



City Council Staff Report

Date: May 27, 2009 NEW BUSINESS

Subject: ADOPTION OF MITIGATED NEGATIVE DECLARATION FOR THE BELARDO ROAD BRIDGE AND ROADWAY PROJECT, CITY PROJECT NO. 87-49

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

SUMMARY

After a lengthy process to complete the environmental review of the Belardo Road Bridge & Roadway Project, pursuant to CEQA and NEPA requirements coordinated by Caltrans and FHWA, the Final Environmental Document is ready for review and approval by the City Council, including adoption of the Mitigated Negative Declaration. Completion of this process allows the City to move forward with final design, right-of-way acquisition, and ultimately, construction of this long awaited project. During the public review process, there were no requests for a Public Hearing, therefore, none is required in the City's approval of the final Environmental Document and adoption of the Mitigated Negative Declaration.

RECOMMENDATION:

Adopt Resolution No. _____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AND ORDERING THE FILING OF A MITIGATED NEGATIVE DECLARATION FOR THE BELARDO ROAD BRIDGE AND ROADWAY PROJECT, CITY PROJECT NO. 87-49."

STAFF ANALYSIS:

Project History

On May 18, 2001, the City and Agua Caliente Band of Cahuilla Indians (Tribe) submitted a joint application to the Federal Highway Administration (FHWA) for Federal Public Lands Highway-Discretionary (PLH-D) funds to construct the Belardo Road Bridge and Roadway Project. With the support of local, state and federal

representatives, the City was successful in being awarded \$3,000,000 in PLH-D funds for this project.

As the City and Tribe collectively contributed to and are partners in this project, a Memorandum of Understanding (MOU) between the City and Tribe regarding oversight of this project was approved June 19, 2002. The MOU outlines the responsibilities of both the City and Tribe, with the Tribe overseeing environmental services and right-of-way issues, and the City overseeing all coordination with the California Department of Transportation (Caltrans – who administers the federal grant funds to the City), engineering design services, and advertising, bidding and construction of the project.

The Tribe previously performed a solicitation for environmental services in July 2002, and selected Jones & Stokes of Irvine, California, to provide the required environmental services for this project. A contract between the Tribe and Jones and Stokes was awarded by the Tribe on January 26, 2003. Since that time, environmental analysis and review for this project has occurred.

Project Description

For the proposed project, the Locally Preferred Alternative (Alternative 2) and the No-Build Alternative (Alternative 1) were considered. The existing facility, Belardo Road, is a partially built roadway between Tahquitz Canyon Way and South Palm Canyon Drive, generally oriented north/south except for a short segment at the south end where it turns east/west to connect with South Palm Canyon Drive.

The proposed project would construct a two-lane bridge on Belardo Road in Palm Springs over the Tahquitz Creek Channel, connect the noncontiguous sections of Belardo Road between Mesquite Avenue and Sunny Dunes Road, and widen the roadway as necessary from just west of South Palm Canyon Drive to just north of Sunny Dunes Road to create a uniform roadway width.

The proposed Belardo Road Bridge and Roadway Project would make additional improvements to Belardo Road and to the intersections with the following roads: Sunny Dunes Road, Mesquite Avenue, and Morongo Road. These improvements would bring Belardo Road into conformance with the 2007 Palm Springs General Plan Update, which identifies the extension of Belardo Road from Ramon Road to South Palm Canyon Drive as a 2-lane collector. In addition, the proposed project would provide a new access road to the Tribal Interpretive Center, a visitors' center for Tahquitz Canyon that is operated by the Tribe. Pedestrian and trail improvements are also included in the proposed project.

