

RESOLUTION NO. 10214

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, APPROVING ENVIRONMENTAL ASSESSMENT 20-05-548 (EA 20-05-548) AND TO ADOPTING MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CHURCH AT THE RED DOOR PROJECT, TO BE LOCATED ON A 13.07-ACRE OF LAND, GENERALLY LOCATED AT SOUTHEAST CORNER OF AVENUE 49 AND JEFFERSON STREET IN THE CITY OF INDIO, CALIFORNIA (APNS: 602-060-001 and 602-060-002)

WHEREAS, on May 13, 2020, Reverend Randy Lintecum of the Church at the Red Door, ("Applicant") filed with the City of Indio (the "City") application for an Environmental Assessment (EA 20-05-548) for a Project consisting of the subdivision of a 13.07-acre Project area into two (2) parcels, a Specific Plan providing for the zoning and development standards of the contemplated development, along with Church at the Red Door Specific Plan (CRD-SP) 20-05-40, Tentative Parcel Map No. 37837 (TPM 20-03-403), Conditional Use Permit 20-10-1064, and Design Review 20-05-474 (collectively, the "Project"); and,

WHEREAS, the Project site is generally located at southeast corner of Avenue 49 and Jefferson Street, in the City of Indio, Riverside County, California (APN: 602-060-001 and 602-060-002); and,

WHEREAS, the City, in its capacity as the Lead Agency for the Project, in accordance with the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, caused the preparation of an Initial Study of the potential environmental effects of the Project; and,

WHEREAS, based on the findings contained in the Initial Study, City Staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project would have a significant effect on the environment, and therefore Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program were prepared for the Project and are attached to this Resolution as Exhibits "A" and "B" respectively; and,

WHEREAS, City Staff prepared a Notice of Intent to Adopt a Mitigated Negative Declaration and provided public notice of the public comment period as required by law. The original public review for the Initial Study/Mitigated Negative Declaration commenced on July 19, 2020 and ended on August 19, 2020. During this time the City received several comments on the project and its traffic study that required major revisions to the project description and the traffic study. Therefore, the City re-circulated the Initial Study/Mitigated Negative Declaration and in order to facilitate public participation, the City established a 30-day public review period for the Draft Initial Study/Mitigated Negative Declaration, which commenced on December 3, 2020 and ended on January 4, 2021 for interested individuals and public agencies to submit written comments on the document.

The City received one written comment letter during this time, which is on file with the Department of Community Development. Copies of the Initial Study/Mitigated Negative Declaration were available for review on the City's website; and,

WHEREAS, a new notice of intent to adopt the mitigated negative declaration was published in the Desert Sun newspaper and the public review period commenced on December 3, 2020 and ended on January 4, 2021.

WHEREAS, on January 27, 2021, the Planning Commission held a duly noticed public hearing on the Project, including the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, during which the Planning Commission opened the public hearing, received public testimony and continues the public hearing to its regular meeting of February 10, 2021 to provide additional time to the Applicant to further analyze the project; and,

WHEREAS, on February 10, 2021, the Planning Commission continued the public hearing on the Project to April 14, 2021. The Planning Commission meeting of April 14, 2021, was adjourned by the Planning Commission Secretary to April 28, 2021 commencing at 6:00 p.m. for lack of a quorum; and,

WHEREAS, The Planning Commission conducted the continued public hearing for the Project on April 28, 2021. At the said meeting, the Planning Commission was comprised of only four (4) members due to a resignation of one of the Commissioners. The Commission voted 2-2 on Resolution 1978 to recommend approval of Environmental Assessment 20-05-548. Accordingly, the vote constituted "no action" by the Commission.

WHEREAS, on June 2, 2021, the City Council held a duly noticed public hearing to consider the Mitigated Negative Declaration and Mitigated Monitoring and Reporting Program for the Project, during which evidence, both written and oral, including the staff report and supporting documents were presented.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in the recitals of this Resolution are true and correct, are incorporated into this Resolution by this reference and constitute a material part of this Resolution.

