

RESOLUTION NO. 2005-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR), FOR THE SUMMERWIND RANCH AT OAK VALLEY PROJECT (STATE CLEARINGHOUSE #2004061035), ACCEPTING THE MITIGATION MEASURES IN THE EIR, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION WITH THE EIR.

WHEREAS, an application was made by Peter Johnson, SunCal Companies, located at 10410 Roberts Road, Calimesa, CA 92320, for adoption of a Specific Plan Amendment (SP-04-002), Zone Change ZC-04-002, General Plan Amendment GP-04-002, Tentative Parcel Map 33105, and Vesting Tentative Tract Map VT-32702 for the Summerwind Ranch at Oak Valley, a 2,590.7-acre development consisting of 3,683 homes, 130-acres of business park development, 129-acres of commercial development, 1,493-acres of open space including 645-acres of actual open space, 89.6-acres of parks, 46.20acres for three school sites, and a 10.5-acre site for a water reclamation facility, on the City's west side in an area generally known as Oak Valley; and

WHEREAS, the Planning Commission of the City of Calimesa considered evidence presented by the applicant, City staff, and other interested parties for the proposed General Plan Amendment, at a special Planning Commission meeting held on March 24, 2005; and

WHEREAS, the City Council of the City of Calimesa considered evidence presented by the applicant, City staff, and other interested parties for the proposed project, at a meeting held on April 18, 2005; and

WHEREAS, the Environmental Impact Report (EIR) prepared for the project was prepared in compliance with the California Environmental Quality Act (CEQA) Public Resource Code Sections 21000 et seq. and Title 14 of the California Code of Regulations, Sections 15000 et seq. with mitigation measures which reduce all identified potential environmental impacts except one (air quality) to a level of non-significance; and

WHEREAS, the Mitigation Monitoring Program prepared for the project was prepared in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Water Supply Assessment and Written Verification of Supply for Summerwind Ranch at Oak Valley project, prepared by the Yucaipa Valley Water District was prepared in compliance with Senate Bill 610 and Senate Bill 221, and confirms availability of water for the project for the 20-year period as required by law; and

WHEREAS, the potentially significant environmental impacts to air quality that

were identified in the Final EIR have been determined not to be fully mitigated; and

WHEREAS, in balancing a variety of public objectives, including economic, environmental, technological, social, and other benefits of the project against its unavoidable environmental risk to air quality, the Planning Commission finds and determines that the benefits of the project in providing decent homes, areas for commercial development and areas for recreational activities outweigh the unavoidable adverse environmental impact of the project on air quality, and recommends adoption of a statement of overriding considerations, pursuant to CEQA (Public Resource Code Section 21081(a) and CEQA Guidelines Sections 15093(a) and 15021(d); and

WHEREAS, to the extent identified significant effects of the project are not avoidable or substantially lessened to a level of insignificance, the Planning Commission, having reviewed and considered the information contained in the Final EIR for the project, having reviewed and considered the information contained in the public record, and having balanced the benefits of the project against the unavoidable effects which remain, finds such unmitigated effects to be acceptable in consideration of the Statement of Overriding Considerations and the findings set forth herein, attached as Exhibit "A" and incorporated in full;


NOW, THEREFORE, BE IT RESOLVED that the City Council on this 18th day of April 2005, hereby finds that:

1. That each and all of the findings set forth above is adopted herein in full.
2. That the Final Environmental Impact Report (the "Final EIR") prepared for the Summerwind Ranch at Oak Valley is hereby certified, and the mitigation measures and mitigation monitoring program are approved in compliance with the California Environmental Quality Act ("CEQA"), are incorporated into this Resolution in full by reference, and shall be made a part of Summerwind Ranch at Oak Valley project and maintained on file by the City.
3. To the extent identified significant effects of the Project are not avoided or substantially lessened to a level of insignificance, the Planning Commission, having reviewed and considered the information contained in the Final EIR for the Project, having reviewed and considered the information contained in the public record, and having balanced the benefits of the Project against the unavoidable effects which remain, finds such unmitigated effects to be acceptable in consideration of the Statement of Overriding Considerations and the findings set forth therein, attached hereto as Exhibit "A" hereto and incorporated herein in full.
4. That the Summerwind Ranch at Oak Valley, a 2,590.7-acre project consisting of 3,683 homes, 130-acres of business park development, 29-acres of commercial development, 1,4593-acres of open space including 645-acres of actual open space, 89.6-acres of parks, 46.2-acres for three school sites, and a 10.5-acre site for a water reclamation facility, on the City's west side, is hereby approved, subject to the

conditions of approval, the mitigation measures and mitigation monitoring program which are hereby made a part thereof.

BE IT FURTHER RESOLVED that this Resolution be noted in the Minutes of the City Council and a "Notice of Determination" filed within five (5) days of this action by the City Council.

