

ADDENDUM TO DOLCE CEQA DETERMINATION ANALYSIS

Mitigated Negative Declaration No. 200700845

1. Project Summary

This is a proposed amendment to a previously approved Planned Development District (PD 333) and tentative parcel map (TPM 35236) for the development of a 200-room hotel, 50 residential units and a parking structure located at the Northwest corner of Avenida Caballeros and Amado Road (hereafter, the "Project"). The Planning Commission previously considered an amendment to the PD 333 and on June 12, 2013, recommended that the applicant consider incorporating some design changes. The Project was placed on the October 2, 2013, City Council agenda, but was continued with the direction to take it back to the Planning Commission for a re-hearing. The applicant made changes to the Project which are more specifically detailed in the staff report.

2. Previous Environmental Documentation

On July 18, 2007, the City Council adopted Mitigated Negative Declaration (MND No. 200700845, "MND") for a proposed 200 room hotel and up 200 condominiums on an approximately 10.47-acre parcel. The hotel included an 8,000 square foot ballroom, a 2,760 square foot restaurant, a 4,260 square foot bar, an 8,400 square foot spa, a 2,035 square foot gourmet market and a 511-space parking structure (hereafter, the "2007 Project"). Primary access was from Amado Road. The MND studied the possible impacts of the 2007 Project on aesthetics, biological resources, hazards and hazardous materials, mineral resources, public services, utilities/service systems, agricultural resources, cultural resources, hydrology/water quality, noise, recreation, air quality, geology/soils, land use/planning, population/housing and transportation/traffic.

In adopting the MND, the City Council determined that the 2007 Project would not have a significant effect on the environment because it either had no impacts, revisions in the project were made to mitigate the effects so that they were not significant and/or mitigation measures were required to be implemented as part of the 2007 Project approvals. A Notice of Determination of the City Council's decision was filed with the County Clerk and posted on July 23, 2007. Mitigation measures were proposed and adopted relating to air quality, cultural resources, noise, and traffic. With respect to the other remaining environmental areas studied, the MND concluded that the 2007 Project would either have no impacts or less than significant impacts.

3. Purpose and Basis for this Addendum

Pursuant to Sections 15051 and 15367 of the California Environmental Quality Act ("CEQA") Guidelines, the City is the Lead Agency for CEQA compliance. Based on the analysis in this Addendum, the City determined that the potential impacts of the Project were previously analyzed in or are substantially similar to the impacts analyzed in the MND and that none of the conditions identified in Public Resources Code Section 21166

or Section 15162 of the CEQA Guideline apply. The City determined that it would prepare this Addendum to: (1) evaluate whether the Project's environmental impacts were already analyzed in the MND; (2) document the City's findings with respect to the Project and its environmental determinations; and, (3) evaluate and document that a new, supplemental or subsequent EIR, Negative Declaration, or Mitigated Negative Declaration was not warranted.

This Addendum is the appropriate CEQA documentation for the project because:

- the Project does not change the land uses that are currently permitted within the City's General Plan and PD 333, the impacts of which have been previously analyzed in the MND;
- the Project would not permit an intensification of permitted uses that would lead to increased environmental impacts beyond those that are already identified in the MND and actually reduces the intensification;
- the Project does not modify the previously analyzed 2007 Project in any substantive way;
- no new mitigation measures are required;
- none of the conditions identified in Public Resources Code Section 21166 or Section 15162 of the CEQA Guideless applies; and,
- no new significant adverse project-specific or cumulative impacts in any environmental areas were identified, nor would any project-specific or cumulative impacts in any environmental areas be made worse as a result of implementing the Project;
- Only minor technical changes or additions are necessary.

An agency may prepare an addendum to a prior negative declaration pursuant to CEQA Guidelines Section 15164 that states, in pertinent part: "An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred. An addendum need not be circulated for public review but can be included in or attached to the...adopted negative declaration. The decision making body shall consider the addendum with the...adopted negative declaration prior to making a decision on the project."