Environmental Analysis

An environmental document, consisting of an Initial Study / Environmental Assessment (IS/EA) was required for this project. The purpose of this IS/EA is to evaluate the

potential environmental impacts associated with implementation of the proposed Belardo Road Bridge and Roadway Project. This document has been prepared to fulfill the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) and to comply with the environmental regulations of the City, Tribe, Caltrans, and FHWA. The City is the lead agency for CEQA compliance, and Caltrans, as designated by FHWA, is the federal lead agency for NEPA compliance. Following public circulation of the Draft IS/EA, December 11, 2008 to January 9, 2009, Alternative 2 became the Preferred Alternative for the proposed project.

The IS/EA evaluated the following areas:

- Human Environment
- Physical Environment
- Biological Environment
- Cumulative Impacts
- Climate Change

Originally, the project proposed to extend Belardo Road as a 4-lane secondary thoroughfare, as was shown on the prior General Plan Circulation Element. However, as part of this project's environmental analysis, a traffic impact study was prepared and future traffic volumes did not warrant a 4-lane secondary thoroughfare classification. This finding was subsequently supported by the Traffic Impact Analysis for the City's General Plan Update, which re-designated Belardo Road as a 2-lane collector. This fact helped to address the public's initial concerns regarding increased traffic generated by the project.¹

Public Participation

Early and continuing coordination with the general public and appropriate public agencies was an essential part of the environmental process for this project, as a way to determine the scope of environmental documentation, the level of analysis, potential impacts and mitigation measures and related environmental requirements. Agency consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including project development team meetings, interagency coordination meetings, scoping meetings, and coordination with resource agencies and Native American individuals and organizations.

A public scoping meeting was sponsored by the Tribe and held on June 26, 2003, to allow the public to learn of the details of this project and for the environmental team to receive input and comments regarding potential impacts this project may have on the environment and surrounding area. At that time, several members of the public from

¹ A roadway project in itself does not generate traffic; however, completing the extension of Belardo Road will provide an alternate route for traffic to use, which will in some cases increase traffic in some areas over what exists today.

surrounding neighborhoods attended the meeting, and voiced their concerns with the impacts the new road segment will have to the adjacent neighborhoods, specifically with increased traffic that may be expected. No public agency letters were received during the scoping period.

Consultation with several agencies occurred as part of preparing the project technical reports and the IS/EA. These agencies are identified in the various technical reports and include:

- Native American Heritage Commission
- United States Fish and Wildlife Service
- California Department of Fish and Game
- Army Corps of Engineers
- Tribal Historic Preservation Officer
- Southern California Association of Governments
- United States Environmental Protection Agency (USEPA)

The Draft IS/EA and Mitigated Negative Declaration (MND) was circulated for public comment from December 12, 2008 through January 12, 2009. A public notice announcing circulation and availability of the document was published in the Desert Sun and La Prensa Hispana newspapers on December 12, 2008. The Draft IS/EA was also available for review at the City of Palm Springs, Department of Public Works Office (3200 East Tahquitz Canyon Way); the Palm Springs Public Library (300 South Sunrise Way); and the Agua Caliente Band of Cahuilla Indians Tribal Planning Office (777 East Tahquitz Canyon Way, Suite 301).

A total of four project/comment letters and one e-mail were received during the availability period for the Draft IS/EA/MND. Letters and e-mails were received from the following:

- Terry Roberts, Director, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit
- Mark Cohen, Deputy Division Chief, Regulatory Division Department of the Army, Los Angeles District Corps of Engineers
- Dave Singleton, Program Analyst, Native American Heritage Commission
- Steve L. Johnson, Operations Engineer, Desert Water Agency
- Sheryl Hamlin, Palm Springs, California

Copies of the letters, along with the responses, are included as Appendix N to the final IS/EA.

Findings

The Initial Study prepared for this project has concluded, and following public review, it has been determined that the proposed project will not have a significant effect on the environment for the following reasons:

- The project will have no effect on sole source aquifer, coastal zone, wild and scenic rivers, farmlands and timberlands, state lands, agricultural resources, land use, growth, population and housing, relocations, mineral resources, environmental justice, paleontological resources, and no businesses or residences would be acquired;
- The project will have no significant effect on aesthetics, traffic and transportation, utilities and emergency services, hydrology and floodplains, water quality and runoff, geology and seismicity, hazards and hazardous materials, air quality, noise, and natural communities;
- In addition, the project will have no significant effect on cultural resources, wetlands and other waters, plant and animal species, threatened and endangered species, and invasive species through the implementation of avoidance and mitigation measures.

