

**FINAL SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT**

**Indian Wells
Garden of Champions Tournament Center
and the
Indian Wells Town Center Project
(State Clearinghouse Number # 2006111097)**



Prepared for: **CITY OF INDIAN WELLS**
Community Development Department
44-950 El Dorado Drive
Indian Wells, CA 92210-7497

Prepared by: **EPC Inc.**
5225 Canyon Crest Drive, Suite 71-325
Riverside, CA 92507
Contact: Ernest Perea
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June 9, 2008

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SECTION 1:

INTRODUCTION

The Draft Supplemental Environmental Impact Report (SEIR) for the Indian Wells Town Center Project (State Clearinghouse Number 2006111097) was circulated for public review and comment beginning on August 24, 2007 and ending on September 24, 2007. Based on comments received, the City of Indian Wells decided to recirculate the SEIR to make revisions to the Executive Summary (Section ES-1), Aesthetics (Section 3.1), Air Quality (Section 3.2), Cultural Resources (Section 3.5), Transportation and Traffic (Section 3.15), and Unavoidable and Adverse Impacts (Section 6.0). The Recirculated SEIR was available for public review and comment beginning on February 15, 2008 and ending on March 17, 2008.

As required by the California Environmental Quality Act (CEQA) Sections 15088 and 15088.5, this Final SEIR document responds to comments received on the Draft SEIR and Recirculated Draft SEIR. The Final SEIR is organized into six sections:

- Section 1.0 This section provides a discussion of the relationship of the Final SEIR with the Draft SEIR, Recirculated SEIR and the format of the Final SEIR.
- Section 2.0 This section lists the agencies/organizations/individuals that commented on the contents of the Draft SEIR and Recirculated Draft SEIR.
- Section 3.0 This section includes the comments received on the Draft SEIR and Recirculated Draft SEIR, and the responses to those comments.
- Section 4.0 This section identifies changes and additions to the Draft SEIR and Recirculated Draft SEIR.
- Section 5.0 This section includes the mitigation measures for the project and identifies the entity responsible for implementing the mitigation measures.
- Section 6.0 This section includes the appendices and supporting documentation to the Final SEIR.

1.1 INCORPORATION BY REFERENCE

This document is part of the Final SEIR, which includes the Draft SEIR and Recirculated SEIR pursuant to CEQA Guidelines Section 15132.

SECTION 2:
LIST OF COMMENTORS

The Draft Supplemental Environmental Impact Report (SEIR) for the Indian Wells Town Center Project (State Clearinghouse Number 2006111097) was circulated for public review and comment beginning on August 24, 2007 and ending on September 24, 2007. 13 comment letters on the Draft Supplemental EIR were received.

Based on comments received, including a comment letter received on December 19, 2007 from the Aqua Caliente Band of Cahuilla Indians, the City of Indian Wells decided to recirculate the SEIR to make revisions to the Executive Summary (Section ES-1), Aesthetics (Section 3.1), Air Quality (Section 3.2), Cultural Resources (Section 3.5), Transportation and Traffic (Section 3.15), and Unavoidable and Adverse Impacts (Section 6.0). The Recirculated SEIR was available for public review and comment beginning on February 15, 2008 and ending on March 17, 2008.

Commentors on the Draft Supplemental Environmental Impact Report

State/Federal Agencies

- A. Native American Heritage Commission

Native American Tribes

- B. Soboba Band of Luiseño Indians

Regional Agencies

- C. Southern California Association of Governments
- D. South Coast Air Quality Management District (September 20, 2007)
- E. Sunline Transit Agency (September 11, 2007)

Local Agencies

- F. City of La Quinta II. City of La Quinta (March 17, 2008)

Private Organizations/Individuals

- G. La Quinta Del Oro Community Association-Mark Johnson, President
- H. Mark & Shirley Johnson
- I. Leonie Farber

- I. Leonie Farber
- J. Michelle Mulleneaux
- K. Pauline Mulleneaux
- L. Daniel Ingel
- M. Reginald & Cheryl VanSleet

Commentors on the Recirculated Draft Supplemental Environmental Impact Report

State/Federal Agencies

- N. Native American Heritage Commission

Native American Tribes

- O. Agua Caliente Band of Cahuilla Indians (December 19, 2007)
- P. Agua Caliente Band of Cahuilla Indians (February 8, 2008)
- Q. Soboba Band of Luiseño Indians
- R. Cabazon Band of Mission Indians

Regional Agencies

- S. Southern California Association of Governments

County Agencies

- T. County of Riverside Transportation and Land Management Agency

Local Agencies

- U. City of la Quinta
- V. Desert Sands Unified School District

Private Organizations/Individuals

- W. La Quinta Del Oro Community Association-Mark Johnson, President

SECTION 3: RESPONSES TO COMMENTS

3.1 INTRODUCTION

In accordance with Section 15132 of the CEQA Guidelines, the City of Indian Wells, as the lead agency for the proposed project, evaluated comments received on the Draft Supplemental Environmental Impact Report and the Recirculated Draft Supplemental Environmental Impact Report for the Garden of Champions Tournament Center (Indian Wells Town Center project) State Clearinghouse No. 2006111097, and has prepared the following responses.

The Draft Supplemental Environmental Impact Report (SEIR) for the Indian Wells Town Center Project (State Clearinghouse Number 2006111097) was circulated for public review and comment beginning on August 24, 2007 and ending on September 24, 2007. Based on comments received, the City of Indian Wells decided to recirculate the SEIR to make revisions to the Executive Summary (Section ES-1), Aesthetics (Section 3.1), Air Quality (Section 3.2), Cultural Resources (Section 3.5), Transportation and Traffic (Section 3.15), and Unavoidable and Adverse Impacts (Section 6.0). The Recirculated SEIR was available for public review and comment beginning on February 15, 2008 and ending on March 17, 2008.

Information contained in these responses to comments merely clarifies or amplifies the information and conclusions already set forth in the Draft Supplemental Environmental Impact Report and the Recirculated Draft Supplemental Environmental Impact Report. Additionally, neither the comment letters nor the responses to comments uncover any new significant environmental impacts, or feasible alternatives or mitigation measures that are substantially different from those already identified and discussed in the Draft Supplemental Environmental Impact Report or the Recirculated Draft Supplemental Environmental Impact Report because both documents provided adequate reasoning and explanation for its conclusions. These responses to comments merely expand on those explanations and conclusions, recirculation of this Final SEIR is not required under CEQA Guidelines Section 15088.5.

3.2 COMMENT LETTERS AND RESPONSES

The comment letters received and responses to the comment letters are provided on the following pages. Responses have been separated for the Draft Supplemental Environmental Impact Report and the Recirculated Draft Supplemental Impact Report for clarity purposes. All corrections, clarifications, and refinements are outlined in Section 4 of this Final SEIR and herein considered to be incorporated into the text.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5300
 Web Site www.nahc.ca.gov
 e-mail: dc_nahc@pacbell.net



September 7, 2007

Ms. Corrie Kates
CITY OF INDIAN WELLS
 44-950 Eldorado Drive
 Indian Wells, 92210

LETTER A

Re: SCH#2006111097: CEQA Notice of Completion: Supplemental/Subsequent Environmental Impact report (SEIR) for Town Center Specific Center (Indian Wells Tennis Garden); City of Indian Wells; Coachella Valley Riverside County, California

Dear Ms. Kates:

The Native American Heritage Commission (NAHC) is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect.

The City may have addressed Native American cultural resources issues advised by the above-referenced CEQA Guidelines. The NAHC provided advisory comments to the City on this project in response to the CEQA Notice of Preparation (NOP) and again listing tribal contacts to enable the City to comply with SB 18 (Government Code §65352.3).

The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).

✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.

- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15084.5 (f). In areas of identified archeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

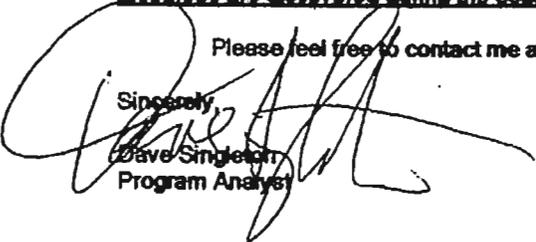
✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

- CEQA Guidelines, Section 15084.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave sites.

✓ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15084.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

✓ Lead agencies should consider avoidance, as defined in §15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

 Dave Singleton
 Program Analyst

Attachment: List of Native American Contacts

**Native American Contacts
Riverside County
September 7, 2007**

Cabazon Band of Mission Indians
John A. James, Chairperson
84-245 Indio Springs Parkway Cahuilla
Indio, CA 92203-3489
(760) 342-2593
(760) 347-7880 Fax

Alvino Siva
2034 W. Westward Cahuilla
Banning, CA 92220
(951) 849-3450

Cahuilla Band of Indians
Anthony Madrigal, Jr., Interim-Chairperson
P.O. Box 391760 Cahuilla
Anza, CA 92539
tribalcouncil@cahuilla.net
(951) 763-2631

(951) 763-2632 Fax

Torres-Martinez Desert Cahuilla Indians
Ernest Morreo
PO Box 1160 Cahuilla
Thermal, CA 92274
maxtm@aol.com
(760) 397-0300
(760) 397-8146 Fax

Ramona Band of Mission Indians
Joseph Hamilton, vice chairman
P.O. Box 391670 Cahuilla
Anza, CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

Santa Rosa Band of Mission Indians
John Marcus, Chairman
P.O. Box 609 Cahuilla
Hemet, CA 92546
srtribaloffice@aol.com
(951) 658-5311
(951) 658-6733 Fax

Torres-Martinez Desert Cahuilla Indians
Raymond Torres, Chairperson
PO Box 1160 Cahuilla
Thermal, CA 92274
(760) 397-0300
(760) 397-8146 Fax

Augustine Band of Cahuilla Mission Indians
Mary Ann Green, Chairperson
P.O. Box 846 Cahuilla
Coachella, CA 92236
(760) 369-7171
760-369-7161

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SSC#2006111097 CEQA Notice of Completion; Subsequent Environmental Impact Report (SEIR) for the Town Center Specific Plan (Indian Wells Tennis Garden); Coachella Valley; City of Indian Wells; Riverside County, California.

Native American Contacts
Riverside County
September 7, 2007

Morongo Band of Mission Indians

Britt W. Wilson, Cultural Resources-Project Manager

49750 Seminole Drive Cahuilla
Cabazon , CA 92230 Serrano

britt_wilson@morongo.org
(951) 755-5206
(951) 755-5200/323-0822-cell
(951) 922-8146 Fax

Cahuilla Band of Indians

Maurice Chacon, Cultural Resources

P.O. Box 391760 Cahuilla
Anza , CA 92539

cbandodian@aol.com
(951) 763-2631

(951) 763-2632 Fax

Torres-Martinez Desert Cahuilla Indians

William J. Contreras, Cultural Resources Coordinator

P.O. Box 1160 Cahuilla
Thermal , CA 92274

(760) 397-0300
(760) 275-2686-CELL
(760) 397-8146 Fax

Cabazon Band of Mission Indians

Judy Stapp, Director of Cultural Affairs

84-245 Indio Springs Parkway Cahuilla
Indio , CA 92203-3499

jweaver@cabazonindians.org
(760) 342-2593
(760) 347-7880 Fax

Agua Caliente Band of Cahuilla Indians THPO

Richard Begay, Tribal Historic Preservation Officer

5401 Dinah Shore Drive Cahuilla
Palm Springs , CA 92264

rbegay@aguacaliente.net
(760) 325-3400 Ext 6907
(760) 699-6906
(760) 325-0593- Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed 38CH&2006111097 CEQA Notice of Completion; Subsequent Environmental Impact Report (SEIR) for the Town Center Specific Plan (Indian Wells Tennis Garden); Coachella Valley; City of Indian Wells; Riverside County, California.

Draft Supplemental Environmental Impact Report Comments

3.2.1 Federal/State Agencies

A. Native American Heritage Commission

Response to Comment A-1

The City recognizes that the Native American Heritage Commission (NAHC) is the state's Trustee Agency for Native American Cultural Resources and shares the NAHC's to adequately address significant cultural resources pursuant to CEQA Guidelines Section 15064.5(b) (c).

Response to Comment A-2

The City acknowledges that the Supplemental EIR (SEIR) may have addressed cultural resources pursuant to CEQA Guidelines 15064.5(b) (c). Specifically, on February 8, 2007, the City initiated a consultation process pursuant to Senate Bill 18 and sent information in regard to cultural resources for the project site to the Native American Contacts provided by the NAHC and also contacted the Eastern Information Center, Department of Anthropology, University of California Riverside the identified California Historic Resources Information Center for the project area.

Two previous cultural resource reports ("An Exploratory Investigation of CA-RIV-3005 and CA-RIV-5876, Located Near Indian Wells, Riverside County, California, July 1998, by RMW Paleo Associates Incorporated" and " A Cultural Resources Reconnaissance for the Garden of Champions Tennis Facility, Located Near Indian Wells, Riverside County, California, April 1998 by RMW Paleo Associates Inc." were provided to the following Native American Tribes:

- Augustine Band of Cahuilla Mission Indians;
- Aqua Caliente Band of Mission Indians;
- Cabazon Band of Mission Indians;
- Morongo Band of Mission Indians;
- Ramona Band of Mission Indians;
- Soboba Band of Mission Indians; and
- Torres-Martinez Desert Cahuilla Indians.

Response to Comment A-3

The City acknowledges the use of Native American Monitors to ensure proper identification and care be given to cultural resources that may be discovered. The SEIR contains Mitigation Measure CUL-4 which requires the project developer to coordinate entering into a Pre-

Excavation Agreement and the use of 2 Native American Monitors from those Tribes identified above.

Response to Comment A-4

The City acknowledges that lack of surface evidence of archaeological resources does not preclude their subsurface existence. The SEIR contains Mitigation Measures CUL-2, CUL-3 and CUL-3 which requires a qualified archaeologist and Native American Monitors to be present during grading activities and to address the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

Response to Comment A-5

The City acknowledges the need to include measures to address the discovery of Native American human remains. The SEIR contains Mitigation Measure CUL-5 which requires that the appropriate Native American Tribe as determined by the NAHC be contacted in the event Native American human remains are encountered to ensure that such remains are treated in a dignified and appropriate manner.

Response to Comment A-6

The City acknowledges the need for procedures to be followed in the event of accidental discovery of any human remains in a location other than a dedicated cemetery. The SEIR contains Mitigation Measure CUL-5 which requires notification of the County Coroner in the event of the accidental discovery of human remains.

Response to Comment A-7

The City acknowledges the need to have measures in place to consider avoidance of significant cultural resources discovered during the course of project planning. The SEIR contains Mitigation Measures CUL-2 through CUL-5 which provides for cultural resources discovered during earth disturbing activities to be evaluated and studies conducted to determine the most appropriate disposition of such resources, including avoidance.



Mission:

Educate and communicate the rich heritage of Soboba peoples; Lead and assist individuals, organizations and communities in understanding the needs and concerns of Native American monitoring of traditional sites; Advocate Native American participation in state agencies and boards; Advocate legislation and enforcement of laws affecting Native American peoples and protecting historical and archaeological resources.

March 22, 2007

Attn: Corrie Kates
City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210-7497

LETTER B

Re: Indian Wells Tennis Garden (Town Center Specific Plan)

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided on said project(s) has been assessed through our Cultural Resource Department, where it was concluded that although this site is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas.

1

At this time the Soboba Band does see a direct need for Native American Monitoring and consultation. The Tribe requests a Native American Monitor be present during any and all ground disturbing activities. Soboba requests this, until deemed unnecessary by both Archaeological and Native American Monitors. Also the Tribe requests to be involved in any and all consultation throughout the project. If you have any questions or concerns, please do not hesitate to contact the Cultural Resource Department.

2

[SPECIAL NOTE (for projects other than cell towers): If this project is associated with a city or county specific plan or general plan action it is subject to the provisions of SB18-Traditional Tribal Cultural Places (law became effective January 1, 2005) and will require the city or county to participate in **formal, government-to-government** consultation with the Tribe. If the city or county are your client, you may wish to make them aware of this requirement. By law, they are required to contact the Tribe.]

Sincerely,

A handwritten signature in black ink, appearing to read "Erica Helms", written over the word "Sincerely,".