Section 2. The City Council finds, in its independent judgment after considering all the evidence in the record of proceedings for the Project, including without limitation the Mitigated Negative Declaration and testimony presented at the hearing, that: (i) the Mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) there is no substantial evidence supporting a fair argument that the Project would result in any significant environmental impacts that cannot be mitigated to a less than significant level through implementation of those mitigation measures identified in the Mitigated Negative Declaration and included in the Mitigation Monitoring and Reporting Program. Therefore,

the City Council finds that the Project will not have cause a significant, unmitigated environmental effect. Based on these findings, the City Council hereby adopts the Mitigated Negative Declaration for the Project, attached as Exhibit A to this Resolution.

Section 3. The City Council has also reviewed and considered the Mitigation Monitoring and Reporting Program for the Project that has been prepared pursuant to the requirements of Public Resources Code Section 21081.6 and finds that such program is designed to ensure compliance with the mitigation measures during Project implementation. Accordingly, the City Council hereby adopts the Mitigation and Monitoring and Reporting Program for the Project, attached as Exhibit B to this Resolution.

Section 4. The City Council designates the custodian of the documents for the Initial Study, Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and all other materials which constitute the record of proceedings upon which the City Council's decision is based, to be the Community Development Department of the City of Indio. Those documents are available for public review in the Community Development Department of the City of Indio located at 100 Civic Center Mall, Indio, California 92201, telephone number: (760) 391-4000.

Section 5. The City Council hereby directs staff to prepare a Notice of Determination and file with that Notice with the County Clerk in accordance with Section 15075(d) of the CEQA Guidelines.

Section 6. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 16th day June, 2021.


ELAINE HOLMES, MAYOR

ATTEST:



CYNTHIA HERNANDEZ, CMC
CITY CLERK

Exhibit A to Resolution No. 10214

Mitigated Negative Declaration (MND)

Church at the Red Door Mitigated Measures

BIOLOGICAL RESOURCES

- BIO-1 A qualified biologist will conduct a pre-construction presence/absence survey for burrowing owls at least 14 days prior to ground disturbing activities and within 24 hours immediately before ground disturbing activities. If burrowing owls are documented on site, then a plan for avoidance or passive exclusion shall be made in coordination with the California Department of Fish and Wildlife (CDFW). If the survey is negative, the project can proceed without further restrictions related to BUOW.
- BIO-2 If unavoidable project construction activities must begin during the nesting bird season (February 1st through August 31st), a pre-construction nesting bird survey shall be conducted no more than 14 days prior to initiation of ground disturbance and vegetation removal activities. The nesting pre-construction bird survey shall be conducted by a biologist familiar with identification of avian species known to occur in Riverside County. The nesting bird survey shall be conducted on foot inside the project boundary, including a 300-foot buffer for passerines (song birds) and 500-foot buffer for raptors in areas of suitable habitat. Inaccessible areas will be surveyed using binoculars to the extent practical. If nests are found, an avoidance buffer (dependent upon species, the proposed work activity, the existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. If a raptor nest is observed in a tree proposed for removal, the applicant must consult with CDFW. All construction personnel be notified of the existence of the buffer zone and to avoid entering the buffer zone during nesting season. No ground disturbing activities shall occur within this buffer area until the avian biologist has confirmed the breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

CULTURAL RESOURCES

- CUL-1 If project plans undergo such changes as to require major alteration or other physical, visual, or atmospheric effect to the Willcockson House, further analysis by an architectural historian, such as an adaptive use study or a viewshed study, will be required to prevent any substantial impact on the historic integrity of the property.