A Mitigated Negative Declaration has been prepared that identifies various avoidance and mitigation measures related to visual impacts, cultural resources, biological resources, and invasive species. Implementation of the avoidance and mitigation measures, as identified on the Environmental Commitment Record (otherwise known as a "Mitigation Monitoring and Reporting Program"), will ensure that the proposed project will have no significant effect on the environment. The Environmental Commitment Record is included as Appendix F to the Final IS/EA.

FISCAL IMPACT:

None.


SUBMITTED:



David J. Barakian
Director of Public Works/City Engineer



Thomas J. Wilson
Assistant City Manager



David H. Ready, City Manager

ATTACHMENTS:

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PALM SPRINGS, CALIFORNIA, ADOPTING AND
ORDERING THE FILING OF A MITIGATED NEGATIVE
DECLARATION FOR THE BELARDO ROAD BRIDGE AND
ROADWAY PROJECT, CITY PROJECT NO. 87-49

WHEREAS, On May 18, 2001, the City of Palm Springs ("City") and the Agua Caliente Band of Cahuilla Indians ("Tribe") submitted a joint application to the Federal Highway Administration ("FHWA") for Federal Public Lands Highway-Discretionary ("PLH-D") funds to construct the Belardo Road Bridge and Roadway Project, City Project No. 87-49 ("Project"); and

WHEREAS, the Project will construct a two-lane bridge on Belardo Road over the Tahquitz Creek Channel; connect the noncontiguous sections of Belardo Road between Mesquite Avenue and Sunny Dunes Road; widen the roadway as necessary from just west of South Palm Canyon Drive to just north of Sunny Dunes Road to create a uniform roadway width; make additional improvements to Belardo Road and to the intersections with the following roads: Sunny Dunes Road, Mesquite Avenue, and Morongo Road; construct a new access road to the Tahquitz Canyon Tribal Interpretive Center; and construct various pedestrian and trail improvements; and

WHEREAS, the Project is consistent with the Circulation Element of the 2007 Palm Springs General Plan Update, which identifies the extension of Belardo Road from Ramon Road to South Palm Canyon Drive as a 2-lane collector roadway; and

WHEREAS, the Project is listed on the Southern California Association of Governments ("SCAG") 2008 Regional Transportation Improvement Program ("RTIP") as Project ID# RIV000103, approved by the Federal Highway Administration and Federal Transit Administration on November 17, 2008; and

WHEREAS, the Project implements the goals and policies of the General Plan; and

WHEREAS, an Initial Study was prepared pursuant to the provisions of the California Environmental Quality Act ("CEQA"), Division 13 of the Public Resources Code of the State of California, beginning with §21000 (hereinafter "Act"); and

WHEREAS, pursuant to Section 21152 of the Act, on December 12, 2008, a Notice of Intent to Adopt a Mitigated Negative Declaration and Availability of Initial Study/Environmental Assessment, and Notice of Opportunity for Public Hearing, was filed with the Riverside County Clerk; and

WHEREAS, the Mitigated Negative Declaration ("MND") and Initial Study/Environmental Assessment ("IS/EA") was circulated for public comment from December 12, 2008 through January 12, 2009; and

WHEREAS, by the close of the public comment period on January 12, 2009, there were no requests for a Public Hearing submitted in response to the Notice of Opportunity for Public Hearing; and

WHEREAS, pursuant to Section 15202 of the CEQA Guidelines, Title 14, Division 6, Chapter 3, Article 13 "Review and Evaluation of EIRs and Negative Declarations", of the California Code of Regulations, CEQA does not require formal hearings at any stage of the environmental review process, and public comments may be restricted to written communications; and

WHEREAS, the IS/EA prepared for this project has concluded, and following public review, it has been determined that the Project will not have a significant effect on the environment with the adoption of avoidance and mitigation measures identified in the MND; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the Project, including, but not limited to, the staff report, the IS/EA and MND, and all written and oral testimony presented.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1: The above recitals are all true and correct.