Erica Helms
Soboba Cultural Resource Department
Cell (951) 663-8333
Phone (951) 487-8268
ehelms@soboba-nsn.gov

3.2.2 Native American Tribes

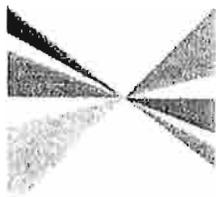
B. Soboba Band of Luiseño Indians

Response to Comment B-1

The City appreciates the comments of the Soboba Band of Luiseño Indians and acknowledges that although the project site is outside the Soboba Reservation, it is within the bounds of the traditional use of the Tribe's Traditional Use Areas.

Response to Comment B-2

The City acknowledges that the Soboba Band of Luiseño Indians sees a direct need for Consultation under Senate Bill 18 and Native American Monitoring. The SEIR contains Mitigation Measure CUL-4 which requires the use of 2 Native American Monitors and that said monitors will be coordinated among the Tribes identified by the NAHC, which includes the Soboba Band of Luiseño Indians. The City also will involve the Tribe in any and all consultations pursuant to SB 18.



ASSOCIATION OF GOVERNMENTS

Main Office

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12th Floor

Los Angeles, California

90017-3435

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Officers: President: Gary Ovitl, San Bernardino County - First Vice President: Richard Dixon, Lake Forest - Second Vice President: Harry Baldwin, San Gabriel - Immediate Past President: Yvonne B. Burke, Los Angeles County

Imperial County: Victor Carrillo, Imperial County - Jon Edney, El Centro

Los Angeles County: Yvonne B. Burke, Los Angeles County - Zev Yaroslavsky, Los Angeles County - Richard Alarcon, Los Angeles - Jim Aldinger, Manhattan Beach - Harry Baldwin, San Gabriel - Tony Cardenas, Los Angeles - Stan Carroll, La Habra Heights - Marijaret Clark, Rosemead - Gene Daniels, Paramount - Judy Dunlap, Inglewood - Rae Gabelkoh, Long Beach - David Cahn, Downey - Eric Garcetti, Los Angeles - Wendy Greuel, Los Angeles - Frank Gurule, Cudahy - Janice Hahn, Los Angeles - Isadore Hall, Compton - Keith W. Hanks, Azusa - Jose Huizar, Los Angeles - Jim Jeffra, Lancaster - Tom LaBonge, Los Angeles - Paula Lantz, Pomona - Barbara Messina, Alhambra - Larry Nelson, Artesia - Paul Nowalka, Torrance - Pam D' Connor, Santa Monica - Bernard Parks, Los Angeles - Jan Perry, Los Angeles - Ed Reyes, Los Angeles - Bill Rosendahl, Los Angeles - Greig Smith, Los Angeles - Tom Sykes, Walnut - Mike Ten, South Pasadena - Tonia Reyes Uranga, Long Beach - Antonio Villaraigosa, Los Angeles - Dennis Washburn, Calabasas - Jack Weiss, Los Angeles - Herb J. Wesson, Jr., Los Angeles - Dennis Zine, Los Angeles

Orange County: Chris Norby, Orange County - Christine Barnes, La Palma - John Beauman, Brea - Lou Bone, Tustin - Debbie Cook, Huntington Beach - Leslie Daigle, Newport Beach - Richard Dixon, Lake Forest - Troy Edgar, Los Alamitos - Paul Glaab, Laguna Niguel - Robert Hernandez, Anaheim - Sharon O' Kirk, Fullerton

Riverside County: Jeff Stone, Riverside County - Thomas Buckley, Lake Elsinore - Bonnie Flickinger, Moreno Valley - Ron Inveridge, Riverside - Greg Pettis, Cathedral City - Ron Roberts, Temecula

San Bernardino County: Gary Ovitl, San Bernardino County - Lawrence Dale, Barstow - Paul Eaton, Montclair - Lee Anni Garcia, Grand Terrace - Tim Jasper, Town of Apple Valley - Larry McCallion, Highland - Deborah Robertson, Rialto - Alan Wapner, Ontario

Tribal Government Representative: Andrew Masel Si - Pechanga Band of Luiseño Indians

Ventura County: Linda Parks, Ventura County - Glen Becerra, Simi Valley - Carl Morehouse, San Buenaventura - Tomi Young, Port L. Hueneeme

Orange County Transportation Authority: Ari Brown, Buena Park

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Keith Millhouse, Moorpark

September 11, 2007

Mr. Corrie Kates
City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210

LETTER C

RE: SCAG Clearinghouse No. I 20070543 Indian Wells Town Center Draft Supplemental EIR

Dear Mr. Kates:

Thank you for submitting the **Indian Wells Town Center Draft Supplemental EIR** for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the **Indian Wells Town Center Draft Supplemental EIR**, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project was published in SCAG's **August 16-31, 2007 Intergovernmental Review Clearinghouse Report** for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1856. Thank you.

Sincerely,

SHERYLL DEL ROSARIO
Associate Planner
Intergovernmental Review

Doc #139756

3.2.3 Regional Agencies

C. Southern California Association of Governments

Response to Comment C-1

The City appreciates SCAG's comments on the Draft SEIR.

Response to Comment C-2

The City acknowledges SCAG's comment that the project is not regionally significant and no comments are warranted.

Response to Comment C-3

The City acknowledges that a description of the project was published in SCAG's August 16-31 2007 Intergovernmental Review Clearinghouse Report for public review and comment.

Response to Comment C-4

The City will include the project title and SCAG Clearinghouse No. I 20070543 in any future correspondence with SCAG concerning this project.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

FAXED: SEPTEMBER 20, 2007

September 20, 2007

Mr. Corrie Kates
City of Indian Wells
Community Development Department
44-950 El Dorado Drive
Indian Wells, CA 92210-7497

LETTER D

Dear Mr. Kates:

**Draft Supplemental Environmental Impact Report (DSEIR) for the
Indian Wells Garden of Champions Tournament Center:
(August 2007)**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated in the Final Supplemental Environmental Impact Report. | 1

Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final Supplemental Environmental Impact Report. The SCAQMD would be available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Charles Blankson, Ph.D., Air Quality Specialist – CEQA Section, at (909) 396-3304 if you have any questions regarding these comments. | 2

Sincerely

Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development & Area Sources

Attachment

SS:CB

RVC070829-05
Control Number

**Draft Supplemental Environmental Impact Report (DSEIR) for the
Indian Wells Garden of Champions Tournament Center**

1. Proposed Project's PM10 Emissions:

The lead agency has incorrectly labeled the significance designation for the proposed project's PM10 emissions in Table 6 on page 3.3-9 of the DSEIR which shows 202.76 pounds per day of PM10 emissions as not significant. Table 9 on page 3.3-14 shows 2.33 pounds per day of PM10 emissions for 2009 Construction Activity as significant. Finally, Table 10 on page 3.3-15 indicates that 196.94 pounds of PM10 emissions per day are noted are not significant. These incorrect conclusions should be corrected in the Final SEIR

3

2. Localized Impacts:

Consistent with the SCAQMD's environmental justice program and policies, the SCAQMD recommends that the lead agency also evaluate localized air quality impacts of the proposed project. SCAQMD staff recommends that for this project and for future projects, the lead agency undertake the localized analysis to ensure that all necessary and feasible mitigation measures are implemented to protect the health of existing or potential sensitive receptors close to the proposed project. This necessary to assess the proposed project's localized impacts on the residential development to the northeast of the proposed project across from Washington Street. The methodology for conducting the localized significance thresholds analysis can be found on the SCAQMD website at: www.aqmd.gov/ceqa/handbook/LST/LST.html.

4

3. Mitigating Proposed Project's Emissions:

Given that the proposed project's volatile organic compounds (VOC) and nitrogen oxides (NO_x) emissions are significant for both construction and operation and carbon monoxide (CO) and PM10 are significant for operation,, SCAQMD staff recommends that the lead agency consider the following construction mitigation measures for implementation in addition to the measures listed in Section 8.0 of the DSEIR:

- Require trucks and other vehicles that would be transporting materials and other supplies to the project site, to use alternative clean fuel such as compressed natural gas.
- For construction equipment require the use of oxidation catalysts and alternative clean fuel such as natural gas instead of gasoline- or diesel-powered engines. However, where diesel equipment has to be used because there are no practical alternatives, the construction contractor should use particulate filters as well as oxidation catalysts.
- To reduce volatile organic compounds (VOC) emissions, restrict the number of gallons of architectural coatings used per day. Where feasible, paint contractors should use hand applications instead of spray guns. The lead agency should also encourage water-based coatings or coatings with a lower

5

VOC content than 100 grams per liter. Alternatively, consider using materials that do not need to be painted or are painted prior to transporting to the site.

For lists of additional mitigation measures for consideration by the lead agency to reduce both construction and operation air quality impacts please refer to SCAQMD website http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html for vehicles and equipment that have been certified by CARB and their availability.

6

On page 3.3-13 mitigation measure AQ-1 requires reducing the maximum acreage graded on any one day to 20 acres. This mitigation measure is inconsistent with the statement in subsection 2.3.5 on page 2-13, which states that approximately 10 acres are anticipated to be graded per day. The SCAQMD recommends modifying mitigation measure AQ-1 to be consistent with the statement in subsection 2.3.5 on page 2-13.

7

D. South Coast Air Quality Management District

Response to Comment D-1

The City acknowledges that the comments from the South Coast Air Quality Management District (SCAQMD) are intended for guidance purposes and will consider incorporating them into the Final SEIR.

Response to Comment D-2

The City will provide the responses to the comment letter dated September 20, 2007 to the SCAQMD pursuant to Public Resources Code Section 21092.5.

Response to Comment D-3

The Commentor correctly notes the following:

- The PM₁₀ emissions of 202.76 pounds per days shown in Table 6 of page 3.3-9 of the SEIR exceeds the regional threshold of 150 pound per day and the table incorrectly states that emission is not significant. Table 6 will be revised in the Final SEIR to show that the PM₁₀ emissions are significant.
- The PM₁₀ emissions in Table 9 show 2009 construction activity emissions as 2.33 pounds per day which is below the regional significance of 150 pounds per day however, Table 9 incorrectly concludes that PM₁₀ emissions are significant when in fact they are not. Table 9 will be corrected in the Final SEIR.
- The PM₁₀ emissions of 196.55 pounds per days shown in Table 10 on page 3.3-15 of the SEIR exceeds the regional threshold of 150 pound per day and the table incorrectly states that emission is not significant. Table 10 will be revised in the Final SEIR to show that the PM₁₀ emissions are significant.

Response to Comment D-4

The Recirculated Draft Supplemental Environmental Impact Report contains a Localized Significance Analysis consistent with SCAQMD's environmental justice program and policies on Pages 3.3-10 through Pages 3.3-12. Table 6b on Page 3.3-12 shows the results of the ISC Dispersion Model, which indicates that Localized Significance Thresholds will not be exceeded.

Response to Comment D-5

The City acknowledges that the project's emissions for VOC and NOx are significant for both construction and operation and CO and PM₁₀ are significant for project operation. The City has considered the menu of additional mitigation measures recommended by the SCAQMD and responds as follows:

Compressed natural gas is not readily available in the Coachella Valley area for use as fuel for construction vehicles, therefore, this measure is not a practical alternative at the present time.

For the reason stated above, alternative fuels for construction equipment may not be practical, especially for construction vehicles. However, Mitigation Measure AQ-6 in the SEIR requires that during project construction, onsite electrical hook ups shall be provided for electric construction tools including saws, drills and compressors, to eliminate the need for diesel powered electric generators.

The type of building construction makes implementation of these type of restrictions infeasible given the size, variety and architectural elements of the buildings

Response to Comment D-6

The City will add language to mitigation measure AQ-6 that requires contractors to use equipment from Table 1 from the SCAQMD Air Quality Guidance Handbook, Mitigation Measures and Control Efficiencies for off-road engines.

Response to Comment D-7

The commentor correctly notes that Page 2-13 under the SEIR "Project Description", states that "*Approximately 10 acres is anticipated to be graded per day*" (*emphasis added*). Page 2-13 goes on to state that "Exact grading quantities are not known at this time but the site is relatively flat with only a slight slope toward the Whitewater River Channel to the south. Grading is expected to be balanced onsite to eliminate offsite soil import or export".

Based on the air dispersion modeling and the size of the site (98 acres), Mitigation Measure AQ-5 (previously numbered AQ-1) limits grading to 20 acres per day which considered more detailed information now known. The statement in regard to grading of 10 acres per day was an approximation, and the SEIR will be revised to reconcile the statement on Page 2-13 with the more accurate information contained in Mitigation Measure AQ-5.



A Public Agency

September 11, 2007

Ms. Corrie Kates
Community Development Director
Community Development Department
City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210

LETTER E

Re: Indian Wells Garden of Champions Tournament Center and the Indian Wells Town Center Project

Dear Ms. Kates:

This letter responds to your request for comments regarding the proposed project located on the west-side of Washington Street, on the north and south sides of Miles Avenue in the City of Indian Wells. SunLine Transit Agency (SunLine) staff has reviewed the project and offers the following comments.

1

SunLine currently provides bus service to the proposed project site along Washington Street, served by Line 70 (La Quinta). Based on our review of existing transit amenities in the vicinity, SunLine has an existing bus stop in close proximity to the proposed development. Bus stop #81 is on the southwest corner of Washington Street and Fred Waring traveling south. Given this, we are not requesting inclusion of additional transit amenities at this time. As part of the project, SunLine recommends that sidewalks be constructed in all areas fronting the project site along Washington Street and Miles Avenue, if there are no sidewalks currently in place to ensure that future customers are able to access services offered in the area.

2

Should you have questions or concerns regarding this letter, please contact me at 760-343-3456, ext. 162.

Sincerely,

Alfonso Hernandez
Assistant Planner

cc: C. Mikel Oglesby, General Manager
Eunice Lovi, Director of Planning
Tim Wassil, Director of Public Works
City of Indian Wells

E. Sunline Transit Agency

Response to Comment E-1

The City appreciates the comments from the Sunline Transit Agency.

Response to Comment E-2

The City acknowledges that the Sunline Transit Agency is not requesting additional transit amenities at this time. In addition, please note that sidewalks are currently constructed fronting the project site along Washington Street and Miles Avenue.



City of La Quinta

September 24, 2007

VIA HAND DELIVERY

Mr. Corrie Kates
Community Development Director
City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210

LETTER F

RE: Indian Wells Town Center Draft Supplemental Environmental Impact Report, SCH No. 2006111097

Dear Mr. Kates,

Thank you for providing the City of La Quinta ("La Quinta") the opportunity to comment on the Indian Wells Town Center Draft Supplement Environmental Impact Report ("DEIR"). La Quinta believes that the DEIR needs to provide additional information in order to fully set forth and clearly assess all applicable impacts associated with the project. Comments regarding the DEIR are provided as follows:

Aesthetics:

Comments provided during the Notice of Preparation (see City of La Quinta letter dated December 15, 2006, copy attached) identified the need to evaluate the potential visual impact as part of the aesthetic analysis. However, the DEIR does not provide any meaningful analysis of the potential aesthetic impact (i.e. site cross sections, computer imaging, shadow study, etc.), especially with regard to the proposed hotel with a maximum height of ninety (90) feet, which is significantly taller than the Resort Commercial permissible maximum height of fifty-two (52) feet.

At a minimum, the evaluation of potential aesthetic impact must include standard information, such as site cross sections, computer imaging analysis and/or use of other accepted methodology for evaluation of visual impact that clearly demonstrates the potential visual impact of the project. Therefore, additional information is necessary in order to clearly evaluate potential aesthetic impacts and conclude that the project will not have adverse impacts. Once available, we request the opportunity to review and comment on this additional information.

Transportation and Traffic

It is respectfully requested that the following transportation and traffic comments be considered:

P.O. Box 1504 • LA QUINTA, CALIFORNIA 92247-1504
78-495 CALLE TAMPICO • LA QUINTA, CALIFORNIA 92253
(760) 777-7000 • FAX (760) 777-7101



- The Traffic Impact Assessment (TIA) found in Appendix H of the DEIR appears to be a minimal approach for such a large project ($\pm 20,000$ vehicles per day) given the number of intersections that are operating at close to (or above) capacity conditions within a two mile radius of the project.
- The TIA identifies specific mitigation measures for five impacted intersections that are necessary in order maintain the existing levels of service. The TIA does not explain how and/or when these measures would be implemented or whether they are even feasible. The Summary of Impacts and Mitigation (Table ES-1) and Section 3.15 of the DEIR identify fair share payment of CVAG traffic mitigation fees (Measure A/TUMF fees) for these improvements. There is no reference to specific financial responsibility that would directly pay for all of the listed improvements other than fair share payment of said fees.