PASSED, APPROVED AND ADOPTED this 18th day of April, 2005.


Shenna Moqest, Mayor

ATTEST:

APPROVED AS TO FORM:


Dick Watenpaugh, City Clerk


Marguerite P. Battersby, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) SS
CITY OF CALIMESA)

I, Dick Watenpaugh, City Clerk of the City of Calimesa do hereby certify that foregoing Resolution No. 2005-14 was duly adopted at a regular meeting of the Calimesa City Council on the 18th day of April, 2005, by the following vote:

AYES: Chlebnik, Davis, McIntire, Winningham and Moqest
NOES: None
ABSENT: None
ABSTAIN: None


Dick Watenpaugh, City Clerk

EXHIBIT "A"**STATEMENT OF OVERIDING CONSIDERATIONS FOR
THE SUMMERWIND RANCH AT OAK VALLEY PROJECT**

The following statement of facts and findings has been prepared in accordance with the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 et seq, and the CEQA Guidelines, Title 14 of the California Code of Regulations Section 15000 et seq.

Pursuant to Public Section 21081(a) and CEQA Guidelines Section 15093(a) and 15021(d), decision-makers are required to balance the benefits of a project against its unavoidable environmental risks in determining whether to approve a project. In the event the benefits of a project outweigh the unavoidable adverse effects, the adverse environmental effects may be considered "acceptable". The CEQA Guidelines require that, when a public agency allows for the occurrence of significant environmental effects which are identified in the Final Environmental Impact Report (EIR) but are not at least substantially mitigated, the agency shall state in writing the specific reasons supporting the action.

The environmental analysis undertaken for the Summerwind Ranch at Oak Valley project indicates the project would result in contributions to Air Quality (mobile source, vehicle emissions during the operation of the project, and construction emissions) impacts that would represent a significant adverse environmental effect on a project basis.

The City of Calimesa as Lead Agency and decision-maker for the project has reviewed and considered the information contained in both the Draft and Final EIRs prepared for the Summerwind Ranch at Oak Valley project and the public record. The project incorporates design criteria and conditions of approval that will guide build out of the project. This planning tool, together with the implementing entitlements for the project, establishes numerous valuable benefits to the City. The project benefits include the following:

Primary Benefits

- The project would allow for the creation of an identifiable community of large and medium-sized single-family residential lots, attached residential development, commercial development, ancillary uses and recreational features, which would maximize the sense of community and encourage conservation of sensitive habitat.
- Development of the project would allow for the enhancement of natural resources through an integrated open space system with a centralized trail network. This would enhance the integrated nature of the residential community.

- The project would provide for regional commercial development that will boost the City's economic base, serve the needs of local residents and residents of surrounding communities, and reduce the tendency for long commutes by facilitating reachable jobs/housing balance.
- The project would establish new interior circulation patterns to serve residential needs without encouraging regional circulation intrusion.
- The conservation of energy and prevention of neglect of the site's natural resources such as Oak Trees would occur through site design of the project, the use of drought-tolerant plant materials, and an aggressive tree replacement factor.
- Flexibility in accommodating future development market changes would be established by the project.
- The project proposes a logical phasing plan based on the marketplace and the extension and provision of utilities, thus allowing for flexibility in development patterns while ensuring that necessary amenities and enhancements are provided.

Additional Project Considerations

- Grading of the project site, required prior to the development of residential units, provides for the support of general population growth in the Southern California area by providing jobs.
- Air emissions from the grading of this site will result in the development of a more appropriate and healthful use of this property than Specific Plan 216 and 216A due to a reduction in the number of dwelling units and an increase in the amount of open space provided.
- Conditions of approval of the project development are expected to control air emissions from grading to the greatest extent possible.
- Between the years 2000-2025, there are 7,873 new residences and 3,356 new jobs forecast for the Calimesa area, with an anticipated population increase of 18,607 people. The proposed project would provide a maximum of 3,683 new residential units, and would account for approximately 46 percent of the total housing forecast within this planning area. The proposed development, therefore, is in keeping with projected housing needs.
- Traffic impacts of the proposed project are consistent with and reflect growth and housing demands.
- Potential air emissions of traffic impacts of the project are expected to be controlled by the identified mitigation measures to the greatest extent practicable.

The City Council makes the following finding, pursuant to CEQA Section 15093(a):

Based on the above discussion and on the evidence presented in the record, the City Council of the City of Calimesa finds that the benefits of the proposed project outweigh the unavoidable adverse air quality (mobile source, vehicle emissions during the operation of the project, and construction emissions) impacts associated with the Summerwind Ranch at Oak Valley project, which cannot be eliminated or reduced to a level of less than significance, and are therefore considered acceptable.

This statement of overriding considerations shall be included in the record of the project approval and mentioned in the Notice of Determination.