- CUL-2 If a substantial impact is deemed unavoidable through analysis conducted in Mitigation Measure CUL-1, a systematic mitigation program should be completed on the Willcockson House, such as comprehensive documentation of its history and architectural structural characteristics through procedures compatible to the proper level of the Historic American Building Survey.
- CUL-3 All grading, grubbing, trenching, excavations, and other earth-moving activities in the project area should be monitored by qualified archaeologist and a Native American monitor from the nearby Desert Cahuilla tribes, such as the Cabazon Band of Mission Indians, the Torres-Martinez Desert Cahuilla Indians, or the Augustine Band of Cahuilla Indians.
- CUL-4 If buried cultural materials are discovered during the earth-moving operations, all work in that area should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds and, if necessary, develop a treatment plan in consultation with the City of Indio and the appropriate Native American tribes.
- CUL-5 In the unexpected event human remains are uncovered during construction activities, all construction work taking place within the vicinity of the discovered remains must cease and the necessary steps to ensure the integrity of the immediate area must be taken. The County Coroner must be notified within 24 hours of the discovery of human remains. If the remains discovered are determined by the coroner to be of Native American descent, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would in turn contact the Most Likely Descendant (MLD) would determine further action to be taken. The MLD would have 48 hours to access the site and make a recommendation regarding disposition of the remains.

GEOLOGY AND SOILS

- GEO-1 All project development shall incorporate all recommendations contained in the *Geotechnical Study* with regard to earthwork/grading, conventional shallow spread footings, slabs on-grade, preliminary pavement design, retaining walls, corrosion series, utility trench backfill, exterior concrete flatwork, drainage and compliance with Current CBC Site Class D.
- GEO-2 The applicant must develop a mitigation program to be implemented for ground disturbing activities that reach beyond three feet in depth. The mitigation program must be developed in

accordance with the provisions of CEQA, and must include but not be limited to the following:

- Ground disturbances reaching more than three feet in depth below the current ground surface must be monitored by a qualified paleontological monitor. The monitor must be prepared to quickly salvage fossils, if they are unearthed, to avoid construction delays, but must have the power to temporarily halt or divert construction equipment to allow for removal of abundant or large specimens.
- Recovered specimens must be identified and curated at a repository with permanent retrievable storage that would allow for further research in the future.
- A report of findings, including an itemized inventory of recovered specimens and a discussion of their significance when appropriate, must be prepared upon completion of the research procedures outlined above. The approval of the report and inventory by the City of Indio will signify completion of the mitigation program.

Exhibit B to Resolution No. 10214

Mitigation Monitoring and Reporting Program (MMRP)

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) identifies mitigation measures incorporated into the Initial Study/Mitigated Negative Declaration (IS/MND) for the Church at the Red Door Project (Project). For each mitigation measure, the MMRP identifies the mitigation measure, the implementation entity, the timing for implementation, and the date of completion with sign-off for verification purposes.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Entity	Timing for Implementation	Date of Completion/ Initials
Air Quality			
AQ-1 Architectural coatings applied to project buildings are to be limited to 50 grams per liter VOC and traffic paints shall be limited to 100g/L VOC content, per compliance with SCAQMD Rule 1113.	Project Proponent/ Construction Contractor	Construction phase	
Biological Resources			
BIO-1 A qualified biologist will conduct a pre-construction presence/absence survey for burrowing owls (BUOW) at least 14 days prior to ground disturbing activities and within 24 hours immediately before ground disturbing activities. If burrowing owls are documented on site, then a plan for avoidance or passive exclusion shall be made in coordination with the California Department of Fish and Wildlife (CDFW). If the survey is negative, the project can proceed without further restrictions related to BUOW.	Project Proponent/ Construction Contractor/ Biologist	Prior to Construction (at least 14 days prior to and within 24 hours immediately before ground disturbing activities)	
BIO-2 If unavoidable project construction activities must begin during the nesting bird season (February 1st through August 31st), a pre-construction nesting bird survey shall be conducted no more than 14 days prior to initiation of ground disturbance and vegetation removal activities. The nesting pre-construction bird survey shall be conducted by a biologist familiar with identification of avian species known to occur in Riverside County. The nesting	Project Proponent/ Construction Contractor/ Biologist	Prior to Construction (no more than 14 days prior to initiation of ground disturbance and vegetation removal activities)	