Several of the necessary improvements listed in the TIA are not included in CVAG's Year 2005 update of the Transportation Project Prioritization Study (TPPS) or the Regional Arterial Cost Estimate (RACE), which are both key documents used to cost and prioritize roadway segments for Measure A/TUMF funding. Further review comments specific to each intersection is as follows:

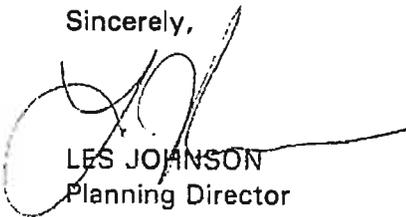
- Washington Street at Fred Waring – The RACE identifies widening of Fred Waring from four to six lanes. However, the TPPS identifies a low score, which in turn could result in these improvements not being constructed by project buildout. A southbound through lane on Washington Street is not identified in either the RACE or TPPS.
- Washington Street at Miles Avenue – The RACE and TPPS do not identify any improvements associated with this intersection.
- Washington Street at Highway 111 - The RACE and TPPS do not identify any improvements associated with this intersection.
- Washington Street at Avenue 48 - The RACE and TPPS do not identify any improvements associated with this intersection.
- Adams Street at Highway 111 - The RACE and TPPS do not identify any improvements associated with this intersection. However, CVAG previously assigned Measure A funding for the City of La Quinta to install these improvements as part of the City's Highway 111 Phase II improvements between Adams Street and Jefferson Street.

Please identify how the mitigation measures for those improvements not included in the TUMF program will be implemented.

- Even though the analysis shows Washington and Highway 111 at LOS F under all scenarios listed in Table 8, the mitigation measure proposes to provide a lane for a non-critical movement. It does not address the overall problem at this intersection. The project adds 66 peak hour trips to the southbound left-turn which is one of the most problematic critical volumes, but offers no mitigation. There are other critical movements impacted at this intersection, but no mitigation measures are identified. 5
- Even though the analysis shows Washington Street and Avenue 48 at LOS F under almost all scenarios in Table 8, the mitigation measure proposes to provide a lane for a non-critical movement. It does not address the overall problem at this intersection which is the southbound left-turn movement and to which the projects adds a large amount of traffic. 6
- At Washington Street and Miles Avenue, one of the mitigation measures is to add a southbound left-turn lane. However, there is currently only a single eastbound left-turn lane while the project is proposing to add 93 trips to this movement, which is already overloaded during special events. The DEIR should address this. 7
- At Washington Street and Via Sevilla, no mitigation measures are identified in the SEIR. It has been our understanding that a signal would be added at this location as part of the proposed development. Appendix C (HCM Calculation Sheets) of the TIA includes analysis data based on establishing a signal at this intersection. Please confirm that the proposed development will include signaling the Washington Street and Via Sevilla intersection. 8

Again, thank you for the opportunity to comment on the Indian Wells Town Center Draft Supplemental Environmental Impact Report. We request that these comments be considered and clarifications and corrections made in the Final EIR. Should you have any questions, please do not hesitate to contact our office. 9

Sincerely,



LES JOANSON
Planning Director

Attachment

cc: La Quinta City Council
Tom Genovese, City Manager
Tim Jonasson, Public Works Director

3.2.4 Local Agencies

F. City of La Quinta

Response to Comment F-1

The City appreciates the comments from the City of La Quinta.

Response to Comment F-2

The SEIR does contain “computer imaging” as shown in Exhibits 7 and 8 of the SEIR (before and after photograph from a vantage point on Via Pavion).

The commentator is correct that the hotel is proposed with a maximum height of 90 feet. However, the maximum height of 52 feet is allowed to be exceeded under the City of Indian Wells Municipal Code upon review and approval of a specific plan and the environmental analysis associated with it. It should be noted that although the hotel does have elements that are at some points reach up to 90 feet in height, building heights actually range from forty-six (46) feet to ninety (90) feet including some of the accent elements. Reflecting the “terraced” design of the hotel.

The SEIR analysis acknowledged that views of the mountains from the homes located immediately northeast of the hotel site will be partially blocked by the taller portions of the hotel building (particularly those immediately adjacent to Washington Street on Via Pavion). The SEIR analysis included examining the spatial relationship of the hotel to the residential area located northeast of the hotel site. The analysis considered the placement of the buildings on the site to and showed that unobstructed view corridors to the Santa Rosa Mountains of approximately 260 and 300 feet wide were provided. In addition, the analysis included an evaluation of the distances between the hotel and the closest residential homes located next to Washington Street and Miles Avenue and found that these distances ranged from 450 feet to over 600 feet and that view impacts are obstructed by intervening structures.

Response to Comment F-3

The 1998 EIR (which is incorporated by reference as this document is a Supplement to the 1998 EIR) evaluated 13 intersections. During the Notice of Preparation period for the SEIR, the City met with staff from the City of La Quinta and agreed that the Traffic Impact Assessment (TIA) should focus on the intersections most impacted by the project based on current conditions. In addition to the 13 intersections analyzed in the 1998 EIR, the TIA addressed 3 intersections that were not originally addressed in the 1998 EIR; Washington Street at Via Sevilla; Highway 111 and Adams Street; and Washington Street and 48th Avenue.

Response to Comment F-4

The City acknowledges that the 1998 EIR and the SEIR identified improvements that are to be funded by TUMF and/or Measure A Funds. The City reviewed CVAG's Transportation Prioritization Study (TPPS) during the preparation of the SEIR and found that not all of the improvements listed in the mitigation measures for the intersections of Washington Street and Fred Waring; Washington Street and Miles Avenue; Washington Street and Highway 111; and Washington Street at Avenue 48 were identified in the TPPS. However, the TPPS is structured to provide for continuing monitoring, which will allow CVAG to address changing conditions over time. This process allows the CVAG to consider improvements that are recommended in traffic studies prepared for a specific project (such as the Indian Wells Town Center) to be included in ongoing updates to the TPPS and for said improvements to be considered for future funding (discussed with Jim Sullivan and Allyn Waggle of CVAG staff during preparation of the SEIR).

The City acknowledges that improvements to Highway 111 and Adams Street (one of the intersections evaluated in the TIA) are to be constructed as part of the City of La Quinta's Phase II improvements between Adams Street and Jefferson Street.

Response to Comment F-5

The HCM methodology analyzes the overall intersection delay as well as individual movements and approaches. For this location the project traffic added to the southbound through and right turn movements was found to have greater delay impact to the intersection than the project traffic added to the southbound left turn movement and adding a third southbound left turn lane will not mitigate the project impacts back to the condition without the project, whereas adding the separate right turn lane will.

Response to Comment F-6

The analysis for this location indicates that the traffic added to both the southbound left turn and the northbound through movements contribute to the overall intersection delay, in part due to them being conflicting movements with one another. While adding a southbound left turn lane will bring the intersection LOS back to that without the project, adding the separate northbound right turn substantially reduces the overall intersection delay.

Response to Comment F-7

The traffic study for the SEIR addresses the Special Event conditions in the same manner as the initial project EIR in that "special" special event traffic control will be utilized in conjunction with the initial project Phase 1 mitigation to address the special event conditions for the Town Center Project.

Response to Comment F-8

This location will be signalized as part of the project.

Response to Comment F-9

The City appreciates the comments from the City of La Quinta and these responses will be included in the Final SEIR.

**La Quinta Del Oro Community Association
78370 Via Dijon
La Quinta, CA 92253**

September 5, 2007

City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210
Attn: Corrie Kates

LETTER G

Dear Mr. Kates:

**Subject: Indian Wells Town Centre Draft Supplemental EIR-La Quinta Del Oro
Community Association Comments**

The La Quinta Del Oro Community Association (LQDOCA) represents 147 homeowners in the La Quinta Del Oro (LQDO) subdivision located at the northeast corner of Miles Avenue and Washington Street in the City of La Quinta. LQDO is located directly across Washington Street from the proposed Indian Wells Town Centre project.

While we appreciate the City of Indian Wells' (City's) objective to provide an "upscale" project, it is apparent the proposed project will do so at the detriment of LQDO residents. In fact, the original Phase I project is not currently meeting its environmental obligations.

LQDOCA presents the following detailed comments:

Approved and Proposed Land Uses & Land Use Changes-Tables 1 & 2

- The total area for proposed commercial-mixed use and theater has increased almost four-fold from the original project of 95,000 sq. ft. to 362,510 sq. ft. This is a significant increase that has not been adequately addressed in regards to aesthetics, noise, traffic and cumulative impacts.

3.1 Aesthetics-Building Height

- The proposed hotel will be 7 stories high (90')! This is almost double the City's maximum height (52') for this zone.
- Very little analyses of the visual impacts of this hotel have been performed except for a few photos behind a block wall. This is wholly inadequate and a slap in the face to our residents. This is unacceptable.
- This 90' high hotel will have an "Adverse" affect on all the residents in LQDO—not just a "Significant" affect. Our views of the Santa Rosa Mountains will be permanently obstructed and transferred to transient hotel guests. We are permanent residents of the Coachella Valley and deserve to keep our mountain views in perpetuity.
- Beyond the environmental issues, our property values will be adversely affected by the height of this hotel.
- The hotel will be located at one of the highest ground elevations in the area. The building will stick out like a sore thumb and be visible for miles. If anything, a hotel at this location should be proposed as a "low profile" building to conform with desert architecture.
- No real mitigation is proposed. Terracing does not eliminate height.

- The hotel should be recessed into the ground to obtain additional stories but the maximum height of the hotel should not exceed the height of the new Hilton hotel at the southeast corner of Miles and Washington. 9
- The buildings within the retail center are proposed to be a maximum of four stories in height. The maximum height for these buildings should be two stories for the same reasons noted above. 10

3.1 Aesthetics-Light & Glare

- The project site already violates light and glare guidelines. The Tennis Center lighting illuminates the night sky tremendously and LQDO should not be subject to additional illumination. 11
- The existing lighting towers are 100' tall and are unsightly—even during the day when not illuminated. 12
- Mitigation should require that these lighting towers be lowered to no more than 30' to avoid the cumulative affects of all the added parking and building lighting. 13

3.11 Noise

- The project site already violates noise guidelines. LQDOCA has complained about noise from the tennis center in the past. 14
- The project should be scaled back to take into account the cumulative affects of the noise from the tennis center (tournaments and concerts) and the noise generated by the proposed facilities, patrons and vehicles. 15

3.14 Recreation

- The SEIR states that a bike lane will be installed and connect to other bike trails in the region. A bike lane does exist on the north side of Miles along in Indian Wells but there are patches of bike lane along the south side of Miles in La Quinta. 16
- Mitigation should require the bike lanes to be on the same side of the street and continuous through both communities. 17

3.15 Traffic

- The project site already causes traffic issues on Via Sevilla during tennis and concert events. Patrons park illegally on Via Sevilla and surrounding streets at the detriment of LQDO homeowners. This has not been addressed in the SEIR. 18
- The dramatic increase in hotel/commercial/retail coverage has not been adequately addressed in the traffic studies. The cumulative affects of these new activities will adversely affect access to and from LQDO. For example, no change in traffic conditions is projected at the intersection of Washington and Via Sevilla. Yet, apparently a new traffic light is proposed at this location. 19
- If a traffic light is installed at the intersection of Washington and Via Sevilla, it should only allow right hand turns onto Washington from Via Sevilla and right hand turns onto Washington from the Indian Wells Town Centre at Via Sevilla. This will keep unwanted 20

retail and tennis center traffic from entering Via Sevilla. This will improve safety and provide more security for our residents.

- A westbound right turn lane is proposed on Miles at Washington. This will adversely affect LQDO. This turn lane may encroach on our common property outside the block wall. This area is owned and maintained by LQDO and is not part of a Lighting and Landscape District. We take pride in keeping this area aesthetically pleasing for our neighborhood and the communities. Any right turn lane at that location should avoid a taking of our common property which will adversely affect the aesthetics of our property. 21
- Pedestrian traffic crossing Washington at Miles is dangerous. The SEIR has failed to examine this issue. 22

5.0 Cumulative Impacts

- Cumulative impacts have not been adequately addressed in this SEIR. See prior comments 23

6.0 Unavoidable Impacts

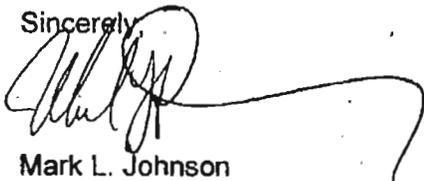
- The aesthetics related to building height are certainly avoidable. See comments on Aesthetics-Building Height. 24

7.0 Alternatives

- Alternative 4 (Reduced Scale-B) should be included in the analysis which would include the same provisions of Alternative 3 but also reducing the height of the hotel to no greater the height of the Hilton Hotel at the southeast corner of Washington and Miles. This Alternative would achieve most of the project goals and be the environmentally superior alternative. 25

We appreciate the opportunity to comment and sincerely hope the City of Indian Wells takes our comments seriously and incorporates them into a revised project plan that meets the needs of all the citizens. 26

Sincerely,



Mark L. Johnson
President
La Quinta Del Oro Community Association

cc: Don Adolph, Mayor-City of La Quinta
Tom Genovese, City Manager-City of La Quinta
City Council Members-City of La Quinta

3.2.5 Private Organizations/Individuals

G. La Quinta Del Oro Community Association

Response to Comment G-1

The City appreciates the comments from the La Quinta Del Oro Community Association (LQDO).

Response to Comment G-2

The commentor is correct that the square footage of development north of Miles Avenue has increased. Phase 2 of the original project approved in 1998 included 95,000 sq. ft. of retail uses including a gas station and mini-market and quality restaurants. With the elimination of the second hotel north of Miles Avenue, the “new” Phase 2 is proposing a mixed use project consisting of retail shops, restaurants, offices, and a movie theater with a total maximum of 400,000 square feet.

The SEIR included an analysis of aesthetics (SEIR Section 3.1) which examined the spatial relationship of the hotel to the residential area located northeast of the hotel site. The analysis considered the placement of the buildings on the site to and showed that unobstructed view corridors to the Santa Rosa Mountains of approximately 260 and 300 feet wide were provided. In addition, the analysis included an evaluation of the distances between the hotel and the closest residential homes located next to Washington Street and Miles Avenue and found that these distances ranged from 450 feet to over 600 feet and that view impacts are obstructed by intervening structures. The SEIR recognized that views would be significantly impacted.

The SEIR included an analysis of noise impacts (SEIR Section 3.11) which included an updated noise study prepared by Michael Brandman and Associates to evaluate impacts from traffic noise and operation of the project on sensitive receptors and found that the maximum noise levels did not exceed noise standards for Indian Wells or La Quinta.

The SEIR included an analysis of traffic impacts (SEIR Section 3.15) and a Traffic Impact Analysis was prepared by Willdan and Associates for the project. The SEIR concluded that even without the project, area intersections were already operating at unacceptable levels and that traffic impacts for all new development in the area would be mitigated in the long-term by construction of areawide improvements. This situation is a result of new development that has occurred in the area.

In regard to cumulative impacts, the SEIR included an analysis of 23 past, present, and probable future projects within the area of the proposed project (SEIR Section 5.0. Table 24). The SEIR

Response to Comment G-3

Although the hotel does have elements that are at some points reach up to 90 feet in height, building heights actually range from forty-six (46) feet to ninety (90) feet including some of the accent elements, reflecting the “terraced” design of the hotel.

However, the maximum height of 52 feet is allowed to be exceeded under the City of Indian Wells Municipal Code upon review and approval of a specific plan and the environmental analysis associated with it. The City Council of Indian Wells will make a determination of the appropriateness of the hotel height when it considers the project at the future public hearings.