The Project is consistent with the City's General Plan and Zoning in that the Project does not alter and is consistent with the intent of the previously established Planned Development District (PD 333). The modifications proposed from the previously approved 2007 Project does not significantly change the intensity or scale of the 2007 Project. If anything the Project reduces the intensity and scale of the 2007 Project in that there is a 150-unit reduction in the maximum number of residential units that can be constructed and the height of the Project is four feet lower than the 2007 Project. A table is included in this Addendum comparing the Project with the 2007 Project. As such, there are no new significant impacts resulting from the Project, nor is there any substantial increase in the severity of any previously identified environmental impacts.

In addition, the circumstances under which the Project would be implemented would not result in new or more severe significant environmental impacts.

None of the conditions described in Section 15162 of the CEQA Guidelines have occurred. Specifically, there have not been: (1) changes to the Project that require revisions to the previously certified MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; (2) substantial changes with respect to the circumstances under which the Project is undertaken that require major revisions to the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; or (3) the availability of new information of substantial importance relating to a significant effect or mitigation measures or alternatives that was not known and could not have been known when the MND was adopted. The City applicant will be required to comply with the mitigation measures adopted for the 2007 Project and no new mitigation measures are proposed or required.

4. Project Description

On April 11, 2013, the owner of the previously approved 2007 Project submitted an application to modify the 2007 Project. The modified Project calls for a 200-room hotel, 50 residential units and associated parking structure. On June 12, 2013, the Planning Commission at its regularly scheduled public hearing meeting reviewed and unanimously approved the proposed Planned Development District amendment for the construction of 200-room hotel and 50 residential units. The Project also includes a Tentative Tract Map (TTM 35236) to subdivide the approximately 10.7-acre property. As proposed, the Project will not affect the intent of the previously established PD 333 design standards but will modify site configuration and Tentative Parcel Map 35236.

Staff conducted an environmental analysis of the modified project under CEQA and made a finding that "Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent MND, Subsequent EIR or further environmental documentation is not necessary because the changed circumstances of the Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The modified Project would not result in any new environmental impacts beyond those already assessed in the MND and no new mitigation measures are proposed.

The table on the following page compares the 2007 Project with the Project now being proposed.

Comparison of Approved Project and Proposed PD-333 Amendment

Type of Standard	Approved Project	Proposed PD-333 Amendment
Location	NWC of Ave Cab & Amado Rd	NWC of Ave Caballeros & Amado
Proposed Use	Mixed-use; Hotel & Residential	Mixed-Use; Hotel & Residential
Lot Size	10.47 Acres	10.47 Acres
Site Circulation	Ingress, egress, access and parking per City Standards	Ingress, egress, access and parking per City Standards
General Plan Density	43 units per acre	Same proposed
Zoning Ordinance Density	Hotel: 54 units/acre Residential: 29 units/acre	Same proposed
Architecture	Contemporary	Mid-Century Modern / International
Phasing	3	2
Coverage	48%	43%
Front Setbacks	Amado Road: 30 feet Calle Alvarado: 30 feet	31 feet min. 32 feet min.
Side Setbacks	Avenida Caballeros: 30 feet	31 feet min.
Rear Setbacks	18 feet Avenida Caballeros: 20 feet	30 feet min. 30 feet min.
Stories	5	5
Height	64 feet	56 feet
Hotel Units	200	200
Residential Units	200	50
Fitness Facility	None	Yes
Event Spaces	Yes	Yes
Swimming Pools	1	2
Roof Top Terrace	None	Yes
Restaurant	One	Two
Parking; Hotel	Surface Parking	Below/Above Grade Parking Structure
Parking; Residential	Surface Parking	Below/Above Grade Parking Structure
Total Parking Spaces	511	398
Access into Hotel	Street Level Entry Point	Below Grade Entry Lobby
Common Open Space	52%	47% excluding patios & balconies
Mitigation Measures	Mitigation Measures from MND No. 200700845	Same Mitigation Measures will apply to the proposed modified project

5. Environmental Evaluation

Aesthetics:

The overall permitted height of the Project has been reduced resulting in reduced aesthetic impacts, including reduced impacts to view corridors. The Initial Study for the 2007 Project included visual simulations of the buildings in the area. Simulations were completed to assess the impacts to surrounding development; as they show, the impacts will vary from location to location. The most noticeable change will occur on the west side of the existing Center Court project, where the back of the hotel will be located. However, with the inclusion of project landscaping, it is believed that the surfaces of the building will be softened at this location. In addition, it is important to note that the residential units in this area of Center Court have rear patios facing east, not west, and that therefore back yard views will not be affected. Overall due to a slightly lower profile and increased setbacks the Project will have no new view impacts. Therefore, the conclusions in the MND that the 2007 Project would have no impacts to aesthetics apply to the Project.