Mitigation Measure	Implementation Entity	Timing for Implementation	Date of Completion/ Initials
bird survey shall be conducted on foot inside the project boundary, including a 300-foot buffer for passerines (song birds) and 500-foot buffer for raptors in areas of suitable habitat. Inaccessible areas will be surveyed using binoculars to the extent practical. If nests are found, an avoidance buffer (dependent upon species, the proposed work activity, the existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. If a raptor nest is observed in a tree proposed for removal, the applicant must consult with CDFW. All construction personnel be notified of the existence of the buffer zone and to avoid entering the buffer zone during nesting season. No ground disturbing activities shall occur within this buffer area until the avian biologist has confirmed the breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.			
Cultural Resources and Tribal Cultural Resources			
CUL-1 If project plans undergo such changes as to require major alteration or other physical, visual, or atmospheric effect to the Willcockson House, further analysis by an architectural historian, such as an adaptive use study or a viewshed study, will be required to prevent any substantial impact on the historic integrity of the property.	Project Proponent/ Construction Contractor/ Architectural Historian	Final Design Phase/Prior to Construction	
CUL-2 If a substantial impact is deemed unavoidable through analysis conducted in Mitigation Measure CUL-1, a systematic mitigation program should be completed on the Willcockson House, such as comprehensive documentation of its history and architectural structural characteristics through procedures compatible to the proper level of the Historic American Building Survey.	Project Proponent/ Construction Contractor/ Architectural Historian	Final Design Phase/Prior to Construction	
CUL-3 All grading, grubbing, trenching, excavations, and other earth-moving activities in the project area shall be monitored by qualified archaeologist representing the Campo Band of Mission Indians and a Tribal Monitor from Agua Caliente Band of Cahuilla Indians. If any artifacts are found said archeologist	Project Proponent/ Archaeological Monitor/ Native American Monitor	Prior to issuance of a Grading Permit (before any grading, grubbing, trenching, excavations,	

Mitigation Measure	Implementation Entity	Timing for Implementation	Date of Completion/ Initials
shall provide a report to the Campo Band of Mission Indians, Agua Caliente Band of Mission Indians, and Archeological Information Center at the University of California Riverside.		and other earth-moving activities).	
CUL-4 If buried cultural resources are discovered during the earth-moving operations, all work in that area should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds and, if necessary, develop a treatment plan in consultation with the City of Indio and both the Campo Band of Mission Indians and the Agua Caliente Mission Indians.	Project Proponent/ Construction Contractor/ Archaeological Monitor / Native American Monitor	Prior to the issuance of a Building Permit for any earth-moving operations.	
CUL-5 If unexpected human remains are uncovered during construction activities, all construction work taking place within the vicinity of the discovered remains must cease and the necessary steps to ensure the integrity of the immediate area must be taken. The County Coroner must be notified within 24 hours of the discovery of human remains. Concurrently, the Applicant shall hire a qualified consultant to conduct Middens Testing to see if there are additional human remains. If the remains discovered are determined by the coroner to be of Native American descent, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would in turn contact the Most Likely Descendant (MLD) would determine further action to be taken. The MLD would have 48 hours to access the site and make a recommendation regarding disposition of the remains. All results from the Middens Testing and the MLD shall be provided to the Campo Band of Mission Indians, Agua Caliente Band of Mission Indians, Archeological Information Center at the University of California Riverside, and the City of Indio.	Project Proponent/ Construction Contractor/ Archaeological Monitor/ Native American Monitor	During Construction (during earth-moving operations)	
Energy			
ENG-1 The project applicant shall ensure that Energy Star appliances are installed wherever appliances are required on-site.	Project Proponent / Construction Contractor	Final Design and Construction	

