UNSP would prevent any aesthetic impacts. Therefore, these revisions will not result in new potentially significant impacts beyond those identified in the Draft EIR.

- 6) Comment 5: This comment requests clarification that there may be separate schedule and phasing plans for each City-owned property and each privately-owned property due to infrastructure that has already been constructed for the privately-owned property. The recommended revisions have been incorporated into the UNSP.

This comment applies to the UNSP component of the project only and does not apply to the Draft EIR. This revision will not result in new potentially significant impacts beyond those identified in the Draft EIR because the revision does not result in any changes to the overall content of the schedule and phasing plans, but rather, separation of the individual plans for each City-owned property and each privately-owned property. The phasing described in the UNSP is the City's best assumption of the most logical buildout for this area. However, there is no development proposed at this time, and until an application for development is submitted, the City has no control over which properties develop first. At the scale of environmental analysis conducted in this Draft EIR, development of particular properties out of sequence of the proposed phasing plan would not alter the impacts analyzed because with any proposed development, the Specific Plan requires that adequate infrastructure is in place to support the proposed development and that all Specific Plan and EIR requirements are met, which reduces impacts to less than significant levels. These activities will occur during the subsequent discretionary review required at the time of submittal of a development application and will comply with all applicable mitigation measures (such as, Mitigation Measure 4.5-1, which requires preparation of a biological resources report and 4.6-1 which requires a cultural resource study at the time of development.) within the Draft EIR.

- 7) Comment 6: This comment requests deletion of the "Development Plan" Section 6.8(B) since the corresponding procedures under the Municipal Code were repealed by Ordinance No. 1303 in February 2016 to reflect new specific plan requirements. The recommended deletion has been incorporated into the UNSP.

This comment applies to the UNSP component of the project only and does not apply to the Draft EIR. This revision will not result in new potentially significant impacts beyond those identified in the Draft EIR because the revision involves a minor update to reflect consistency with new specific plan requirements.

- 8) Comment 7: This comment recommends correction of a typo of the maximum development yield and density transfers on page 6-12, from 1,290 dwelling units to 2,618 dwelling units. The correction has been incorporated into the UNSP.

It should be noted that this comment applies to the UNSP component of the project only and does not apply to the Draft EIR. The accurate number of dwelling units proposed in the UNSP is 2,618

dwelling units. Therefore, this revision will not result in new potentially significant impacts beyond those identified in the Draft EIR since the revision involves correction of a typo and not an actual change in the proposed number of dwelling units.

- 9) Comment 8: This comment recommends clarification of a statement regarding density transfers on page 6-12, replacing “cannot” with “can” in the following statement: “Requests by Neighborhood Builder(s)/Developer(s) for density transfers between neighborhoods may be submitted for City consideration and approval, subject to prior authorization by the Master Developer. Any approval by Planning Director for density transfer between neighborhoods cannot exceed the potential maximum of each individual planning area, providing that the maximum total development potential of the entire project is not exceeded.” The word “cannot” has been replaced with the word “may” in this portion of text within the UNSP.

This comment applies to the UNSP component of the project only and does not apply to the Draft EIR. This revision will not result in new potentially significant impacts beyond those identified in the Draft EIR because the revision does not result in a change in the maximum total development potential of the entire UNSP area. The maximum total development potential of the UNSP area would still not be exceeded as a result of allowing density transfers to exceed the potential maximum of each individual planning area.

- 10) Comment 9: This comment requests that definitions be included for notable terms used globally throughout the UNSP related to future approvals, i.e. “Project Clearance,” “Project Approvals,” and “Individual Projects.” The definitions for these terms have been incorporated into the UNSP.

This comment applies to the UNSP component of the project only and does not apply to the Draft EIR. This revision will not result in new potentially significant impacts beyond those identified in the Draft EIR because this revision merely defines terms used in the UNSP.

3.0 Errata

DRAFT EIR TEXT

Changes to the Draft EIR are identified below. The changes to the Draft EIR do not affect the overall conclusions of the environmental document. These errata reflect minor City staff and agency initiated technical questions to the Draft EIR. These clarifications and modifications are not considered to result in any new or more severe impacts than identified in the Draft EIR, and do not warrant Draft EIR recirculation pursuant to *CEQA Guidelines* §15088.5. Changes are listed by page and where appropriate by paragraph. Added or modified text is shown by underlining (example) while deleted text is shown by strikethrough (~~example~~).