Agriculture Resources:

The Project site is surrounded by developed residential property and neither the site nor its adjacent uses are designated as farmland or are subject to a Williamson Act contract. Therefore, the conclusions in the MND that the 2007 Project would have no impacts to agricultural resources apply to the Project.

Air Quality:

The Project will not create additional impacts beyond those already evaluated in the MND and given the fact that the Project is less in size and scope than the 2007 Project, it is likely to have less construction and operational-related emissions. The mitigation measures proposed in the MND will apply to the Project and no new mitigation measures are required. Therefore, the conclusions in the MND that with identified mitigation measures that air quality impacts will be less than significant apply to the Project.

Biological Resources:

The Project site is located in a developed, urban area and within the parcel as the 2007 Project site which was previously developed and disturbed. Therefore, the conclusions in the MND that the 2007 Project will have no impacts to biological resources apply to the Project.

Cultural Resources:

The Project site is located in a developed, urban area and within the same parcel as the 2007 Project site which was previously developed and disturbed. The MND noted that

there is, however, always the possibility of buried cultural and paleontological resources on the Project site and proposed mitigation in the event these resources are uncovered during the 2007 Project development. Therefore, the conclusions in the MND that cultural resources impacts will be less than significant with mitigation apply to Project.

Geology and Soils:

The geologic conditions and location of the Project site are unchanged. Therefore, the conclusions in the MND that the 2007 Project would have no impact on geology and soils apply to the Project.

Hazards and Hazardous Materials:

Because the Project's proposed uses are substantially similar, albeit somewhat less intense than the uses analyzed in the MND, the amount of household cleaners and chemicals typically used for residential development and brought on to the site will be less. Therefore, the conclusions in the MND that the 2007 Project would have no impact on hazards and hazardous materials apply to the Project.

Hydrology and Water Quality:

The Project is less intense than the 2007 Project analyzed in the MND and thus, water demand from the Project will be less than the 2007 Project. The Project site is the same and the floor area ratio substantially similar as the 2007 Project. Therefore, the conclusions in the MND that the 2007 Project would have no impacts to hydrology and water quality apply to the Project.

Land Use:

The proposed changes to the Project have not changed the designated land use of the subject site; moreover there are no significant changes in the surrounding land uses that could change the circumstances of the project. The surrounding land uses are predominantly residential and that has not changed since the MND was adopted. The 2007 Project was approved for a 200-unit hotel and 143 residential development. The Project proposes a 200-unit hotel and 50-unit residential development, which is consistent with PD 333, the Specific Plan and the General Plan. Thus, there is no conflict with the applicable land use designation. Therefore, the conclusions in the MND that the 2007 Project would have no impact on land use apply to the Project.

Mineral Resources:

The Project is still located within an urbanized, developed area of the City and upon the same parcel. As noted in the MND, no significant mineral resources have been identified in the project area. Therefore, the conclusions in the MND that the 2007 Project would have no impact to mineral resources, apply to the Project.

Noise:

The MND identified potential noise impacts and requires that specified mitigation measures be implemented to ensure they are reduced to less than significant levels. Once constructed, as with the 2007 Project, it is not anticipated that the Project will generate significant additional noise in the Project area beyond current levels. As for construction activities, the MND requires the implementation of mitigation measures, including compliance with all construction regulations including construction hours prescribed in the City's Municipal Code. Given the Project's reduced size, construction noise and post-construction noise will be reduced over that analyzed for the 2007 Project. Therefore, the conclusions in the MND that with mitigation measures the 2007 Project's noise impacts would be less than significant apply to the Project.