Mitigation Measure	Implementation Entity	Timing for Implementation	Date of Completion/ Initials
Geology and Soils			
GEO-1 All project development shall incorporate all recommendations contained in the <i>Geotechnical Study</i> with regard to earthwork/grading, conventional shallow spread footings, slabs on-grade, preliminary pavement design, retaining walls, corrosion series, utility trench backfill, exterior concrete flatwork, drainage and compliance with Current CBC Site Class D.	Project Proponent/ Construction Contractor	Final Design and Construction	
GEO-2 The Applicant must develop a mitigation program to be implemented for ground disturbing activities that reach beyond three feet in depth. The mitigation program must be developed in accordance with the provisions of CEQA, and must include but not be limited to the following: <ul style="list-style-type: none"> ▪ Ground disturbances reaching more than three feet in depth below the current ground surface must be monitored by a qualified paleontological monitor. The monitor must be prepared to quickly salvage fossils, if they are unearthed, to avoid construction delays, but must have the power to temporarily halt or divert construction equipment to allow for removal of abundant or large specimens. ▪ Recovered specimens must be identified and curated at a repository with permanent retrievable storage that would allow for further research in the future. ▪ A report of findings, including an itemized inventory of recovered specimens and a discussion of their significance when appropriate, must be prepared upon completion of the research procedures outlined above. The approval of the report and inventory by the City of Indio will signify completion of the mitigation program. 	Project Proponent/ Construction Contractor/ Paleontological Monitor	Pre-Construction and Construction (during ground disturbing activities exceeding three feet)	
Greenhouse Gas Emissions			
GHG-1 The project applicant will require that all faucets, toilets and showers installed in the proposed structures utilize low-flow fixtures that would reduce indoor water demand by at least 20% per CalGreen Standards and that water-efficient irrigation systems are utilized on-site.	Project Proponent / Construction Contractor	Final Design and Construction	

Mitigation Measure	Implementation Entity	Timing for Implementation	Date of Completion/ Initials
GHG-2 The project applicant shall require recycling programs that reduces waste to landfills by 75 percent per AB 341.	Project Proponent / Construction Contractor	Final Design and Construction	
GHG-3 The project applicant shall ensure that sidewalks are provided on- and connecting off-site.	Project Proponent / Civil Engineer/ Construction Contractor	Final Design and Construction	
GHG-4 Re-application of architectural coatings to project buildings will be limited to 50 grams per liter VOC and traffic paints shall be limited to 100g/L VOC content per compliance with South Coast Air Quality Management District (SCAQMD) Rule 1113.	Project Proponent / Construction Contractor	Final Design and Construction	
Noise			
NOI 1 The proposed project will adhere to all mitigation measures outlined in Section 7 of the <i>Noise Impact Analysis</i> regarding the reduction of construction noise and vibrations emanating from the proposed project: 1. During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards. 2. The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site. 3. Equipment shall be shut off and not left to idle when not in use. 4. The contractor shall locate equipment staging areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction	Project Proponent/ Construction Contractor	During Construction	

Mitigation Measure	Implementation Entity	Timing for Implementation	Date of Completion/ Initials
<p>5. Jackhammers, pneumatic equipment and all other portable stationary noise sources shall be shielded and noise shall be directed away from sensitive receptors.</p> <p>6. The project proponent shall mandate that the construction contractor prohibit the use of music or sound amplification on the project site during construction.</p> <p>7. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment.</p> <p>The use of a vibratory roller, or other similar vibratory equipment, within six feet of the eastern property line or a vibratory roller within 21 feet or a large bulldozer within 10 feet of the southern property line, adjacent to existing residential structures, is prohibited.</p>			


CERTIFICATION

I, Sabdi Sanchez, City Clerk Administrator of the City of Indio, California, hereby certify that **Resolution No. 10214** was duly and regularly adopted at a meeting of the City Council held on the 16th day of June 2021 by the following vote, to wit:

Ayes: Miller, Ramos Amith, Ortiz, MPT Fermon and Mayor Holmes

Noes: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Indio, California, this 16th day of June 2021.



SABDI SANCHEZ, CMC
City Clerk Administrator
City of Indio

