

**Agenda Item No.: 5.1**  
**Area Plan: Western Coachella Valley**  
**Zoning District: Bermuda Dunes**  
**Supervisory District: Fourth**  
**Project Planner: Judy Deertrack**  
**Planning Commission: February 3, 2010**  
**Continued From: TR- 2/18/09 & 4/29/09**

**SPECIFIC PLAN NO. 338, SUBSTANTIAL CONFORMANCE NO. 1; TENTATIVE TRACT MAP NO. 35058**  
**E.A. Number: 42021 (Addendum No. 1 to EIR No. 486)**  
**Applicant: Mirasera, LLC**  
**Engineer/Rep.: Hunsaker & Associates, Inc.**

## **COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT**

### **PROJECT DESCRIPTION AND LOCATION:**

Specific Plan 338, Substantial Conformance No. 1 (SP338S1) proposes to make modifications to certain text, tables and figures within the adopted Specific Plan No. 338 document in order to realign a portion of Avenue 38 to accommodate an approximate 7,330 foot long drainage channel and adjust the circulation (roadway) system, including elimination of five (5) secondary community entry points, the addition of a two (2) acre park, and adjustment of planning area boundaries. The Schedule C tentative tract map is a land division of approximately 190 acres into 16 large lots ranging in size from two (2) acres to twenty (20) acres for future residential, commercial, mixed use developments, and related improvements pursuant to the Mirasera Specific Plan. A more detailed description of the specific plan modifications and tract map improvements follows.

### **ISSUES OF POTENTIAL CONCERN:**

The Specific Plan's circulation improvements originally anticipated an immediate expansion of Varner Road to six lanes adjacent to the project site and off-site easterly along Varner Road to Washington Street, in order to accommodate the traffic volume generated primarily from the Desert Classic Golf Tournament just northwesterly of the subject property. Upon the cancellation of that tournament at that location, the project applicant renegotiated the triggering events to the Varner roadway expansion, which will now expand from four lanes to six lanes upon reaching certain level of service (LOS) thresholds rather than residential build-out thresholds, as originally anticipated. Owners of the developed properties fronting on Varner Road and east of the subject property have indicated that they will oppose giving up any of their lands for right-of-way dedication needed for Varner Road to become a six lane highway close to Washington Street. Because of multiple considerations, the Transportation Department has phased improvements over time to the new criteria.

### **FURTHER PLANNING CONSIDERATION:**

**February 3, 2009**

At the February 18, 2009 Planning Commission hearing for the tentative tract map, the map was continued to April 29, 2009, and was subsequently continued off calendar so the applicant could file an application for a substantial conformance to the adopted specific plan which would modify the document in such a manner that the proposed Tentative Tract Map could be determined to be consistent with the adopted specific plan.

Varner Road has been conditioned to six lanes between the westerly boundary of Mirasera and Washington Street. However, prior to the issuance of a building permit for any implementing project, Varner Road shall be improved to four lanes between the western boundary of the Specific Plan and Washington Street. Once the trip generation within the Specific Plan hits a specific amount, (described in the Riverside County Transportation Department conditions) Varner Road shall be improved to six lanes. If condemnation is required to obtain off-site right-of-way on Varner Road, Ordinance 460, section 3.2.j. shall apply. The improvements to Varner Road may be made in phases and each implementing project within the Specific Plan shall bear financial responsibility for on-site and off-site

improvements to Varner Road. The financial responsibility is in proportion to the number of trips for the project (30. TRANS 6).

The realignment of Avenue 38 affecting this project Mirasera (TR35058 / SP338S1) and the adjacent Valante project (TR34651 / SP360A1) has been finalized. The property owners submitted a letter of intent and agreement stating that they are in agreement with a common alignment acceptable to both parties. Both projects are currently addressing the traffic study which indicated that Varner Road along the project's boundary could be four lanes instead of six lanes as previously suggested.