Population and Housing:

The Project's hotel is substantially the same as the 2007 Project analyzed in the MND, but with fewer residential units and as noted in the MND will not displace any existing housing. Therefore, the conclusions in the MND that the 2007 Project would have no impacts on population and housing apply to the Project.

Public Services:

Given that the Project contains significantly fewer residential units and a hotel development with the same number of rooms and services than the 2007 Project, the Project will have fewer impacts on public services than the 2007 Project analyzed in the MND. Therefore, the conclusions in the MND that the 2007 Project's impacts on public services would be less than significant apply to the Project.

Recreation:

Given that the Project contains significantly fewer residential units, but will continue to provide on-site recreational opportunities, the Project will have fewer impacts on recreation than the 2007 Project. Therefore, the conclusions in the MND that the 2007 Project's impacts will be less than significant apply to the Project.

Traffic:

The Project is proposing to build a 200-room hotel, 50 residential units and a parking structure, which represents a decrease in size of the Project and resulting traffic trips from the previously approved and analyzed 2007 Project. The MND included an 89-page traffic study, plus appendices and considered five cumulative future projects in the area, including the Hard Rock Hotel, the Nexus/La Mancha development, One Palm Springs P.D.D. (aka Del Grano), the Del Grano II development and the Palomino development. Of the five cumulative projects considered, only one has been completed, the 43-unit Morrison residential development which replaced the Nexus/La Mancha development north of the site. The 46-unit Sol residential development which replaced

the Del Grano II development east of the Project site is currently under construction. With respect to the Palomino development 14 of 22 proposed units have been completed. It should be noted that when the 2007 Project was considered, the traffic analysis considered the potential impacts associated with 200 hotel rooms and 200 condominiums. The only significant change from the 2007 Project from a traffic standpoint is a reduction in the number of residential units to 50. The MND's traffic cumulative analysis also considered traffic from the Nexus site based on 75 residential units and 79 residential units from the Del Grano II site (Table 3-1 of the traffic analysis), which is 65 more units than were actually built. With the proposed mitigation measures the traffic analysis concluded that although the 2007 Project would impact surrounding intersections to varying degrees, none of the intersections would operate at a deficient level of service, with implementation of the 2007 Project and surrounding proposed projects. The MND identified the loss of 400 surface parking spaces utilized by the Convention Center as a potential adverse impact of the 2007 Project. The 2007 Project included the construction of a parking structure with a capacity of 511 vehicles of which 261 spaces were not assigned to the hotel and could be available for parking in conjunction with Convention Center events. The MND concluded that inclusion of these spaces coupled with (1) additional parking being developed by the City at other locations to accommodate Convention Center activities; (2) the likelihood that hotel guests of Project hotel will attend events at the Convention Center, and (3) the parking requirements for each use will be further reduced by the complementary use resulting from the location of the hotel across from the Convention Center led to the conclusion that the overall impacts associated with parking requirements were expected to be less than significant. The Project includes a payment to the City of \$2 Million Dollars toward the replacement of Convention Center parking on the Project site at location(s) to be determined at some future date. In addition, the City continues to maintain and develop parking at other locations in reasonable proximity to the Convention Center, hotel guests of the Projects will likely attend events at the Convention Center, and the parking requirements for the Project will be further reduced by the complimentary use resulting from the location of the hotel across from the Convention Center. All the mitigation measures from the previous MND will apply to the Project. Therefore, the conclusions in the MND that with mitigation measures the 2007 Project will have less than significant impacts to transportation and traffic apply to the Project.

Utilities and Service Systems:

The Project will have fewer residential units than the 2007 Project. Thus, its impacts on utilities and service systems will be less than the 2007 Project analyzed in the MND. Therefore, the conclusions in the MND that the 2007 Project will have less than significant impacts to utilities and service systems apply to the Project.

Findings:

Based on the above, the modified Project would not result in any new environmental impacts beyond those already assessed in the previously adopted MND and no new mitigation measures are necessary. Thus, an addendum is appropriate.