Section 2: The City Clerk of the City of Palm Springs, is hereby designated the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council has based its decision. The custodian of the documents is located at 3200 E. Tahquitz Canyon Way, Palm Springs, California.

Section 3: Pursuant to Section 15063 of the CEQA Guidelines, a Mitigated Negative Declaration ("MND") of environmental impact was prepared and circulated for a 30-day public review period ending on January 12, 2009. The Mitigated Negative Declaration adequately analyzes the general environmental setting of the Project, its potentially significant environmental impacts, and the alternatives and mitigation measures related to each potentially significant environmental impact for the Project, and has determined that there are no potentially significant impacts associated with the Project.

Section 4: The Project implements the following goals and policies of the General Plan:

Goal CR1: *Establish and maintain an efficient, interconnected circulation system that accommodates vehicular travel, walking, bicycling, public transit, and other forms of transportation.*

Goal CR2: *Establish improved levels of service for efficient traffic flow and provide a safe circulation system.*

As stated in the Project's Statement of Purpose of Need, the Project will accomplish the following:

- Provide regional roadway access to the Agua Caliente Band of Cahuilla Indians Interpretive Cultural Center and Tahquitz Creek Scenic Park and generate economic development of the surrounding Indian Lands;
- Complete the extension of Belardo Road, connecting Indian lands and Tahquitz Canyon to downtown Palm Springs.

Policy CR2.2: *Make street improvements at problem intersections and bottleneck locations to improve specific traffic operations and safety, with all such improvements to be considered selectively on the basis of specific studies of the affected intersection and streets, and the impacts on the surrounding area and on pedestrian activity.*

As stated in the Project's Statement of Need, the Project will resolve the following:

- **Design Inadequacies.** The existing roadway is substandard in several aspects, the most significant of which is the missing gap between Sunny Dunes Road and Mesquite Avenue due to the lack of a crossing for Tahquitz Creek;
- **Safety Deficiencies.** The lack of a crossing at Tahquitz Creek forces additional traffic into the Palm Canyon Drive intersections with Sunny Dunes Road, Mesquite Avenue, and Morongo Road. The majority of this additional intersection traffic makes turning movements.
- **Capacity Deficiencies.** The capacity of the roadway is limited by its inconsistent width and its lack of a crossing at Tahquitz Creek. Traffic is forced to divert through the intersection at Palm Canyon Drive resulting in far less capacity than if traffic were permitted directly between Ramon Road and the southerly intersection with South Palm Canyon Drive.

Section 5: The City Council has carefully reviewed and considered all of the evidence presented in connection with the Project, including, but not limited to, the staff report, the Initial Study and public comments received, the proposed Mitigated Negative Declaration, the proposed Environmental Commitment Record (otherwise known as a "Mitigation Monitoring and Reporting Program"), and all written and oral testimony presented. The City Council further finds that on the basis of the entire Project record, there is no substantial evidence that the Project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the City's independent judgment and analysis.

Resolution No.

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NOW, THEREFORE, BE IT RESOLVED, that based upon the foregoing, and pursuant to Section 15074 of the CEQA Guidelines, Title 14, Division 6, Chapter 3, Article 6 "Negative Declaration Process", of the California Code of Regulations, the City Council adopts and orders the filing of a Mitigated Negative Declaration, and approves the Environmental Commitment Record (otherwise known as a "Mitigation Monitoring and Reporting Program"), for the Belardo Road Bridge and Roadway Project, City Project No. 87-49.

ADOPTED this 27th day of May, 2009.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. ____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on May 27, 2009, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California