Response to Comment G-4

The SEIR analysis included examining the spatial relationship of the hotel to the residential area located northeast of the hotel site. The analysis considered the placement of the buildings on the site to and showed that unobstructed view corridors to the Santa Rosa Mountains of approximately 260 and 300 feet wide were provided. In addition, the analysis included an evaluation of the distances between the hotel and the closest residential homes located next to Washington Street and Miles Avenue and found that these distances ranged from 450 feet to over 600 feet and that view impacts are obstructed by intervening structures.

Response to Comment G-5

The commentor note that the hotel will have an “adverse affect on all residents in the LQDO-not just a significant affect”. The City acknowledges that impacts to the Santa Rosa Mountains for those homes on Via Pavion and in close proximity to Washington Street and Miles Avenue are “adverse” as discussed in Section 6.1 of the SEIR. Mitigation measures are recommended to reduce impacts to the maximum extent feasible.

Response to Comment G-6

The City has received no factual data that property values will be negatively impacted by the height of the hotel.

Response to Comment G-7

According to the Riverside County Geographic System, the ground elevation of the hotel site is 98/102 feet above sea level (abs). The “view corridor” for the residential areas to the north east of the hotel site has elevations of 115 abs at the intersection of Via Pavion and Via Tuscany and 108 feet abs at Fred Waring Drive and Vista Drive. Given the relation of the elevation of the hotel site to the above mentioned elevations and the fact there are intervening structures between the hotel site and the surrounding area, it is not substantiated that the hotel will be “visible for miles”.

Response to Comment G-8

The hotel has a multi-level “terrace” design. The overall building from the street grade at the Washington Miles intersection is lower than 7 stories in vertical, measured height. Only a small portion of the hotel has a seventh floor, sixth floor, and fifth floor. Building heights range from forty-six (46) feet to ninety (90) feet including some of the accent elements. Overall building height is not a fixed 90 feet, but varies as indicated above.

Response to Comment G-9

The commentor suggests that the hotel height could be reduced by recessing the hotel building pad into the ground so that the height will be approximately equivalent to the height of the Hilton Hotel at the intersection of Washington Street and Miles Avenue. In order to accomplish this, the ground elevation would have to be excavated to up to forty feet in some areas. This is not a viable option for height reduction given the site is located next to existing streets and infrastructure.

Response to Comment G-10

The Town Center Specific Plan which governs development of the project allows the office buildings to be maximum of four stories which is consistent with the City of Indian Wells Municipal Code. The retail buildings are restricted to two-stories. The building heights are consistent with the City of Indian Wells Municipal Code.

Response to Comment G-11

The Phase 2 portion of the project site is vacant and does not produce light and glare. The Tennis Garden lighting was installed consistent with the mitigation measures contained in the 1998 EIR. Additional lighting from Phase 2 of the project is required to comply with City of Indian Wells lighting standards to control light and glare.

Response to Comment G-12

The City acknowledges the comment that in the opinion of the Commentor, the “existing lighting towers are 100 feet tall and are unsightly-even during the day when not illuminated. The City does not agree with this opinion.

Response to Comment G-13

The lighting towers were permitted under the original approval of the Tennis Garden in 1998 and mitigation measures were required at that time. Because the Tennis Garden stadium is up to 60 feet in height, lowering the lighting standards to 30 feet as requested by the Commentor would not allow for the viable function of the Tennis Garden to hold nighttime events as allowed by under its original approval in 1998. The additional lighting that will be created by Phase 2 of the project is mitigated by Mitigation Measure AES-4 which requires use of low pressure sodium lights, shielding of lighting to avoid spill off on adjacent properties, architectural and accent

lighting to be shut off by 11:00 PM, glare free opaque lighting fixtures, parking lot light standards shall not exceed 25 feet in height, and path lighting will use concealed source post top fixtures, bollard fixtures, and surface building fixtures.

Response to Comment G-14

The Phase 2 portion of the project site is vacant and does not produce noise other than the occasional use of off-road vehicles, activities from the sod farm, and the use of the overflow parking area south of Miles Avenue during the annual major tennis event. The City acknowledges the Commentors statement that the "project site (i.e. Tennis Garden) already violates noise guidelines. LODOCA has complained about noise from the tennis center in the past". The City has not received any data substantiating that the Tennis Garden is violating the mitigation measures imposed by the 1998 EIR in regard to noise.

Response to Comment G-15

The noise study prepared for Phase 2 of the project indicates that noise from the project does not exceed acceptable standards (SEIR Section 3.11) and therefore the contribution by the project to existing noise impacts is not cumulatively considerable under the California Environmental Quality Act (CEQA) Guidelines.

Response to Comment G-16

The Commentor is correct that the SEIR (Page 3.14-1) references that the 1998 states that "The project would provide bike lanes on Miles Avenue providing connectivity to other bike trails in the area". The 1998 EIR required that "prior to the issuance of occupancy permits, the project applicant shall construct the Class I bike trail on the south side of Miles Avenue along the project frontage (Parcels 1 and 2). Because Parcels 1 and 2 have not been developed, occupancy permits have not been issued so the requirement for bike lanes on the south side of Miles Avenue has not been triggered. With development of Phase 2 of the project, the bike lane is required to be installed. The commentor notes that the bike lane is constructed along the north side of Miles Avenue.

Response to Comment G-17

The City agrees with the Commentor that "bike lanes to be on the same side of the street and continuous through both communities (Indian Wells and La Quinta). With implementation of Phase 2 of the project, the City of Indian Wells will have completed its obligation to construct bike lanes on both the north and south side of Miles Avenue.

Response to Comment G-18

The 1998 EIR analyzed traffic impacts during tennis events and concerts and the SEIR has incorporated that analysis by reference. The Commentors statement that vehicles park illegally

on Via Sevilla during tennis and concert events is not a subject matter of the environmental analysis, but rather a law enforcement issue.

Response to Comment G-19

The SEIR contained a Traffic Impact Analysis (TIA) prepared by Willdan and Associates to address the change in traffic impacts due to the increased square footage proposed in Phase 2 of the project as compared to the original 1998 Phase 2 of the project. The SEIR analysis addressed traffic impacts pursuant to Appendix G of the CEQA Guidelines. Cumulative traffic impacts were addressed pursuant to CEQA Guidelines Section 15130 and are discussed in Section 5.0 of the SEIR. The TIA for the project noted the increase in traffic volumes affecting Via Sevilla, but found that the Level of Service standard did not result in a decrease in Level of Service pursuant to Highway Capacity Manual methodology. The SEIR did not contain a mitigation measure requiring a traffic signal at the intersection of Via Sevilla and Washington Street because a traffic signal is being installed as part of the conditions of approval for the project.

Response to Comment G-20

The SEIR did not require the installation of a traffic signal at the intersection of Via Sevilla and Washington Street. Therefore, the function of any future traffic signal if installed is not the subject matter of the SEIR.

Response to Comment G-21

The westbound right turn lane proposed at Washington and Miles Avenue can be constructed within the public right of way and does not require land owned by the La Quinta Del Oro Community Association.

Response to Comment G-22

The pedestrian crossing at Washington Street and Miles Avenue has a marked pedestrian crossing, pedestrian signals, and a traffic signal installed to meet both City of Indian Wells and City of La Quinta standards. The TIA for the SEIR recognized that this intersection had appropriate traffic and pedestrian controls.

Response to Comment G-23

The City considers the 1998 EIR and the SEIR to have adequately addressed cumulative impacts pursuant to CEQA Guidelines Section 15130. The SEIR included an analysis of 23 past, present, and probable future projects within the area of the proposed project (SEIR Section 5.0. Table 24). The following environmental impacts associated with cumulative impacts were addressed in the SEIR; Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, and Utilities.

L. Daniel Ingle

Response

The commentor submitted the letter written by Mark Johnson, President of the LQDO Community Association (Letter G). The City acknowledges that the commentor supports the comments in Letter G. Please see responses to Letter G above.

090707 PM071 city of IH

Mark L. & Shirley A. Johnson
78370 Via Dijon
La Quinta, CA 92253

September 5, 2007

City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210
Attn: Corrie Kates

LETTER H

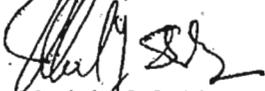
Dear Mr. Kates:

**Subject: Indian Wells Town Centre Draft Supplemental EIR-La Quinta Del Oro
Community Association Comments**

We are residents of the La Quinta Del Oro subdivision and support the attached comments regarding the SEIR for the Indian Wells Town Centre provided by the La Quinta Del Oro Community Association. 1

The proposed hotel will ruin our view of the Santa Rosa Mountains and should only be as high as the new Hilton Hotel on the southeast corner of Washington and Miles. 2

Sincerely,



Mark L. & Shirley A. Johnson

Enclosure (1)

**La Quinta Del Oro Community Association
78370 Via Dijon
La Quinta, CA 92253**

September 5, 2007

City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210
Attn: Corrie Kates

Dear Mr. Kates:

**Subject: Indian Wells Town Centre Draft Supplemental EIR-La Quinta Del Oro
Community Association Comments**

The La Quinta Del Oro Community Association (LQDOCA) represents 147 homeowners in the La Quinta Del Oro (LQDO) subdivision located at the northeast corner of Miles Avenue and Washington Street in the City of La Quinta. LQDO is located directly across Washington Street from the proposed Indian Wells Town Centre project.

While we appreciate the City of Indian Wells' (City's) objective to provide an "upscale" project, it is apparent the proposed project will do so at the detriment of LQDO residents. In fact, the original Phase I project is not currently meeting its environmental obligations.

LQDOCA presents the following detailed comments:

Approved and Proposed Land Uses & Land Use Changes-Tables 1 & 2

- The total area for proposed commercial-mixed use and theater has increased almost four-fold from the original project of 95,000 sq. ft. to 362,510 sq. ft. This is a significant increase that has not been adequately addressed in regards to aesthetics, noise, traffic and cumulative impacts.

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- The hotel should be recessed into the ground to obtain additional stories but the maximum height of the hotel should not exceed the height of the new Hilton hotel at the southeast corner of Miles and Washington.
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- The project site already violates light and glare guidelines. The Tennis Center lighting illuminates the night sky tremendously and LQDO should not be subject to additional illumination.
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- Mitigation should require that these lighting towers be lowered to no more than 30' to avoid the cumulative affects of all the added parking and building lighting.

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- The project site already violates noise guidelines. LQDOCA has complained about noise from the tennis center in the past.
- The project should be scaled back to take into account the cumulative affects of the noise from the tennis center (tournaments and concerts) and the noise generated by the proposed facilities, patrons and vehicles.

3.14 Recreation

- The SEIR states that a bike lane will be installed and connect to other bike trails in the region. A bike lane does exist on the north side of Miles along in Indian Wells but there are patches of bike lane along the south side of Miles in La Quinta.
- Mitigation should require the bike lanes to be on the same side of the street and continuous through both communities.

3.15 Traffic

- The project site already causes traffic issues on Via Sevilla during tennis and concert events. Patrons park illegally on Via Sevilla and surrounding streets at the detriment of LQDO homeowners. This has not been addressed in the SEIR.
- The dramatic increase in hotel/commercial/retail coverage has not been adequately addressed in the traffic studies. The cumulative affects of these new activities will adversely affect access to and from LQDO. For example, no change in traffic conditions is projected at the intersection of Washington and Via Sevilla. Yet, apparently a new traffic light is proposed at this location.
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retail and tennis center traffic from entering Via Sevilla. This will improve safety and provide more security for our residents.

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5.0 Cumulative Impacts

- Cumulative impacts have not been adequately addressed in this SEIR. See prior comments

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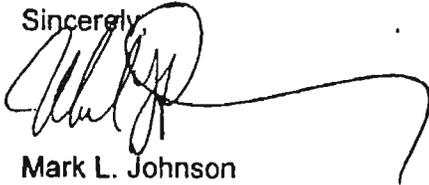
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We appreciate the opportunity to comment and sincerely hope the City of Indian Wells takes our comments seriously and incorporates them into a revised project plan that meets the needs of all the citizens.

Sincerely,



Mark L. Johnson
President
La Quinta Del Oro Community Association

cc: Don Adolph, Mayor-City of La Quinta
Tom Genovese, City Manager-City of La Quinta
City Council Members-City of La Quinta

H. Mark & Shirley Johnson

Response to Comment H-1

The City acknowledges that the commentor supports the comments in Letter G above the from LQDO Community Association.

Response to Comment H-2

Please see response to Comment G-3 through G-10 above.

LEONIE FARBER
44770 VIA MIRABEL
LA QUINTA, CA. 92253 0914*07#0310 City of IW
760.345.1288

September 10, 2007

City of Indian Wells
44-950 Eldorado Drive
Indian Wells
CA 92210

LETTER I

Dear Mr Kates:

Please see enclosed letter sent to you on and dated September 5th, 2007.

This was sent to you by Mark L. Johnson, president of the La Quinta Del Oro Community Association.

I would like to say that I agree with all the comments that are stated in the enclosed letter, and trust that you hear what our concerns are, and access them favorably.

With thanks,

Yours Sincerely,



Leonie S Farber

**La Quinta Del Oro Community Association
78370 Via Dijon
La Quinta, CA 92253**

September 5, 2007

City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210
Attn: Corrie Kates

Dear Mr. Kates:

**Subject: Indian Wells Town Centre Draft Supplemental EIR-La Quinta Del Oro
Community Association Comments**

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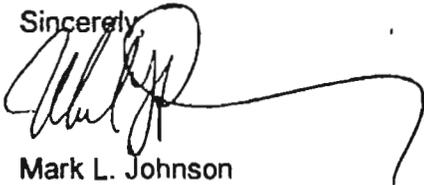
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We appreciate the opportunity to comment and sincerely hope the City of Indian Wells takes our comments seriously and incorporates them into a revised project plan that meets the needs of all the citizens.

Sincerely,



Mark L. Johnson
President

La Quinta Del Oro Community Association

cc: Don Adolph, Mayor-City of La Quinta
Tom Genovese, City Manager-City of La Quinta
City Council Members-City of La Quinta

I. Leonie S. Farber

Response to Comment I-1

The city acknowledges that the commentor agrees with the comments contained in Letter G from Mark Johnson, President of the LQDO Community Association. Please see responses to Letter G above.

**La Quinta Del Oro Community Association
78270 Via Pavion
La Quinta, CA 92253**

09/17/07 PM 04:48 City of IW

September 13, 2007

City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210
Attn: Corrie Kates

LETTER J

Dear Mr. Kates:

**Subject: Indian Wells Town Centre Draft Supplemental EIR-La Quinta Del Oro
Community Association Comments**

The La Quinta Del Oro Community Association (LQDOCA) represents 147 homeowners in the La Quinta Del Oro (LQDO) subdivision located at the northeast corner of Miles Avenue and Washington Street in the City of La Quinta. LQDO is located directly across Washington Street from the proposed Indian Wells Town Centre project.

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Sincerely,



Michelle Mulleneaux
Homeowner

J. Michelle Mulleneaux

Response

The commentor submitted the letter written by Mark Johnson, President of the LQDO Community Association (Letter G). The City acknowledges that the commentor supports the comments in Letter G. Please see comments to Letter G above.

09 17 '07 PM 04 48 city of IW

La Quinta Del Oro Community Association
78270 Via Pavion
La Quinta, CA 92253

September 13, 2007

City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210
Attn: Corrie Kates

LETTER K

Dear Mr. Kates:

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Sincerely,



Pauline Mulleneaux
Resident

K. Pauline Mulleneaux

Response

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09/20/07 PM04:10 city of IW
La Quinta Del Oro Community Association
78370 Via Dijon
La Quinta, CA 92253

September 18, 2007

City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210
Attn: Corrie Kates

LETTER L

Dear Mr. Kates:

Subject: Indian Wells Town Centre Draft Supplemental EIR-La Quinta Del Oro Community Association Comments

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- Cumulative impacts have not been adequately addressed in this SEIR. See prior comments

6.0 Unavoidable Impacts

- The aesthetics related to building height are certainly avoidable. See comments on Aesthetics-Building Height.

7.0 Alternatives

- Alternative 4 (Reduced Scale-B) should be included in the analysis which would include the same provisions of Alternative 3 but also reducing the height of the hotel to no greater the height of the Hilton Hotel at the southeast corner of Washington and Miles. This Alternative would achieve most of the project goals and be the environmentally superior alternative.

We appreciate the opportunity to comment and sincerely hope the City of Indian Wells takes our comments seriously and incorporates them into a revised project plan that meets the needs of all the citizens.