**SUMMARY OF FINDINGS:**

- |                                   |  |
|-----------------------------------|--|
| 1. Existing Land Use (Ex. #1):    | Vacant   |
| 2. Surrounding Land Use (Ex. #1): | Vacant to the north, and west; vacant, RV park and industrial development to the east; and Interstate 10 and City of Palm Desert to the south.   |
| 3. Existing Zoning (Ex. #3):      | Specific Plan (SP338)  |
| 4. Surrounding Zoning (Ex. #3):   | Natural Assets (N-A) to the north; City of Palm Desert (PL-3) to the south; Controlled Development Areas (W-2-10) and Industrial Park (I-P) to the east; and W-2 to the west                 |
| 5. General Plan Land Use          | Land Use: Open Space: Recreation (OS: R), Community Development: Highest Density Residential (HHDR), High Density Residential (HDR), Commercial Office (CO), and Mixed Use Planning Area     |
| 5. Surrounding Land Use           | Open Space-Conservation Habitat (OS-CH), High Density Residential (HDR) ( <i>Adopted Specific Plan No. 360</i> ), Commercial Retail (CR), Light Industrial (LI), and Commercial Tourist (CT) |
| 6. Project Data:                  | Total Acreage: 190 acres<br>Proposed Min. Lot Size: 2 acres<br>Schedule: C   |
| 7. Environmental Concerns:        | See attached environmental documentation   |

**RECOMMENDATIONS:**

**RECERTIFICATION** of **ENVIRONMENTAL IMPACT REPORT NO. 486**, based on the findings incorporated in the EIR; and,

**CERTIFICATION** of **ADDENDUM NO. 1** to **ENVIRONMENTAL IMPACT REPORT NO. 486**, based on the finding that all impacts were adequately analyzed pursuant to applicable legal standards, and while some changes and/or additions are necessary, none of the conditions described in California Code of Regulations Section 15162 exist;

**APPROVAL** of **SPECIFIC PLAN NO. 338, SUBSTANTIAL CONFORMANCE NO. 1**, subject to the attached conditions of approval, and based on the findings and conclusions incorporated in the staff report; and,

**APPROVAL** of **TENTATIVE TRACT MAP NO. 35058**, subject to the attached conditions of approval and based upon the findings and conclusions incorporated in the staff report.

**CONCLUSIONS:**

1. The proposed project is consistent with all elements of the Riverside County General Plan and Specific Plan No. 338 and with the related SP Zone of Ordinance No. 348.
2. The public's health, safety and general welfare are protected through project's design and required improvements.
3. The proposed project is conditionally compatible with the present and future logical development of the area.
4. An ADDENDUM to previously certified EIR No. 486 has been prepared and the project is in accordance with Specific Plan No. 338.

**FINDINGS:** The following findings are in addition to those incorporated in the summary of findings, and in the attached environmental documentation, which is incorporated herein by reference.

1. The project site is designated Open Space: Recreation (OS: R), Community Development: Highest Density Residential (HHDR), High Density Residential (HDR), Commercial Office (CO), and Mixed Use Planning Area on the Western Coachella Valley Area Plan land use designation.
2. The zoning for the subject site is Specific Plan (SP338). The proposed use for mixed use development is consistent with the uses permitted and the development standards set forth in the Specific Plan (SP338) zone.
3. The project site is surrounded by properties, which are designated Open Space-Conservation Habitat to the north, High Density Residential (HDR) to the west; Commercial Retail (CR), Commercial Tourist (CT), and Light Industrial (LI) to the east; and the City of Palm Desert and Interstate 10 Freeway to the south.
4. The project proposes to divide approximately 190 acres into 16 parcels for sale to merchant builders or for further development by the owner.
5. The project is compatible with surrounding zoning and uses through project design measures outlined in Specific Plan No. 338 such as:
  - a. Community Design – the project will create a signature mixed-use community appropriate for the Coachella Valley, where residents and employees can live, work and shop in the same urban village while reducing the need for the use of automobiles. The project will provide a variety of housing choices that give an opportunity for residents with diverse income levels to live and work in the same community, enhancing their ability to reallocate their time to be spent with their families as opposed to commuting.