Section 2. Executive Summary, Table 2-1, Summary of Impacts and Mitigation Measures (Pages 2-10 and 2-11)

Impact: 4.5-1 Impacts to Special-Status Species. Adoption and implementation of the General Plan update would result in the loss or degradation of existing populations or suitable habitat of special-status plant and wildlife species. However, adherence with the CVMSHCP and adoption and implementation of General Plan policies and implementation actions would result in a less than significant impact with implementation of mitigation.

MM 4.5-1 Pertaining to special-status species (identified in Tables 4.5-1, 4.5-2, and 4.5-3) with the potential to occur in the Planning Area that are not part of the CVMSHCP:

Prior to the approval of grading plans for development associated with the General Plan update, the project applicant(s) shall retain a qualified biologist to perform a biological resources evaluation for private and public development projects in order to determine the presence/absence of non-covered special-status plant species with the potential to occur in and adjacent to (within 100 feet, where appropriate) the proposed impact area, including construction access routes. It is required that such surveys be conducted at the proper time of year when rare or endangered species are both evident and identifiable.

For projects in which special-status species are found, likely to occur, or where the presence of the species can be reasonably inferred, the City shall require feasible mitigation of impacts to ensure that the project does not contribute to the decline of affected special-status species populations in the region to the extent that their decline would impact the viability of the regional population. Before the approval of grading plans or any ground-breaking activity for development associated with the General Plan update, the project applicant(s) shall submit a mitigation plan concurrently to the CDFW and the USFWS for review and comment. The plan shall include mitigation measures for the population(s) to be directly affected. The actual level of mitigation may vary depending on the sensitivity of the species, its prevalence in the area, and the current state of knowledge about overall population trends and threats to its survival. The final mitigation strategy for directly impacted plant species shall be determined by the CDFW and the USFWS through the mitigation plan approval process.

Timing/Implementation: Prior to the approval of grading plans

Enforcement/Monitoring: City of Palm Desert Planning Department

Section 2. Executive Summary, Table 2-1, Summary of Impacts and Mitigation Measures (Page 2-13)

MM 4.6-2a For future projects that require excavation activity (e.g., clearing/grubbing, grading, trenching, or boring) into native soil and that have the potential to exhibit native ground surface within or in the immediate vicinity of the excavation footprint, project applicants preparation of an archaeological study (Phase I Assessment) shall be required by Project Applicants.

Timing/Implementation: During the environmental review process

Enforcement/Monitoring: City of Palm Desert Planning Department

Section 4.5. Biological Resources, Environmental Setting (Page 4.5-17)

Waters of the United States and the State: Jurisdictional waters of the United States and the State, along with isolated wetlands, provide a variety of functions for plants and wildlife. Wetlands and other water features provide habitat, foraging, cover, and migration and movement corridors for both special-status and common species. Waters in the Planning Area include the Whitewater River Storm Channel, which runs west to east through the Coachella Valley including the center of Palm Desert and eventually flows out of the Planning Area and into the Salton Sea. All other waterways in the Planning Area are south of the Whitewater River Storm Channel and drain from the Santa Rosa and San Jacinto mountains. Waterways in the Planning Area also include Palm Valley Stormwater Channel, Ramon Creek, Cat Creek, Dead Indian Creek, Ebbens Creek, Grapevine Creek, and Carrizo Creek.

Section 4.5. Biological Resources, Mitigation Measure 4.5-1 (Page 4.5-23/24)

MM 4.5-1 Pertaining to special-status species (identified in Tables 4.5-1, 4.5-2, and 4.5-3) with the potential to occur in the Planning Area that are not part of the CVMSHCP:

Prior to the approval of grading plans for development associated with the General Plan update, the project applicant(s) shall retain a qualified biologist to perform a biological resources evaluation for private and public development projects in order to determine the presence/absence of non-covered special-status plant species with the potential to occur in and adjacent to (within 100 feet, where appropriate) the proposed impact area, including construction access routes. It is required that such surveys be conducted at the proper time of year when rare or endangered species are both evident and identifiable.