Sincerely,



Daniel C. Ingle
Resident (full time) and Home Owner
La Quinta Del Oro Community Association

L. Daniel Ingle

Response

The commentor submitted the letter written by Mark Johnson, President of the LQDO Community Association (Letter G). The City acknowledges that the commentor supports the comments in Letter G. Please see responses to Letter G above.

September 20, 2007

City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210
Attn: Corrie Kates

LETTER M

Corrie Kates,

We are homeowners and permanent residents in the La Quinta Del Oro subdivision located at the northeast corner of Miles Avenue and Washington Street. Specifically my residence is on Via Pavion directly facing the current Indian Well Tennis Center. We **totally** support the position and concerns presented to you in the letter dated September 5, 2007, by Mark L. Johnson, President of the La Quinta Del Oro Community Association.

Aesthetics

Our home faces the Santa Rosa Mountains which was a prime factor in our selection of this home. Understanding that there would be future development on the proposed site we took into consideration the impact of future development on our property value and its aesthetic value. We felt that staying within the current standards as done by the Hilton Hotel at Washington and Miles the impact would be minimized. A proposed seven story hotel would eliminate our aesthetic value and have a detrimental effect on our property value.

Noise and Traffic

The noise levels from this size of a project (over triple is originally proposed size) will be deafening and surpass the noise levels of the concerts held at the current Indian Wells Tennis Stadium. I am sure that these concerts alone exceed noise guidelines. The size of this proposal would have the same impact on a daily basis and continue into the early morning hours, whereas the concerts are infrequent and have been quieting by midnight.

With this proposal the traffic on Washington Street will be significantly increased which also presents a significant increase in noise level.. Specifically if a traffic signal is placed at Washington and Via Sevilla. This will cause stopping and acceleration noise at my front door. Place the entrances off of Miles Ave. and no traffic signal at Via Sevilla.

Lights and Glare

Light standards and resulting glare should be minimized to stay within existing guidelines of the area. The light towers at the tennis center during the tournament currently light up our entire yard. The proposed development must keep the lighting at lower heights to avoid glare on surrounding properties.

We are not aware of any environmental impact studies conducted relative to this proposed project. If they have been completed, we, as residents, should have an opportunity to review and present concerns. As permanent residents that are directly impacted by this proposal, both in lifestyle and property values, we feel that details of the proposed development and results of environmental impact studies should have been communicated directly with us, in addition to our community association. 5

Sincerely,



Reginald VanSleet
Cheryl VanSleet
78-230 Via Pavion
La Quinta, CA 92253

cc: La Quinta Del Oro Community Association

M. Reginald and Cheryl VanSleet

Response to Comment M-1

The City acknowledges that the commentor agrees with the letter written by Mark Johnson, President of the LODQ Community Association (Letter G). Please see responses to Letter G above.

Response to Comment M-2

Please see responses G-3 through G-10 in regard to Letter G above.

Response to Comment M-3

The commentor did not provide data which supports the claim that the operation of the project, which consists of office, retail, hotel, and single family residences would exceed the noise levels generated by concerts held at the Tennis Garden or that the concerts exceed City of Indian Wells Noise standards. The noise study prepared for the project concluded that traffic noise impacts on residents in the immediate area would not exceed noise standards. Please see responses G-13 and G-14 above.

Response to Comment M-4

The light standards in the project are restricted to 25 feet in height per the Town Center Specific Plan conditions of approval. All outdoor lighting fixtures are required to be shielded to avoid glare onto nearby properties. Also see response G-12 above.

Response to Comment M-5

A Draft Supplemental Environmental Impact Report was prepared for the project consistent with the requirements of the California Environmental Quality Act. A Notice of Availability of the Draft Supplemental Environmental Impact Report was published in the Press-Enterprise stating that copies of the document were available for review at the City of Indian Wells. Mr. Mark Johnson, President of the La Quinta Del Oro Community Association was provided a copy of the document and prepared a comment letter dated September 5, 2007 on behalf of the Community Association.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 e-mail: de_nahc@pacbell.net



March 5, 2008

LETTER N

Ms. Corrie Kates

CITY OF INDIAN WELLS COMMUNITY DEVELOPMENT DEPARTMENT

44-950 El Dorado Drive
 Indian Wells, CA 92210-7497

Re: SCH#2006111097: CEQA Notice of Completion: Re-Circulated Draft Supplemental Environmental Impact Report (SEIR) for Indian Wells Town Center, City of Indian Wells, Riverside County, California

Dear Ms. Kates:

The Native American Heritage Commission is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c) (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- √ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur.. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov>. The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- √ Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

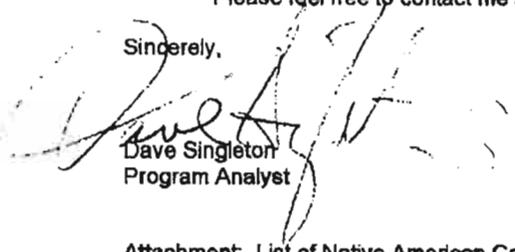
• CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave sites.

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

√ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

**Native American Contacts
Riverside County
March 5, 2008**

Cabazon Band of Mission Indians
John A. James, Chairperson
84-245 Indio Springs Parkway Cahuilla
Indio, CA 92203-3499
(760) 342-2593
(760) 347-7880 Fax

Torres-Martinez Desert Cahuilla Indians
Raymond Torres, Chairperson
PO Box 1160 Cahuilla
Thermal, CA 92274
(760) 397-0300
(760) 397-8146 Fax

Cahuilla Band of Indians
Anthony Madrigal, Jr., Chairperson
P.O. Box 391760 Cahuilla
Anza, CA 92539
tribalcouncil@cahuilla.net
(951) 763-2631

(951) 763-2632 Fax

Torres-Martinez Desert Cahuilla Indians
Ernest Morreo
PO Box 1160 Cahuilla
Thermal, CA 92274
maxtm@aol.com
(760) 397-0300
(760) 397-8146 Fax

Los Coyotes Band of Mission Indians
Katherine Saubel, Spokesperson
P.O. Box 189 Cahuilla
Warner, CA 92086
loscoyotes@earthlink.net
(760) 782-0711
(760) 782-2701 - FAX

Santa Rosa Band of Mission Indians
John Marcus, Chairman
P.O. Box 609 Cahuilla
Hemet, CA 92546
srtribaloffice@aol.com
(951) 658-5311
(951) 658-6733 Fax

Ramona Band of Mission Indians
Joseph Hamilton, vice chairman
P.O. Box 391670 Cahuilla
Anza, CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

Augustine Band of Cahuilla Mission Indians
Mary Ann Green, Chairperson
P.O. Box 846 Cahuilla
Coachella, CA 92236
(760) 369-7171
760-369-7161

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2008111097; CEQA Notice of Completion; Re-Circulated Draft Supplemental Environmental Impact Report (SEIR) for the Indian Wells Town Center Project; City of Indian Wells; Coachella Valley; Riverside County, California.

**Native American Contacts
Riverside County
March 5, 2008**

Torres-Martinez Desert Cahuilla Indians
Alberto Ramirez, Cultural Resources Coordinator
P.O. Box 1160 Cahuilla
Thermal , CA 92274
cultural_monitor@yahoo.com
(760) 397-0300
(760) 275-2686-CELL
(760) 397-8146 Fax

Cabazon Band of Mission Indians
Judy Stapp, Director of Cultural Affairs
84-245 Indio Springs Parkway Cahuilla
Indio , CA 92203-3499
lweaver@cabazonindians.org
(760) 342-2593
(760) 347-7880 Fax

Morongo Band of Mission Indians
Robert Martin, Chairperson
11581 Potrero Road Cahuilla
Banning , CA 92220 Serrano
Robert_Martin@morongo.org
(951) 849-8807
(951) 755-5200
(951) 922-8146 Fax

Agua Caliente Band of Cahuilla Indians THPO
Richard Begay, Tribal Historic Preservation Officer
5401 Dinah Shore Drive Cahuilla
Palm Springs , CA 92264
rbegay@aguacaliente.net
(760) 325-3400 Ext 6906
(760) 699-6906
(760) 699-6925- Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2006111097; CEQA Notice of Completion; Re-Circulated Draft Supplemental Environmental Impact Report (SEIR) for the Indian Wells Town Center Project; City of Indian Wells; Coachella Valley; Riverside County, California.

Recirculated Draft Supplemental Environmental Impact Report Comments

3.2.6 Federal/State Agencies

N. Native American Heritage Commission

Response to Comment N-1

The City appreciates the comment letter from the Native American Heritage Commission. The letter is the same as the previous letter received on September 7, 2007. Please see Response to Comment A-1 on Pages 3.5 through 3.7.

In addition, please note that during the SB 18 Consultation, the Aqua Caliente Band of Cahuilla Indians expressed concerns about the potential for additional cultural resources to be encountered during grading and requested additional studies. As a result, the City retained *Archaeological Associates* to prepare an additional study for cultural resources. (See Appendix C). The report concluded all archaeological sites on the property have been evaluated and the finds recovered adequately analyzed and reported. The City met with representatives of the Aqua Caliente Tribe and it was determined that although all areas of the site have been adequately surveyed, because of the amount of time that has passed since the last survey and the changing dune environment, a final survey archaeological surface collection will be conducted. The following mitigation measure was included in the Recirculated Supplemental Environmental Impact Report:

CUL-6 Prior to any earth disturbing activities, a final surface collection shall be completed to mitigate additional impacts to surface artifacts that may have been exposed as a result of sand migration within the project boundaries (undeveloped portion). The surface collection shall be conducted using the transit-controlled method. All finds recovered shall be catalogued and analyzed. An illustrated, narrative report describing the field investigation and laboratory work shall be prepared and submitted to the City and the Eastern Information Center at UCR.

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



December 19, 2007

LETTER O

Corrie Kates
City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210

RE: Comments on the Draft Supplemental Environmental Impact Report for Indian Wells Garden of Champions Tournament Center and Indian Wells Town Center Project, Indian Wells, California, Riverside County, California

Dear Mr. Kates:

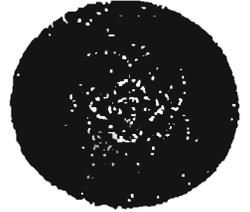
The Agua Caliente Band of Cahuilla Indians (ACBCI) is an active partner in the development of the Coachella Valley, but it is also concerned about the preservation and management of its cultural heritage. The Draft Supplemental Environmental Impact Report (SEIR) is a tool in the planning process to identify, manage and minimize significant effect on environmental resources, including cultural resources, within the City's boundaries and Tribe's Traditional Use Area. Thank you for allowing the Tribe to comment on the Draft SEIR. I have some general concerns which I discuss below.

Draft SEIR Comments

The RMW report *An Exploratory investigation of CA-RJV-3005 and CA-RJV-5876, Located Near Indian Wells, Riverside County, California* dated July 1998 covered only a portion of the currently proposed project area. It excludes the proposed parking area for the current project known as the Indian Wells Garden of Champions Tournament Center and Indian Wells Town Center. Therefore the THPO recommends a new Phase I study.

3.5.1b Archaeological resources

This section mentions three sites which will be impacted by the proposed project. According to the Agua Caliente Cultural register there are twelve cultural resources located within the Proposed Project Area and Parking Lot Area. Two cultural resources are located in the Proposed Parking Lot (33-3007 and 33-3008) and 10 are located within the boundaries of the project area (33-3005, 33-9014, 33-9015, 33-9016, 33-09017, 33-9020, 33-9021, 33-9022, 33-9023, and 33-9556). These recorded resources are likely associated with the Cahuilla village of *Kavinish*. *Kavinish* has been documented in traditional oral histories of the Cahuilla people and ethnographically documented. The village was



occupied from at least the time of European contact until its abandonment in the early 1850s-1890s. The area was reoccupied by non-Indians and became known as Indian Wells. The likelihood of encountering subsurface cultural deposits including cremation burials is extremely high. Because of this the Agua Caliente THPO recommends the following:

- 1. A new Phase I study and Phase II Testing and Evaluation with appropriate analysis (artifacts, faunal, vertebrates, invertebrates, floral remains, macro botanical identifications, pollen/phytolith, organic residues, and other technical analysis as necessary) for sites not previously tested and evaluated. In addition for the Phase II study the Agua Caliente THPO makes the following recommendation: 4

- a. Approved Cultural Resource Monitor(s) be present during any archaeological survey and/or any ground disturbing activities by the developer. Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified Archaeologist (Secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer and the Agua Caliente Tribal Historic Preservation Officer. 5

3.5.2 Project Impacts

Although the summary of conclusions indicates there will be no impacts to Archaeological resources this conclusion is based on a report from 1998. The desert environment is dynamic in nature and surface visibility in 1998 may be drastically different at this time. 6

3.5.6 Mitigation Measures

Based on the new Phase I and Phase II studies proposed mitigation measures may include the following:

- 1. Sufficient recordation of resources
- 2. If sites are significant, preservation in open space, capping or data recovery (Phase III) 7
- 3. Avoidance and or Conservation Easements
- 4. Monitoring (archaeological and Native American)
- 5. Protection mechanisms (fencing, landscaping)
- 6. Recovery

Additionally, in accordance with State law, the County Coroner should be contacted if any human remains are found during earthmoving activities. If the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) shall be contacted. The NAHC will make a determination of the Most Likely 8



Descendent (MLD). The City will work with the designated MLD to determine the final disposition of the remains.

Again, we appreciate the opportunity to review the Draft EIR. The review of documents is to improve the quality of archaeological reports in this region. You may contact me at (760) 699-6907 if you have any questions or concerns. You may also email at ptuck@aguacaliente.net. Thank you.

9

Sincerely,

Patricia Tuck, Archaeologist
Tribal Historic Preservation Office
AGUA CALIENTE BAND OF CAHUILLA INDIANS

pat

- c: Agua Caliente Cultural Register
- Augustine Band of Mission Indians
- Cabazon Band of Indians
- Cahuilla band of Mission Indians
- Morongo Band of Mission Indians
- Ramona Band of Cahuilla Indians
- Santa Rosa Band of Mission Indians
- Soboba Band of Luiseno Indians
- Torres-Martinez Desert Cahuilla Indians

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3.2.7 Native American Tribes

O. Aqua Caliente Band of Cahuilla Indians

Response to Comment O-1

The City appreciates the comments from the Agua Caliente Band of Cahuilla Indians

Response to Comment O-2

A report prepared by *Archaeological Resources* prepared on January 31, 2008 included the proposed parking area adjacent to the Indian Wells Garden of Champions Tournament Center. (See Appendix C).

Response to Comment O-3

A report prepared by *Archaeological Resources* prepared on January 31, 2008 addressed the issue. (See Appendix C).

Response to Comment O-4

A report prepared by *Archaeological Resources* prepared on January 31, 2008 addressed the issue. (See Appendix C).

Response to Comment O-5

Mitigation Measures CUL-3 and CUL-4 of the Draft Supplemental Environmental Impact Report requires archaeological monitoring including Native American monitors.

Response to Comment O-6

A report prepared by *Archaeological Resources* prepared on January 31, 2008 addressed the issue. (See Appendix C).

Response to Comment O-7

Mitigation Measures CUL-1 through CUL-5 of the Draft Supplemental Environmental Impact Report addresses this issue. Mitigation Measure CUL-6 of the Recirculated Draft Supplemental EIR addresses this issue.

Response to Comment O-8

Mitigation Measure CUL-5 of the Draft Supplemental Environmental Impact Report addresses this issue.

Response to Comment O-9

The City appreciated the opportunity to work closely with the Aqua Caliente Band of Cahuilla Indians during the SB 18 Consultation process.

AGUA CALIENTE BAND OF CAHUILLA INDIANS



TRIBAL HISTORY PRESERVATION

February 8, 2008

LETTER P

Corrie Kates
City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210

RE: Comments on the Draft Supplemental Environmental Impact Report for Indian Wells Garden of Champions Tournament Center and Indian Wells Town Center Project, Indian Wells, California, Riverside County, California

Dear Mr. Kates:

The Agua Caliente Band of Cahuilla Indians (ACBCI) thanks you for allowing the Tribe to comment on the Draft SEIR. The THPO submitted a letter of comment and recommendation regarding this project dated December 19, 2007. In the letter we expressed concern regarding the survey coverage and evaluations of archaeological sites impacted by this project. Subsequently a meeting was arranged by the City, with its contracted Archaeologist and staff members of the THPO. The City provided two additional reports which provided clarification of the survey coverage (all areas were adequately surveyed) and proper evaluation and data recovery of the two sites deemed significant per CEQA.