- b. Landscaping – Master planned landscape treatments will play a pivotal role in establishing an overall theme for the Mirasera project. Landscaping will provide unification and continuity among the various land uses. Landscape treatments are designed to reflect and enhance the character of the proposed development. The intent of the Conceptual Landscape Plan is to describe and illustrate how community unification can be achieved. The project will introduce thematic elements into the manmade environment and complement the natural beauty of the surrounding desert landscaping.
6. Domestic water and sewer will be provided by the Coachella Valley Water District as stated in their letter dated November 20, 2008. Domestic water and sanitation shall be provided in conformance with the water and sewer policies of the General Plan.
7. The project is approximately 2 miles from a fire station and will provide additional on-site fire protection improvements, such as water system and fire hydrants, in conformance with the fire services policies of the General Plan.
8. The project is located northeasterly of Varner Road (118' ROW) and southerly of Avenue 38 (118' ROW) and will provide appropriate street and off-site traffic mitigation such as Transportation Uniform Mitigation Fees (TUMF) and street improvements along the site frontage.
9. This project is located within the Coachella Valley Multiple Species Habitat Conservation Plan fee area and is not located within a Conservation Area of that plan. This project fulfills the requirements of that plan through conformance with Ordinance No. 875.
10. Flood and drainage control improvements shall be integrated into the Thousand Palms Whitewater Rivers Basin Flood Control project as approved by the Coachella Valley Water District.
11. This project is within the sphere of influence of the City of Palm Desert. It is also located within the boundaries of the Thousand Palms Community Council which recommended the project for approval on January 29, 2009.
12. The following findings relate to Tentative Tract Map No. 35058 (hereafter referred to as “the project”) and associated ADDENDUM to a previously-certified Environmental Impact Report (EIR) prepared for the project in compliance with the California Environmental Quality Act (hereafter CEQA):
  - a. Tentative Tract Map No. 35058 is undertaken to further implement Specific Plan No. 338, which was approved the Riverside Board of Supervisors on November 27, 2007.
  - b. EIR No. 486 was previously certified by the Riverside County Board of Supervisors on November 27, 2007 as containing a complete, objective and accurate reporting of the environmental impacts associated with Specific Plan No. 338, and the Board of Supervisors -- at properly noticed public hearing(s) -- reviewed and considered EIR No. 486, prior to adopting Specific Plan No. 338 and prior to approving the entitlements associated with said Specific Plan.

- c. The Project is fully consistent with, and meets the intent and purpose of, Specific Plan No. 338. No new designations or types of land use are proposed for the Project, and overall land uses and densities remain the same.
- d. The Project is consistent with the findings and conclusions contained in the staff report approving Specific Plan No. 338.
- e. The Project does not propose any substantial changes which would create new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or which would require major revisions to EIR No. 486.
- f. No substantial changes have occurred with respect to the circumstances under which the Project is being undertaken to further implement Specific Plan No. 338 which involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or which would require major revisions to EIR No. 486.
- g. While some changes or additions are necessary as indicated in the associated ADDENDUM, no new information of substantial importance not considered in EIR No. 486 shows any of the following: (1) that the Project will have one or more significant effects not discussed in that Environmental Impact Report; (2) that significant effects previously examined will be substantially more severe than shown in that Environmental Impact Report; (3) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project; or (4) that mitigation measures or alternatives which are considerably different than those analyzed in EIR No. 486, would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.
- h. These findings are based upon all documents and records contained within the Riverside County Planning Department files with respect to the County's consideration and adoption of Specific Plan No. 338, and all amendments thereto, and the County's consideration and certification of EIR No. 486 and all subsequent environmental review relating thereto.
- i. The project is exempt from further environmental review under the Public Resources Code and the State CEQA guidelines.

**TABLE OF CHANGES FOR SPECIFIC PLAN SUBSTANTIAL CONFORMANCE NO. 338S1:**

A substantial conformance to the Mirasera Specific Plan No. 338 (SP 338) was requested by the Riverside County Planning Department in order to conform Tentative Tract Map No. 35058 to specific plan requirements with modifications to meet the circulation and drainage requirements imposed by the Transportation Department and United States Army Corp of Engineers (USACOE). The substantial conformance application was submitted to the County of Riverside on August 10, 2009 and was presented at the LDC meeting on August 27, 2009.

Tentative Tract Map No. 35058 is a Schedule 'C' subdivision of approximately 190 gross acres into sixteen numbered (16) lots consisting of the following: seven (7) residential lots comprised of two (2) high density residential (HDR) lots at (12 DU/AC) and five (5) very high density residential (VHDR) lots with three (3) lots at (20 DU/AC) and two (2) lots at (25 DU/AC); one (1) commercial retail lot; three (3)

commercial office lots; three (3) mixed-use lots (including the 3.7 acre hotel), and (2) open space lots. The project proposes a future drainage channel at the northerly project boundary adjacent to 38<sup>th</sup> Avenue, three (3) detention basins, one (1) retention basin and related infrastructure improvements pursuant to the Mirasera Specific Plan, Substantial Conformance No.1 (SP338S1). Additionally, mass graded super pads and/or rough graded building pads are presently anticipated to be graded by the land owner for sale to merchant builders or for further development by the owner. Approximately 54 acres for off-site work improvements (42 acres for the drainage channel improvements and Avenue 38 right-of-way), mostly for a drainage channel, increases the scope of work of disturbed areas to approximately 244 acres and the movement of approximately two-million cubic yards of earth.

The project is located within the Western Coachella Valley Area Plan; more specifically, the project is located northerly of Varner Road, southerly of 38<sup>th</sup> Avenue, westerly of the Desert Business Park, and easterly of the Valante development project (TR34651 / SP360A1), currently a vacant lot.