For projects in which special-status species are found, likely to occur, or where the presence of the species can be reasonably inferred, the City shall require feasible mitigation of impacts to ensure that the project does not contribute to the decline of affected special-status species populations in the region to the extent that their decline would impact the viability of the regional population. Before the approval of grading plans or any ground-breaking activity for development associated with the General Plan update, the project applicant(s) shall submit a mitigation plan concurrently to the CDFW and the USFWS for review and comment. The plan shall include mitigation measures for the population(s) to be directly affected. The actual level of mitigation may vary depending on the sensitivity of the

species, its prevalence in the area, and the current state of knowledge about overall population trends and threats to its survival. The final mitigation strategy for directly impacted plant species shall be determined by the CDFW and the USFWS through the mitigation plan approval process.

Timing/Implementation: Prior to the approval of grading plans

Enforcement/Monitoring: City of Palm Desert Planning Department

Section 4.5. Biological Resources, Impacts and Mitigation Measures (Page 4.5-28)

Impact 4.5-6 A component of the MSHCP is Local Development Mitigation Fees (LDMF), which is a funding source for the CVMHCP and is required for development activities to occur. These fees are utilized to fund the ~~minimization~~ mitigation of impacts to certain special-status species and habitats.

Section 4.6. Cultural Resources, Mitigation Measure 4.6-2a (Page 4.6-8)

MM 4.6-2a For future projects that require excavation activity (e.g., clearing/grubbing, grading, trenching, or boring) into native soil and that have the potential to exhibit native ground surface within or in the immediate vicinity of the excavation footprint, ~~project applicants~~ preparation of an archaeological study (Phase I Assessment) shall be required by Project Applicants.

Timing/Implementation: During the environmental review process

Enforcement/Monitoring: City of Palm Desert Planning Department

Section 4.6. Cultural Resources, Cumulative Impacts (Page 4.6-12)

Impact 4.6-5 *Cumulative Effects on Historical Resources.* Adoption and implementation of the General Plan update in addition to anticipated future development in surrounding cities could cause a substantial change in the significance of historical resources as defined in CEQA Guidelines Section 15064.5. The loss of some historical resources may be prevented through implementation of updated General Plan policies, the City of Palm Desert's Cultural Resources Prevention Committee, and preservation policies in other communities. However, this would not ensure that these resources can be protected and preserved. This impact is **not considered cumulatively considerable**.

Section 4.9. Hydrology and Water Quality, Environmental Setting (Page 4.9-1)

Surface Water: Limited surface water is available in the winter and spring months from the Whitewater River Storm Channel, Palm Valley Stormwater Channel, Ramon Creek, Brace Creek, Dead Indian Creek, and Cat Creek, as well as a number of smaller creeks and washes. The majority of ~~regional stormwater~~ local surface water is derived from runoff from the San Bernardino and San Jacinto mountains, with lesser amounts from the Santa Rosa Mountains. This runoff either percolates in the streambeds or is captured in mountain-front debris basins where it recharges the groundwater basin. According to the estimates developed for the 2010 Coachella Valley Water Management Plan (CVWMP) update, an

average of approximately 44,000 acre-feet per year (AFY) of surface water recharges the Whitewater River subbasin.

Section 4.14. Public Services and Utilities, Water Supply and Service; Wastewater Service, Environmental Setting (Page 4.14-27)

Wastewater and Sewers: Wastewater is conveyed through sewer trunk lines generally ranging in size from 8 to ~~42~~ 24 inches, relying primarily on gravity flow.

Wastewater Reclamation: CVWD, recognizing the need for other sources of water to reduce demand on groundwater, entered the water reclamation field in 1967 and currently operates five star water reclamation plants (WRPs) in the valley. Recycled water from two of these facilities (WRP 9 and WRP 10) has been used for golf course and greenbelt irrigation in the Palm Desert area for many years, thereby reducing demand on the groundwater basin. However, CVWD closed WRP 9 in 2015. A third facility (WRP 7), located north of Indio, began providing recycled water for golf course and greenbelt irrigation in 1997.

Section 4.16. University Neighborhood Specific Plan, Impacts and Mitigation Measures, Population, Employment and Housing, Table 4.16-1, (Page 4.16-18)

2040 Households: ~~2,6181~~ 67