Although the documentation and evaluation of the sites in the report meet CEQA requirements the Tribe is very concerned about the amount of time which has passed and the changing dune environment (potentially exposing previously undiscovered resources). Additionally, all recorded resources are likely associated the Cahuilla village of *Kavinish* which has been documented in traditional oral histories of the Cahuilla people and ethnographies. Furthermore, the Tribe is greatly concerned regarding the potential for inadvertent discovery of human remains within the project area. Therefore the City and the THPO have agreed to the following:

1. Prior to grading or any earth disturbing activities an archaeological surface collection of all cultural resources will commence. All artifacts discovered will be collected mapped and curated to current standards.
2. Prior to grading or any earth disturbing activities an archaeological survey of APNs 633-360-029, -018, and 604-040-089 is to be completed. All new sites are to be recorded on the proper DPR forms and if necessary evaluated for significance per CEQA.
3. Approved Cultural Resource Monitor(s) be present during all archaeological (surface collection and survey) and ground disturbing activities. Experience has shown that there is always a possibility of encountering



buried cultural resources during construction related excavations, or archaeological testing/data recovery. Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified (Secretary of the Interior's Standards and Guidelines) Archaeologist to investigate and, if necessary, prepare a mitigation plan for submission to the City and the Agua Caliente THPO.

6

4. Archaeological Monitor(s) be present during any ground disturbing activities related to the project. Should buried cultural deposits (including human remains), be encountered, the Archaeological Monitor shall notify a Qualified (Secretary of the Interior's Standards and Guidelines) Archaeologist to investigate and, if necessary, prepare a mitigation plan for implementation.

7

5. Additionally, in accordance with State law, the County Coroner should be contacted if any human remains are found during earthmoving activities. If the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) shall be contacted. The NAHC will make a determination of the Most Likely Descendent (MLD). The City will work with the designated MLD to determine the final disposition of the remains.

8

6. Copies of any cultural resource documentation (reports and site records) that might be generated in connection with these efforts for permanent inclusion in the Agua Caliente Cultural Register.

9

Again, we appreciate the opportunity to review the Draft EIR. The review of documents is to improve the quality of archaeological reports in this region. You may contact me at (760) 699-6907 if you have any questions or concerns. You may also email at ptuck@aguacaliente.net. Thank you.

10

Sincerely,

Patricia Tuck, Archaeologist
Tribal Historic Preservation Office
AGUA CALIENTE BAND OF CAHUILLA INDIANS

pat

- c: Agua Caliente Cultural Register
- Augustine Band of Mission Indians
- Cabazon Band of Indians
- Cahuilla band of Mission Indians
- Morongo Band of Mission Indians
- Ramona Band of Cahuilla Indians
- Santa Rosa Band of Mission Indians
- Soboba Band of Luiseno Indians
- Torres-Martinez Desert Cahuilla Indians

P. Aqua Caliente Band of Cahuilla Indians

Response to Comment P-1

The City appreciated meeting with the Aqua Caliente Band of Cahuilla Indians to discuss concerns about cultural resources.

Response to Comments P-1 through P-9

As a result of the discussions with the Aqua Caliente Band of Cahuilla Indians, the City retained *Archaeological Associates* to prepare an additional study for cultural resources. (See Appendix C). The report concluded all archaeological sites on the property have been evaluated and the finds recovered adequately analyzed and reported. The City met with representatives of the Aqua Caliente Band of Cahuilla Indians and it was determined that although all areas of the site have been adequately surveyed, because of the amount of time that has passed since the last survey and the changing dune environment, a final survey archaeological surface collection will be conducted. The following mitigation measure was included in the Recirculated Supplemental Environmental Impact Report:

CUL-6 Prior to any earth disturbing activities, a final surface collection shall be completed to mitigate additional impacts to surface artifacts that may have been exposed as a result of sand migration within the project boundaries (undeveloped portion). The surface collection shall be conducted using the transit-controlled method. All finds recovered shall be catalogued and analyzed. An illustrated, narrative report describing the field investigation and laboratory work shall be prepared and submitted to the City and the Eastern Information Center at UCR.

Response to Comment P-10

The City appreciated meeting with the Aqua Caliente Band of Cahuilla Indians and acknowledges that concerns in regard to cultural resources have been adequately addressed in both the Draft Supplemental Environmental Impact Report and the Recirculated Draft Supplemental Environmental Impact Report.



Mission:

Educate and communicate the rich heritage of Soboba peoples; Lead and assist individuals, organizations and communities in understanding the needs and concerns of Native American monitoring of traditional sites; Advocate Native American participation in state agencies and boards; Advocate legislation and enforcement of laws affecting Native American peoples and protecting historical and archaeological resources

February 21, 2008

LETTER Q

Attn: Corrie Kates
City of Indian Wells
44-950 Eldorado Drive
Indian Wells, Ca 92210

Re: Indian Wells Town Center Draft Supplemental EIR

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided on said project(s) has been assessed through our Cultural Resource Department, where it was concluded that although this site is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas.

At this time the Soboba Band does see a direct need for Native American **Monitoring and Consultation**. The Tribe requests a Native American Monitor be present during any and all ground disturbing activities. Soboba requests this, until deemed unnecessary by both Archaeological and Native American Monitors. Also the Tribe requests to be involved in any and all consultation throughout the project. If you have any questions or concerns, please do not hesitate to contact the Cultural Resource Department.

[SPECIAL NOTE (for projects other than cell towers): If this project is associated with a city or county specific plan or general plan action it is subject to the provisions of SB18-Traditional Tribal Cultural Places (law became effective January 1, 2005) and will require the city or county to participate in **formal, government-to-government** consultation with the Tribe. If the city or county are your client, you may wish to make them aware of this requirement. By law, they are required to contact the Tribe.]

Sincerely,


Darren Hill
Soboba Cultural Resource Department
Cell (951) 663-5279
Phone (951) 487-8268
dhill@soboba-nsn.gov

Q. Soboba Band of Luiseño Indians

Response to Comments

The City appreciates the comments of the Soboba Band of Luiseño Indians and acknowledges that although the project site is outside the Soboba Reservation, it is within the bounds of the traditional use of the Tribe's Traditional Use Areas.

The City acknowledges that the Soboba Band of Luiseño Indians sees a direct need for Consultation under Senate Bill 18 and Native American Monitoring. The Recirculated Draft Supplemental Environmental Impact Report contains a report by *Archaeological Associates* that further evaluate cultural resources. (See Appendix C). The report concluded all archaeological sites on the property have been evaluated and the finds recovered adequately analyzed and reported. However, although all areas of the site have been adequately surveyed, because of the amount of time that has passed since the last survey and the changing dune environment, a final survey archaeological surface collection will be conducted. The following mitigation measure was included in the Recirculated Draft Supplemental Environmental Impact Report:

CUL-6 Prior to any earth disturbing activities, a final surface collection shall be completed to mitigate additional impacts to surface artifacts that may have been exposed as a result of sand migration within the project boundaries (undeveloped portion). The surface collection shall be conducted using the transit-controlled method. All finds recovered shall be catalogued and analyzed. An illustrated, narrative report describing the field investigation and laboratory work shall be prepared and submitted to the City and the Eastern Information Center at UCR.



February 27, 2008

LETTER R

Corrie Kates
City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210

Re.: Comments on the Recirculated Draft Supplemental Impact Report for Indian Wells Garden of Champions Tournament Center and the Indian Wells Town Center Project, Indian Wells, Riverside County, California

Dear Mr. Kates:

Thank you for contacting the Cabazon Band of Mission Indians regarding the above referenced project. 1

The project is located outside of Cabazon Reservation lands but within its traditional use area. The Tribe has no specific archival information on the above referenced site indicating cultural activity or that it may be a Native American burial or religious site. 2

The Cabazon Band recommends that there be a qualified archaeologist on site during ground disturbing activities because of possible unknown cultural sites in the project area. Should human remains be encountered, the archaeologist shall notify the County Coroner. If the remains are determined to be Native American, the Native American Heritage Commission shall be contacted to determine the Most Likely Descendent. 3

We look forward to continued collaboration in the preservation of cultural resources or areas of traditional cultural importance. Thank you for the opportunity to comment on the project. 4

Sincerely,

Judy Stapp
Director of Cultural Affairs
Cabazon Band of Mission Indians
84-245 Indio Springs Parkway
Indio, CA 92203



R. Cabazon Band of Mission Indians

Response to Comment R-1

The City appreciates the comments from the Cabazon Band of Mission Indians

Response to Comment R-2

The City recognizes the project is located outside the Cabazon Reservation but within its traditional use area.

Response to Comment R-3

Mitigation Measures CUL-3 and CUL-4 of the Draft Supplemental Environmental Impact Report requires archaeological monitoring including Native American monitors.

Response to Comment R-4

The City appreciates the comments from the Cabazon Band of Mission Indians



ASSOCIATION of GOVERNMENTS

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Administration

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Community, Economic and Human Development

Jon Edney, El Centro

Energy and Environment

Debbie Cook, Huntington Beach

Transportation and Communications

Alan D. Wapner, Ontario

March 6, 2008

Mr. Corrie Kates
City of Indian Wells
Community Development Department
44950 El Dorado Drive
Indian Wells, CA 92210-7497

LETTER S

RE: SCAG Clearinghouse No. 1 20080098 Indian Wells Town Center Recirculated Draft Supplement EIR

Dear Mr. Kates:

Thank you for submitting the **Indian Wells Town Center Recirculated Draft Supplement EIR** for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the **Indian Wells Town Center Recirculated Draft Supplement EIR**, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project was published in SCAG's **February 16-29, 2008** Intergovernmental Review Clearinghouse Report for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1857. Thank you.

Sincerely,

LAVERNE JONES, Planning Technician
Program Development and Evaluation Division

3.2.8 Regional Agencies

S. Southern California Association of Governments

Response to Comment

The City appreciates SCAG's comments on the Draft Recirculated Supplemental Environmental Impact Report. The City acknowledges SCAG's comment that the project is not regionally significant and no comments are warranted. The City acknowledges that a description of the project was published in SCAG's February 16-29 2008 Intergovernmental Review Clearinghouse Report for public review and comment. The City will include the project title and SCAG Clearinghouse No. I 20080098 in any future correspondence with SCAG concerning this project.



COUNTY OF RIVERSIDE TRANSPORTATION AND LAND MANAGEMENT AGENCY



Transportation Department

George A. Johnson, P.E.
Director of Transportation

October 2, 2007

Post-It® Fax Note	7871	Date	10-2-07	Page	1
To	Ms. Kates	From	Transportation		
Address	City of Indian Wells	Co.	County of Riverside		
Phone #		Phone #	951-955-6169		
Fax #	714-346-0407	Fax #			

Ms. Corrie Kates
Community Development Director
City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210

LETTER T

RE: Review of the Draft Supplement Environmental Impact Report for the Indian Wells Garden of Champions Tournament Center and Indian Wells Town Center Project (SCH No. 2006111097)

Ms. Kates:

Thank you for the opportunity to review the traffic study for the Draft Supplemental Environmental Initial Report for the GOC and Indian Wells Town Center project. We have completed our review of the Draft Supplemental EIR. We have no comments on the analysis or findings in the traffic study included in the Draft Supplemental EIR.

Based on the analysis and findings in the study, with the implementation of recommended mitigation program the project as proposed should have no significant impacts on the County roadways in the vicinity.

Thank you again for the opportunity to review the report for this project. If you have any questions or comments regarding this review, please feel free to call me at 951-955-2091 or email FKHORASH@cotlma.org.

Sincerely,

Farah Khorashadi
Engineering Division Manager

cc: Juan C. Perez
Deputy Director of Transportation

10/12/07 PM 02:13 C:\T\G\11

3.2.9 County Agencies

T. County of Riverside Transportation and Land Management Agency, Transportation Department

Response to Comment T-1

The City appreciates receiving comments from the Transportation Department.

Response to Comment T-2

The City acknowledges the comment that with implementation of the recommended mitigation program the project as proposed should have no significant impacts on the County roadways in the vicinity.

Response to Comment T-3

The City appreciates receiving comments from the Transportation Department.



City of La Quinta

P.O. Box 1504
LA QUINTA, CALIFORNIA 92247-1504
78-495 CALLE TAMPEGO
LA QUINTA, CALIFORNIA 92253

(760) 777-7000
FAX (760) 777-7101

March 17, 2008

VIA HAND DELIVERY

Mr. Corrie Kates
Community Development Director
City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210

LETTER U

RE: Indian Wells Town Center Recirculated Draft Supplemental Environmental Impact Report, SCH No. 2006111097

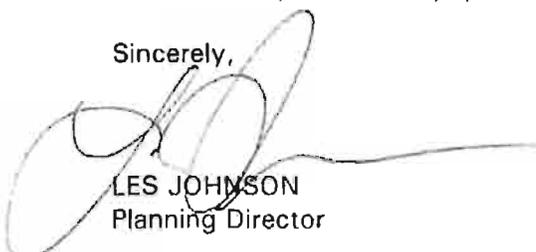
Dear Mr. Kates,

Thank you for providing the City of La Quinta ("La Quinta") the opportunity to comment on the Indian Wells Town Center Recirculated Draft Supplement Environmental Impact Report ("RDSEIR"). In addition to the previous comments provided during the original comment period for the Draft Supplemental Environmental Impact Report (letter of September 24, 2007), we offer the following comment:

- It is imperative that the proposed signal at Via Sevilla and Washington Street include interconnect communications to the signals at Fred Waring Drive and Miles Avenue. Failure to do so could create potentially significant traffic congestion on Washington Street. An interconnect line currently exists and it is requested for the proposed signal to tie into the existing communication infrastructure.

Again, thank you for the opportunity to comment on the Indian Wells Town Center Recirculated Draft Supplemental Environmental Impact Report. We request that these comments be considered and clarifications and corrections appropriately made in the Final EIR. Should you have any questions, please do not hesitate to contact our office.

Sincerely,


LES JOHNSON
Planning Director

Attachment

cc: La Quinta City Council
Tom Genovese, City Manager
Tim Jonasson, Public Works Director

03/17/08 PM 04:50:19 AM

1

2

3



3.2.10 Local Agencies

U. City of La Quinta

Response to Comment U-1

The City appreciates receiving comments from the City of La Quinta and acknowledges that the comments are in addition to previous comments (September 24, 2007) on the Draft Supplemental Environmental Impact Report.

Response to Comment U-2

The City acknowledges that the proposed signal at Via Sevilla and Washington should include interconnect communications to the signals at Fred Waring Drive and Miles Avenue.

Response to Comment U-3

The City appreciates receiving comments from the City of La Quinta. Please refer to Responses F-1 through F-9 in addition to the above responses.



Desert Sands Unified School District

47-950 Dune Palma Road • La Quinta, California 92253 • (760) 777-4200

February 21, 2008

LETTER V

Corrie Kates
City of Indian Wells
Planning Department
44-950 El Dorado Drive
Indian Wells, CA 92210-7497

Request for Comments: Indian Wells Town Center west of Washington Street, north and south of Miles Avenue. APN: 604-040-035, 089, and 018, 021, 026, 028, 029

Dear Corrie,

This is in response to your request for input on the above referenced project and its effect on public schools. 1

All actions toward both residential and commercial development will potentially result in an impact on our school system. School overcrowding is a District-wide concern for Desert Sands Unified School District. The District's ability to meet the educational needs of the public with new schools has been seriously impaired in recent years by local, state and federal budget cuts that have had a devastating impact on the financing of new schools. 2

As you are aware, there is a school mitigation fee that is currently collected on all new development at the time building permits are issued. 3

Please feel free to call me if you have further questions. Thank you.

Sincerely,


Peggy Reyes, Director
Facilities Services

PR/sm

V. Desert Sands Unified School District

Response to Comment V-1

The City appreciates receiving comments from the District.

Response to Comment V-2

The City recognizes that development will potentially impact the school system and that financing of new schools is an issue.