The table which follows is a detailed summary of the exhibit revisions for Mirasera Substantial Conformance to Specific Plan No. 338 (SP338S1):

<b>SUMMARY OF TEXT, TABLE &amp; EXHIBIT REVISIONS FOR MIRASERA SUBSTANTIAL CONFORMANCE SPECIFIC PLAN (SP00338S1)</b>
<p><b>Plan View Aerial of the Project Site (Figure 2-3)</b></p> <ul style="list-style-type: none"> <li>• Updated configuration of the project site to be consistent with the current proposed Land Use Plan including revised Planning Area boundaries, circulation system and alignment of Avenue 38 and the ACOE Channel Facility per TTM 35058.</li> <li>• Updated the alignment of Avenue 38 and the ACOE Channel Facility through the Valante Specific Plan area to the west of the project site and the Christian Schools of the Desert site to the east of the project site.</li> <li>• Eliminated the proposed Class I Bikeway along Varner Road from Washington Street to Avenue 38.</li> </ul>
<p><b>Conceptual Land Use Summary (Table 4-1)</b></p> <ul style="list-style-type: none"> <li>• Planning Area 1 (Very High Density Residential Mix) overall acreage increased from 61.2 acres to 66.4 acres.</li> <li>• Planning Area 2 (High Density Residential Mix) overall acreage increased from 22.1 acres to 22.6 acres.</li> <li>• Planning Area 3 (Business Park/Office) overall acreage increased from 17.5 acres to 18.8 acres.</li> <li>• Planning Area 4 (Mixed Use/Live Work) overall acreage increased from 11.9 acres to 13.6 acres.</li> <li>• Planning Area 5 (Community Retail) overall acreage increased from 17.2 acres to 17.6 acres.</li> <li>• Planning Area 6 (Village Green) overall acreage increased from 6.0 acres to 8.2 acres.</li> <li>• Other; previously listed as Parks/Trails decreased from 8.0 acres to 2.7 acres, is now listed as Landscape Median/Trails. The acreage decreased because the proposed Varner Road trail was removed per Riverside County's request. The Drainage Channel has decreased from 14.8 acres to 11.3 acres and Miscellaneous Roads and Open Space has decreased from 31.1 acres to 28.6 acres. However, because the number of public streets decreased and the number of units has not changed, the amount of open space will increase for future site plans.</li> </ul>
<p><b>Conceptual Land Use Plan (Figure 4-1)</b></p> <ul style="list-style-type: none"> <li>• Updated Land Use Plan to match current configuration of the proposed development consistent with TTM 35058 including revisions to the circulation system and planning area boundaries.</li> <li>• Alignments of Avenue 38 and proposed ACOE Channel Facility have been updated with the channel running entirely in the east-west direction and not connecting to Varner Road. The Avenue 38 alignment has also been shifted to the north with a more gradual radius connecting to Varner Road.</li> <li>• Planning Area acreages have been updated to match the current layout and accommodate the addition of the 2.1 acre park site part of Planning Area 6.</li> </ul>
<p><b>Planning Area Exhibit (Figure 4-2)</b></p> <ul style="list-style-type: none"> <li>• Updated Planning Area Exhibit to revise the Planning Area boundaries for consistency with the current project layout as shown on TTM 35058.</li> </ul>