Response to Comment V-3

The City will require the project to pay the school mitigation fee in effect at the time of building permit issuance.

**La Quinta Del Oro Community Association
78370 Via Dijon
La Quinta, CA 92253**

March 16, 2007

City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210
Attn: Corrie Kates

LETTER W

Dear Mr. Kates:

Subject: Indian Wells Town Center Recirculated Draft Supplemental EIR-La Quinta Del Oro Community Association Comments

The La Quinta Del Oro Community Association (LQDOCA) represents 147 homeowners in the La Quinta Del Oro (LQDO) subdivision located at the northeast corner of Miles Avenue and Washington Street in the City of La Quinta. LQDO is located directly across Washington Street from the proposed Indian Wells Town Center project. 1

While we appreciate the City of Indian Wells' (City's) objective to provide an "upscale" project, it is apparent the proposed project will do so at the detriment of LQDO residents. In fact, the original Phase I project is not currently meeting its environmental obligations.

The Recirculated Draft Supplemental Environmental Impact Report (RSEIR) contains little improvement over the original SEIR of which LQDOCA provided comments on September 5, 2007. LQDOCA presents the following detailed comments on the RSEIR: 2

Approved and Proposed Land Uses & Land Use Changes-Tables 1 & 2

- The total area for proposed commercial-mixed use and theater has increased almost four-fold from the original project of 95,000 sq. ft. to 362,510 sq. ft. This is a significant increase that has not been adequately addressed in regards to aesthetics, noise, traffic and cumulative impacts. 3

3.1 Aesthetics-Building Height

- The proposed hotel will be 7 stories high (90')! This is almost double the City's maximum height (52') for this zone. 4
- The RSEIR now includes computer renderings of views of the hotel from four locations. These renderings confirm our concerns about the visual impacts of this hotel. The visual impacts to LQDOCA depicted in these renderings are substantial---yet no additional mitigation is proposed. This is unacceptable. 5
- This 90' high hotel will have an "Adverse" affect on all the residents in LQDO---not just a "Significant" affect. Our views of the Santa Rosa Mountains will be permanently obstructed and transferred to transient hotel quests. We are permanent residents of the Coachella Valley and deserve to keep our mountain views in perpetuity. 6
- Beyond the environmental issues, our property values will be adversely affected by the height of this hotel. 7
- The hotel will be located at one of the highest ground elevations in the area. The building will stick out like a sore thumb and be visible for miles. If anything, a hotel at this location should be proposed as a "low profile" building to conform with desert architecture. 8

- No real mitigation is proposed. Terracing does not eliminate height. | 9
- The hotel should be recessed into the ground to obtain additional stories but the maximum height of the hotel should not exceed the height of the new Hilton hotel at the southeast corner of Miles and Washington. | 10
- The buildings within the retail center are proposed to be a maximum of four stories in height. The maximum height for these buildings should be two stories for the same reasons noted above. | 11

3.1 Aesthetics-Light & Glare

- The project site already violates light and glare guidelines. The Tennis Center lighting illuminates the night sky tremendously and LQDO should not be subject to additional illumination. | 12
- The existing lighting towers are 100' tall and are unsightly—even during the day when not illuminated. | 13
- Mitigation should require that these lighting towers be lowered to no more than 30' to avoid the cumulative affects of all the added parking and building lighting. | 14

3.11 Noise

- The project site already violates noise guidelines. LQDOCA has complained about noise from the tennis center in the past. | 15
- The project should be scaled back to take into account the cumulative affects of the noise from the tennis center (tournaments and concerts) and the noise generated by the proposed facilities, patrons and vehicles. | 16

3.14 Recreation

- The RSEIR states that a bike lane will be installed and connect to other bike trails in the region. A bike lane does exist on the north side of Miles along in Indian Wells but there are patches of bike lane along the south side of Miles in La Quinta. | 17
- Mitigation should require the bike lanes to be on the same side of the street and continuous through both communities. | 18

3.15 Traffic

- The project site already causes traffic issues on Via Sevilla and Miles Avenue during tennis and concert events. Patrons park illegally on Via Sevilla, Miles Avenue and surrounding streets at the detriment of LQDO homeowners. In fact, several vehicles were illegally parked on private property within the LQDOCA Miles Avenue entrance on March 15 and 16, 2008 (see photo). If the existing limited parking for the tennis tournament is taken by new buildings---where will the patrons park? This has not been adequately addressed in the RSEIR. | 19
- The dramatic increase in hotel/commercial/retail coverage has not been adequately addressed in the traffic studies. The cumulative affects of these new activities will adversely affect access to and from LQDO. For example, no change in traffic conditions is projected | 20

for the intersection of Washington and Via Sevilla. Yet, apparently a new traffic light is proposed at this location.

- If a traffic light is installed at the intersection of Washington and Via Sevilla, it should only allow right hand turns onto Washington from Via Sevilla and right hand turns onto Washington from the Indian Wells Town Centre at Via Sevilla. This will keep unwanted retail and tennis center traffic from entering Via Sevilla. This will improve safety and provide more security for our residents. 21
- A westbound right turn lane is proposed on Miles at Washington. This will adversely affect LQDO. This turn lane may encroach on our common property outside the block wall. This area is owned and maintained by LQDO and is not part of a Lighting and Landscape District. We take pride in keeping this area aesthetically pleasing for our neighborhood and the communities. Any right turn lane at that location should avoid a taking of our common property which will adversely affect the aesthetics of our property. 22
- Pedestrian traffic crossing Washington at Miles is dangerous. The SEIR has failed to examine this issue. 23

5.0 Cumulative Impacts

- Cumulative impacts have not been adequately addressed in this SEIR. See prior comments. 24

6.0 Unavoidable Impacts

- The aesthetics related to building height are certainly avoidable. See comments on Aesthetics-Building Height. 25

7.0 Alternatives

- Alternative 4 (Reduced Scale-B) should be included in the analysis which would include the same provisions of Alternative 3 but also reducing the height of the hotel to no greater the height of the Hilton Hotel at the southeast corner of Washington and Miles. This Alternative would achieve most of the project goals and be the environmentally superior alternative. 26

We appreciate the opportunity to comment and sincerely hope the City of Indian Wells takes our comments seriously and incorporates them into a revised project plan that meets the needs of all the citizens. 27

Sincerely,



Mark L. Johnson
President

La Quinta Del Oro Community Association

cc: Don Adolph, Mayor-City of La Quinta
Tom Genovese, City Manager-City of La Quinta
City Council Members-City of La Quinta



3.2.11 Private Organizations/Individuals

W. La Quinta Del Oro Community Association

Response to Comment W-1

The City appreciates the comments from the La Quinta Del Oro Community Association (LQDO).

Response to Comment W-2

The Recirculated Draft Supplemental Impact Report expanded its analysis in regard to Aesthetics, Air Quality, Cultural Resources, and Transportation and Traffic and the City believes that in conjunction with the Draft Supplemental Impact Report, provides a comprehensive and thorough analysis of the project's impacts consistent with the requirements of the California Environmental Quality Act. The City recognizes that the LQDO made comments on September 5, 2007 on the Draft Supplemental Environmental Impact Report.

Response to Comment W-3

Please refer to Response G-2.

Response to Comment W-4

Please refer to Response G-3

Response to Comment W-5

Exhibits 8a-d illustrates 4 locations from where photographs of the project site were taken to evaluate the impacts of the hotel on views of the Santa Rosa Mountains. The 4 locations are looking westerly from Washington Avenue between Via Sevilla and south of Miles Avenue.

Exhibits 8a through 8d shows before and after views of project site in regard to the hotel.

View 1 is from a vantage point on the northeast corner of Washington Street and Miles Avenue. From this view, the hotel blocks the higher peaks of the foothills of the Santa Rosa Mountains, but views of the foothills are still visible to the north and south of the hotel.

View 2 is from a vantage point on the east side of Washington Street approximately 550 feet north of Miles Avenue. From this vantage point, the lower portions of the foothills of the Santa Rosa Mountains to the west of the hotel are blocked but a prominent portion of the higher elevations are clearly visible to the north of the hotel.

View 3 is from a vantage point on the north side of Miles Avenue approximately 950 feet east of Washington Street. From this vantage point a significant portion of the Santa Rosa Mountain foothills are blocked by the hotel. In addition, the existing hotel located on the southeast corner of Miles Avenue and Washington Street in the City of La Quinta block the lower elevations of the Santa Rosa Mountain foothills to the south of the proposed hotel.

View 4 is from a vantage point on the east side of Washington Street approximately 800 feet south of Miles Avenue. From this vantage point, only the northern portion of the Santa Rosa Mountain foothills are partially blocked. A significant portion of the foothills remains visible.

Response to Comment W-6

Please refer to Response G-5.

Response to Comment W-7

Please refer to Response G-6

Response to Comment W-8

Please refer to Response G-7

Response to Comment W-9

Please see Response G-8

Response to Comment W-10

Please refer to Response G-9.

Response to Comment W-11

Please refer to Response G-10

Response to Comment W-12

Please refer to Response G-11

Response to Comment W-13

Please refer to Response G-12

Response to Comment W-14

Please refer to Response G-13

Response to Comment W-15

Please refer to Response G-14

Response to Comment W-16

Please refer to Response G-15

Response to Comment W-17

Please refer to Response G-16

Response to Comment W-18

Please refer to Response G-17

Response to Comment W-19

Please see Response G-19. In addition, it should be noted that the project includes an additional parking lot for the tennis stadium consisting of 1,632 spaces, which is currently under construction. Illegal parking is a law enforcement issue.

Response to Comment W-20

A traffic signal warrant analysis was conducted by Willdan dated November 1, 2007 which indicated that the intersection of Washington Street and Via Sevilla/Project Entrance meets two established warrants contained in the California Manual on Uniform Traffic Control Devices with the Project Conditions. These warrants are; Minimum Vehicular Volume; and Interruption of Continuous Traffic and Warrant 3-Peak Hour. As such, Mitigation Measure TT-15 is recommended which requires signalization of the intersection.

Response to Comment W-21

The City of Indian Wells and the City of La Quinta will coordinate the appropriate turning movements at the intersection of Via Sevilla and Washington Street.

Response to Comment W-22

Please refer to Response G-21

Response to Comment W-23

Please refer to Response G-22

Response to Comment W-24

Please refer to Response G-23

Response to Comment W-25

Please see Responses G-3 through G-10.

Response to Comment W-26

Please refer to Response G-25

Response to Comment W-27

The City appreciates the comments of the LQDO and will consider them during the public hearing process.

SECTION 4:

ERRATA AND REFINEMENTS TO THE DRAFT SEIR and RECIRCULATED DRAFT SEIR

4.1 INTRODUCTION

The following section includes both general explanations and specific revisions to the text of the Draft SEIR and Recirculated Draft SEIR. General explanations are provided in plain text. Specific revisions are listed by page number and section in some instances. Additions are shown in bold text (i.e. **addition**) while deletions are shown in strikethrough text (i.e. ~~deletion~~).

4.2 REVISIONS TO THE TEXT OF THE DRAFT SEIR

Section 3.3 Air Quality

Table 6. Operational Emissions (Unmitigated)

Source	Emissions (pounds per day)						
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}	CO ₂
MOBILE (VEHICLE)	165.19	211.13	1,475.16	1.22	198.37	39.35	119,690.47
AREA	17.52	7.86	33.65	—	4.39	4.23	8,407.97
TOTAL	182.71	218.99	1,508.81	1.22	202.76	43.58	128,098.44
REGIONAL THRESHOLD	75	100	550	150	150	55	None
SIGNIFICANT IMPACT?	YES	YES	YES	NO	NO YES	NO	—

Source: URBEMIS2007 model output, see attachments; winter emissions are shown for all pollutants except for SO_x and CO₂, where summer emissions are shown.

Table 9. Short-Term Emissions (Mitigated)

Construction Phase	Emissions (pounds per day)						
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}	CO ₂
Regional Threshold	75	100	550	150	150	55	None
2008 Construction Activity							
Mass Grading	21.09	230.20	101.65	0.16	139.38	36.76	24,072.41
Fine Grading	10.42	87.78	45.99	0.00	48.03	13.21	7,496.63
Trenching	2.37	20.19	9.68	0.00	1.01	0.92	1,839.12
Asphalt	13.47	67.82	30.21	0.05	3.96	3.52	7,112.06
Building	7.09	35.65	76.81	0.08	2.43	2.03	9,396.42
Max Daily Emissions	21.09	230.20	101.65	0.16	139.38	36.76	24,072.41
Significant Impact?	No	Yes	No	No	No	No	—
2009 Construction Activity							
Building	6.65	33.62	71.98	0.08	2.33	1.94	9,394.07
Architectural Coatings	157.64	0.15	2.48	0.00	0.02	0.01	274.05
Max Daily Emissions	157.64	33.62	71.98	0.08	2.33	1.94	9,394.07
Significant Impact?	Yes	No	No	No	Yes NO	No	-
None = There is no threshold for CO ₂ .							
Note: Each of the above activities does not occur at the same time; therefore, the maximum daily emissions represent the maximum emissions that would occur in one day.							
Source: URBEMIS2007 model output, see attachments							

Table 10. Operational Emissions (Mitigated)

Source	Emissions (pounds per day)						
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}	CO ₂
MOBILE (VEHICLE)	160.44	204.94	1,431.84	1.19	192.55	38.19	116,173.01
AREA	17.52	7.86	33.65	—	4.39	4.23	8,407.97
TOTAL	177.96	212.80	1,465.49	1.19	196.94	42.42	124,580.98
REGIONAL THRESHOLD	75	100	550	150	150	55	None
SIGNIFICANT IMPACT?	YES	YES	YES	NO	NO YES	NO	—

Source: URBEMIS2007 model output, see attachments; winter emissions are shown for all pollutants except for SO_x and CO₂, where summer emissions are shown.

The changes to Tables 6, 9 and 10 above did not change the conclusions in the DSEIR that air quality impacts for both short-term construction and long-term operations were significant (DSEIR Page 3.1-15).

3.3.4 Mitigation Measures (DSEIR Page 3.3-13)

During project construction, onsite electrical hook ups shall be provided for electric construction tools including saws, drills, and compressors, to eliminate the need for diesel powered electric generators. **Contractors shall include equipment from Table 1 of the SCAQMD Air Quality Guidance Handbook, Mitigation Measures and Control Efficiencies for off-road engines.**

2.3.5 Grading (Project Description Page 2-13)

Exact grading quantities are not known at this time but the site is relatively flat with only a slight slope toward the Whitewater River Channel to the south. Grading is expected to be balanced onsite to eliminate offsite soils import or export. Approximately 40 20 acres is anticipated to be graded per day.

Section 3.4 Biological Resources, Page 3.4-5

a. Project Site: In response to comments received during the Notice of Preparation period from the California Department of Fish and Game (CDFG), a Biological Constraints Analysis (BCA) for the project site was conducted by The Thomas Leslie Corporation (TLC) on February 6, 2007.

Due to the presence of suitable habitat on the project site, and because the December 18, 2006 letter from the CDFG specifically requests them, performance of the following focused species-specific surveys were conducted in the naturally vegetated areas:

- Spring 2007 Rare Plant Surveys.
- **Spring 2008 Rare Plant Surveys (Appendix A).**
- 2007 Wildlife Surveys.
- Focused Breeding Season (February 1-August 31) Burrowing Owl (BUOW) Surveys.
- **Results of a 30-day Pre-grading Burrowing Owl Survey, 10 acre City of Indian Wells Event Parking Lot (Appendix B).**
- Nesting Bird Survey.

Section 3.4 Biological Resources, Page 3.4-5

Burrowing Owl

A solitary unpaired Burrowing Owl (BUOW) individual was observed onsite during performance of the BCA field survey. Therefore, focused Burrowing Owl surveys were conducted in accordance with the BUOW survey protocols identified in the 1993 California Burrowing Owl Consortium guidelines and the 1995 California Department of Fish and Game staff memo regarding BUOW mitigation.

The results of the BUOW surveys determined that:

- No BUOW individuals were observed at, in, or near any ground burrow within the boundaries of the project site on April 15, 16, 22, or 23, 2007.
- No BUOW individual was observed foraging over, or perching within the boundaries of the project site during the focused BUOW surveys on April 15, 16, 22, or 23, 2007.
- Although three burrows with signs of past BUOW occupancy were observed onsite, no currently occupied BUOW ground burrow was observed within the boundaries of the project site during the focused BUOW surveys on April 15, 16, 22, or 23, 2007.