<b>SUMMARY OF TEXT, TABLE &amp; EXHIBIT REVISIONS FOR MIRASERA SUBSTANTIAL CONFORMANCE SPECIFIC PLAN (SP00338S1)</b>
<p><b>Project Site Entries (Table 4-2)</b></p> <ul style="list-style-type: none"> <li>Revised the number of Secondary Community entries on Varner Road from 3 to 1 and the total number of Secondary Community entries from 5 to 3.</li> </ul>
<p><b>Text Revision – Pg. 4.21, Varner Road Section</b></p> <ul style="list-style-type: none"> <li>Revised dimension of ultimate full-width right-of-way for Varner Road (Major Highway) from 118' to 111'.</li> </ul>
<p><b>Conceptual Circulation Plan (Figure 4-3)</b></p> <ul style="list-style-type: none"> <li>Updated the Circulation Plan to be consistent with the roadway system shown on TTM 35058.</li> <li>The length of the Commercial Collector street section has been reduced due to the addition of the roundabout improvements.</li> <li>The North Promenade street section has been reduced due to the addition of the 2.1 acre park in the north portion of the project site.</li> <li>The Regional Trail and connection points along the project's southerly boundary (Varner Road) have been eliminated.</li> <li>Street cross sections have been updated to reflect the current road widths. (refer to descriptions below for specific details regarding the street width revisions for Figures 4-4, 4-9, 4-10, 4-11, &amp; 4-13)</li> </ul>
<p><b>Proposed Varner Road Cross Section (Figure 4-4)</b></p> <ul style="list-style-type: none"> <li>The typical section for Varner Road has been revised to provide an ultimate right-of-way of 111 feet instead of 118 feet. The 111-foot section will consist of (south to north) 5-foot wide landscaping, 84 feet of pavement (14', 11', 11', eastbound through lanes, 12-foot median, 11', 11', 14' westbound through lanes), 22 feet of landscaping which includes a 5-foot meandering sidewalk.</li> </ul>
<p><b>Residential Collector Streetscape and Cross Section (Figure 4-9)</b></p> <ul style="list-style-type: none"> <li>The typical section for a Residential Collector has been revised to provide an ultimate right-of-way of 66 feet instead of 88 feet. The 66-foot section will consist of 11-foot parkways with 6-foot walks, and 44 feet of pavement (10' bike lane, 12' eastbound through lane, 12' westbound through lane and a 10' bike lane).</li> </ul>
<p><b>Commercial Collector Streetscape and Cross Section (Figure 4-10)</b></p> <ul style="list-style-type: none"> <li>The typical section for a Commercial Collector has been revised to provide an ultimate right-of-way of 104 feet instead of 102 feet. The 104-foot section will consist of 11-foot parkways with 6-foot walks, and 82 feet of pavement (8' bike lane, 12' and 13' eastbound through lanes, 16-foot median, 13' and 12' westbound through lanes, and 8' bike lane).</li> </ul>
<p><b>Main Promenade Streetscape and Cross Section (Figure 4-11)</b></p> <ul style="list-style-type: none"> <li>The Main Promenade Street Section has been revised to provide an ultimate right-of-way of 93 feet instead of 146 feet. The 93-foot section will consist of (west to east) 12-foot walks, 69 feet of pavement (13', 13', eastbound through lanes, 22-foot median, 13' westbound through lane and 8 feet of parking).</li> </ul>
<p><b>North Promenade Streetscape and Cross Section (Figure 4-13)</b></p> <ul style="list-style-type: none"> <li>The North Promenade Street Section has been revised to provide an ultimate right-of-way of 84 feet instead of 97 feet. The 84-foot section will consist of 16-foot parkways with 6-foot walks, 52 feet of pavement (8' bike lane, 13' eastbound through lane, 10-foot median, 13' westbound through lane and 8' bike lane).</li> </ul>
<p><b>Conceptual Land Use Plan (Figure 5-3)</b></p> <ul style="list-style-type: none"> <li>Planning area boundaries and the overall circulation system have been revised to be consistent with Tentative Tract Map No. 35058.</li> <li>Planning Area acreages have been revised to be consistent with Tentative Tract Map 35058 development layout and a new 2.1 acre park site has been added within Planning Area 6.</li> <li>The alignment of Avenue 38 and the proposed ACOE Drainage Channel ROW have been modified and the overall acreage for the drainage channel decreased from 14.8 acres to 11.3 acres.</li> </ul>

**INFORMATIONAL ITEMS:**

- As of this writing (1/12/2010), staff received no letters in opposition or in favor of this project.
- The project site is not located within:

- a. Fringe Toed Lizard sand source area
  - b. General Plan Policy Overlay Area
  - c. California Gnatcatcher, Quino Checkerspot Butterfly habitat.
3. The project site is located within:
- a. The boundaries of the Desert Sands Unified School District.
  - b. Flood Zone AO of the FEMA Flood Plain.
  - c. The CVMHSCP fee area.
  - d. Compatibility Zone E of the Bermuda Dunes Airport.
4. The subject site is currently designated as Assessor's Parcel Number 626-140-003, 626-150-004 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, and 025.
5. The project site is within a 100-year flood zone, thus, the property must be protected from flooding prior to any development on the site. Therefore, the property owner and the adjacent property owners have entered into multi-party agreements with the United States Army Corps of Engineers (USACOE) to participate in the construction of a portion of a regional drainage facility that will tie the project into other flood systems up and down stream.
6. The project was filed with the Planning Department on August 13, 2008.
7. The project was reviewed by the Land Development Committee four times on the following dates, October 16, 2008; November 20, 2009; December 18, 2008; and January 22, 2009.
8. Deposit based fee charged for this project, as of the time of staff report preparation on January 20, 2010, total \$89,846.59.