- **No BUOW individuals, no potential BUOW ground burrows and no signs of past or present BUOW occupation or use of the event parking site were observed on April 14, 2008.**
- **No state BUOW occurrence record is documented on the event parking site. The nearest state BUOW occurrence record is off-site 2.93± miles northeast of the center of the event parking site (see Occurrence #856 of the California Department of Fish and Game (CDFG), March 30, 2008, Natural Diversity Data Base (CNDDDB) Rare Find Record Search Results for the La Quinta, Calif. USGS 7.5 Minute Topographic Quadrangle).**
- **It is concluded that as of April 14, 2008, BUOW were not utilizing the 10± acre event parking site. Therefore, grading of the site can proceed.**

Section 3.4 Biological Resources, Page 3.4-6

Plant Species:

- Two (2) natural native plant habitat types (communities) were identified onsite: Creosote Bush/Desert Sand Verbena Series and Fourwing Saltbrush Series. While the Desert Sand Verbena Series is identified as a California Natural Diversity Data Base (CNDDDB) Community of Highest Inventory Priority (C.H.I.P.), the Fourwing Saltbrush Series is not. No listed endangered, or unlisted special-status annual plant species, having potential to occur within focused Rare Plant Survey Area # 1 and Survey Area # 2 (the naturally vegetated areas of the project site) due to the presence of suitable habitat were observed on March 10 or April 16 or 22, 2007. Impacts are not significant.
- A review of federal designated and proposed critical habitat maps showed that the project site is located **outside** any area identified as critical habitat for any plant or animal species listed as threatened or endangered, by the US Fish and Wildlife Service (FWS). Therefore, development of the project site will **not** interfere with the recovery of any federally listed threatened or endangered species. Impacts are not significant.

RESULTS OF THE APRIL 2008 FOCUSED RARE PLANT FIELD SURVEY

- **No listed endangered, or unlisted special-status annual plant species, having potential to occur within focused Rare Plant Survey Area #1 or Area #2 due to the presence of suitable habitat, were observed on April 19, 2008. Similarly, none were observed on March 10 or April 16 and 22, 2007 (TLC, 2007a).**
- **Since no rare plant species were identified within the boundaries of Survey Area #1 or #2, no impact to rare plants are anticipated. Therefore, no mitigation measures are proposed**

4.3 REVISIONS TO THE TEXT OF THE RECIRCULATED DRAFT SEIR

Section 3.5 Cultural Resources, Page 3.5-3

During the SB 18 Consultation, the Aqua Caliente Band of Cahuilla Indians expressed concerns about the potential for additional cultural resources to be encountered during grading and requested additional studies. ~~A mitigation measure is recommended in Section 3.5.6 below to address this concern.~~ **As a result, the City retained Archaeological Resources to review the previous cultural resource investigations. The results of the review, "A Review of Previous Cultural Resource Investigations Within the Indian Wells Garden of Champions Tournament Center and Indian Wells Town Center Project Site, City of Indian Wells, Riverside County, January 31, 2008, (Appendix C) determined that all areas of the site have been evaluated and the finds recovered adequately analyzed and reported. However, because of the amount of time that has passed since the last survey and the changing dune environment, a final survey archaeological surface collection will be conducted.**

SECTION 5:

MITIGATION MONITORING and REPORTING PLAN

5.1 INTRODUCTION

The following will help assure that the mitigation measures contained in the Draft SEIR, and as modified in this Final SEIR, are properly implemented according to state law. This Mitigation Monitoring and Reporting Plan (MMRP) identifies measures incorporated into the project that reduce its potential environmental impacts, the entities responsible for implementation and monitoring of mitigation measures, and the appropriate timing for implementation of mitigation measures. As required in Section 15097 of the CEQA Guidelines, this MMRP employs both reporting on and monitoring of project mitigation measures.

5.2 MITIGATION MONITORING and REPORTING

As the Lead Agency, the City of Indian Wells is responsible for ensuring full compliance with the mitigation measures adopted for the project. If during the course of project implementation, any of the mitigation measures identified cannot be successfully implemented, the City shall immediately inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the project is required, and/or whether alternative mitigation measures are appropriate. Table 5.1 presents the implementation plan for the mitigation measures.

Table 5.1 Mitigation Monitoring and Reporting Plan

PROJECT NAME: INDIAN WELLS TOWN CENTER

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
AESTHETICS			
AES-1 Prior to the issuance of building permits, the project shall demonstrate that the hotel has been designed to incorporate a “terraced” design to minimize building bulk and massing and that building placement provides a view corridor through the site.	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
AES-2 Equipment storage and soil stockpiling shall be at least 100 feet from adjacent property lines. (Ref. 1998 5.9-1a).	City of Indian Wells Community Development Department	During construction	
AES-3 Construction related rubbish and debris shall be removed as required by the City of Indian Wells Building and Safety Department Inspectors. (Ref. 1998 5.9-1b).	City of Indian Wells Community Development Department	During construction	
AES-4 Prior to the issuance of building permits an outdoor lighting plan for the Indian Wells Town Center project shall be approved by the Community Development Department which contains the following provisions: <ul style="list-style-type: none"> • Use of low pressure sodium lights; • Exterior lighting shall be fully shielded and directed away from adjoining properties; • Architectural and accent lighting shall be turned off by 11:00 PM and sunrise; • Glare free type opaque fixtures shall be provided 		Prior to the issuance of building permits	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>for general lighting;</p> <ul style="list-style-type: none"> • Path lighting shall have concealed source post top fixtures, bollard fixtures, and surface mounted building fixtures; and parking lot lighting shall not exceed 25 feet in height. 	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
<p>AES-5 Construction and security lighting shall adhere to the City of Indian Wells Lighting Standards, which specifies the usage of low pressure sodium lighting for security purposes. (ref. 1998 5.10-1).</p>	City of Indian Wells Community Development Department	During construction	
AIR QUALITY			
<p>AQ-1 The proposed project shall comply with City of Indian Wells conditions to prevent dust and blowsand as follows:</p> <ul style="list-style-type: none"> • Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and/or blowsand nuisance, and shall be planted either with interim landscaping or provided with other wind and water erosion control measures as approved by the Director of Building and Safety and the state air quality management standards. • Notwithstanding any section of the ordinance to the contrary, the permit holder(s) shall comply with the requirements of City of Indian Wells • Municipal Code Section 8.20 (Fugitive Dust). (Ref. 1998 5.7-1a). 	City of Indian Wells Community Development Department	During construction	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>AQ-2 In accordance with City of Indian Wells conditions, all necessary measures to control dust shall be implemented during grading. Such measures shall include the following:</p> <ul style="list-style-type: none"> • The project shall comply with State, County and UBC dust control regulations, so as to prevent the soil from being eroded by wind, creating dust, or blowing onto a public road or roads or other public or private property. • SCAQMD Rule 403.1 as amended, shall be adhered to, ensuring the clean up on the construction-related dirt on approach routes to the site, and the application of water and/or chemical dust retardants that solidify loose soils shall be implemented for construction vehicle access, as directed by the Community Development Department. This shall include covering, watering or otherwise stabilizing all inactive soil piles (left more than 10 days) and inactive graded areas (left more than 10 days). • Any vegetative ground cover to be utilized onsite will be planted as soon as possible to reduce the amount of open space subject to wind erosion; Irrigation will be installed as soon as possible to maintain the ground cover and minimize blowsand. • Grading activity will be suspended when local winds exceed 30 miles per hour and 	<p>City of Indian Wells Community Development Department</p>	<p>During construction</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>during first and second state smog alerts.</p> <ul style="list-style-type: none"> • All trucks hauling dirt, soil or other loose dirt material will be covered. • Pursuant to City of Indian Wells Municipal Code Section 8.24 (Blowing Sand and Dirt) blowsand shall be controlled by the measures contained in Section 8.24. Furthermore, pursuant to the Coachella Valley Fugitive Dust Control Handbook, measures to control PM10 shall be approved by the Community Development Department. (Ref. 1998 5.7-1b). 	<p>City of Indian Wells Community Development Department</p>	<p>During construction</p>	
<p>AQ-4 In order to reduce emissions from the power plant providing electricity to the site and from natural gas consumed by the project's users, on-site buildings shall, at a minimum, be constructed to comply with State Energy Efficiency Standards (Title 24). (Ref. 1998 5.7-2b).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of occupancy permits</p>	
<p>AQ-5 Reduce the maximum acreage graded on any one day to 20 acres.</p>	<p>City of Indian Wells Community Development Department</p>	<p>During construction</p>	
<p>AQ-6 During project construction, onsite electrical hook ups shall be provided for electric construction tools including saws, drills and compressors, to eliminate the need for diesel powered electric generators. Contractors shall include equipment from Table 1 of the SCAQMD Air Quality Guidance Handbook, Mitigation Measures and Control Efficiencies for off-road engines.</p>	<p>City of Indian Wells Community Development Department</p>	<p>During construction</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>AQ-7 During project construction, the developer shall require all contractors not to idle construction equipment onsite for more than 5 minutes.</p>	<p>City of Indian Wells Community Development Department</p>	<p>During construction</p>	
<p>AQ-8 A minimum of three Transportation Demand Management (TDM) measures shall be implemented. TDMs may include having showers and locker facilities for employees, providing at least one secure bike parking spot for every 20 vehicle parking spaces, providing preferential parking for carpool/van pool vehicles, and installing kiosks with alternative transit information.</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	
<p>BIOLOGICAL RESOURCES</p>			
<p>BIO-1 Prior to issuance of a grading permit, the developer shall pay the CVMSHCP mitigation fee to the Coachella Valley Association of Governments (CVAG).</p> <p>BIO-2 A pre-grading survey shall be conducted on the project site and the area for the concrete lining and access road within the CVSC right-of-way within 30 days prior to any ground disturbance to avoid a direct take of Burrowing Owls (BUOW). The biologist conducting the 30-day pre grading BUOW survey must submit a letter report to the City of Indian Wells documenting the results of the survey.</p>	<p>City of Indian Wells Community Development Department</p> <p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of a grading permits</p> <p>Prior to the issuance of grading permits</p>	
<p>BIO-3 Prior to the disturbance of any land within the Coachella Valley Storm Drain Channel, the project shall secure any necessary permits from the Army Corps of Engineers and the California</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of grading permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>Department of Fish and Game. The project will be required to mitigate any impacts to jurisdictional waters at a ratio of 1:1. This can be accomplished by purchasing local mitigation credits or funding creation of a comparable amount of habitat. This amount of mitigation is the City's baseline requirement, but the City will accept a greater mitigation ratio if required by the responsible regulatory agency.</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of grading permits</p>	
<p>BIO-4 If tree removal will occur during the bird nesting season (March 1 to September 15) a nesting bird survey shall be conducted by a qualified biologist prior to cutting trees or shrubs down.</p>	<p>City of Indian Wells Community Development Department</p>	<p>During grading</p>	
<p>CULTURAL RESOURCES</p>			
<p>CUL-1 Prior to issuance of grading permits, a qualified paleontologist shall be retained by the developer to monitor onsite grading, especially in the vicinity of CA-RIV-5876. Any fossiliferous materials found during excavation shall be retained and curated in an appropriate manner at an appropriate facility. The recovery of any fossils shall be coordinated with the County Archaeological Information Center. This measure shall be implemented to the satisfaction of the Community Development Department.</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of grading permits</p>	
<p>CUL-2 Prior to the issuance of grading permits, a qualified archaeologist shall be retained by the developer to monitor earth grading or any ground disturbance activities to ensure protection of significant cultural resources. A report of findings</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of grading permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>shall be prepared and the City shall require that the report have a peer review by an archaeologist qualified to meet the requirements established by the California Secretary of the Interior' Standards and Guidelines. The report and the peer review of the report shall be submitted to the Eastern Information Center, University of California Riverside and the Aqua Caliente Band of Cahuilla Indians or any other Native American Tribe identified during the SB 18 consultation if requested by said tribe(s).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of grading permits</p>	
<p>CUL-4The project developer shall enter into a Pre-Excavation Agreement with the most appropriate local Native American (NA) group to fund up to 2 NA representatives to have access to the site during grading activities. The designation of monitors shall be coordinated with the following Tribes:</p> <p>Augustine Band of Cahuilla Mission Indians, Aqua Caliente Band of Cahuilla Indians, Morongo Band of Mission Indians, Soboba Band of Luiseno. It is the intent of this Mitigation Measure to avoid duplication of monitoring efforts and to designate the most appropriate Tribe to conduct the monitoring.</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of grading permits</p>	
<p>CUL-5 If human remains are found during excavation, work shall be halted and the appropriate local Native American (NA) group shall be contacted. If the County Coroner's office determines the remains to be Native American, and it is determined by the Native American</p>	<p>City of Indian Wells Community Development Department</p>	<p>During grading</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>Heritage Commission that member(s) of the local NA group is (are) the most likely descendants, the developer shall allow reburial of the remains and associated goods at an appropriate offsite location which shall be "capped" to prevent further disturbances in the future. The site of such burial shall not be disclosed to the public, pursuant to Government Code §6254. Details of the reburial shall be negotiated between the developer and the appropriate representatives of the local NA group. If human remains are found, and not determined by the County Coroner's office to be Native American, but believed by the local NA group to be so, the developer shall be required to pay reasonable costs to determine whether the remains are Native American. All NA cultural items and associated grave goods found on site, other than human remains, are to be avoided, relocated, salvaged, returned to the NA group, or any other option decided by the NA group to be appropriate, before development of the area in which the item was found is resumed. The developer shall provide for NA tribal archaeological monitors to be present during any Phase II and potential Phase III surveys of all sites within the project.</p> <p>CUL-6 Prior to any earth disturbing activities, a final surface collection shall be completed to mitigate additional impacts to surface artifacts that may have been exposed as a result of sand migration within the project boundaries (undeveloped portion). The surface collection shall be conducted using the transit-controlled method. All finds recovered shall be catalogued and analyzed. An illustrated, narrative report describing the field investigation and laboratory work shall be prepared and submitted to the City and the Eastern Information Center at UCR.</p>			
GEOLOGY AND SOILS			
<p>GEO-1 Geotechnical/soils reports shall be submitted to the City of Indian Wells Engineering Department for approval prior to issuance of a</p>			

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>grading permit. All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by the City of Indian Wells. Recommendations to be addressed within the geotechnical/soils report shall address, at minimum the following issue areas. The geotechnical study shall be approved by the City Engineer, and applicable recommendations shall be incorporated into the final grading plan, including: Site Clearing and Preparation;</p> <ul style="list-style-type: none"> • Seismic Design Criteria; • Over-excavation, Re-compaction and Fill Placement; • Foundation Design; and • Retaining Walls, Utility Trench Backfill and Drainage (Ref. 1998 5.5-2a). 	<p>City of Indian Wells Engineering Department</p>	<p>Prior to the issuance of grading permits</p>	
<p>GEO-2 An Erosion Control Plan shall be submitted for approval to the City Engineer, prior to issuance of a grading permit. The Erosion Control Plan shall outline methods that shall be implemented to control erosion from graded or cleared portions of the site. The erosion control measures may include one or more of the following:</p> <ul style="list-style-type: none"> • Placing sandbags along the perimeter of the project site prior to initial grading if grading is to be undertaken during the rainy season (October to March). • Minimizing the length of time that soils lie 	<p>City of Indian Wells Engineering Department</p>	<p>Prior to the issuance of grading permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>exposed after grading.</p> <ul style="list-style-type: none"> Landscaping, hydro seeding or any other method of providing soil stabilization to graded areas, in a manner approved by the City of Engineer if determined to be required for erosion control in areas not planned for development until subsequent phases. Landscaping and hydro seeding should be under the direction of a licensed landscape architect and approved by the Community Development Department. (Ref. 1998-5.5-2b). 	City of Indian Wells Engineering Department	Prior to the issuance of building permits	
<p>GEO-3 Prior to issuance of a grading permit, the project applicant shall comply with the City of Indian Wells Municipal Code to control erosion. (Ref. 1998 5.5-2c).</p>	City of Indian Wells Engineering Department	Prior to the issuance of grading permits	
<p>GEO-4 Due to the potential for ground shaking in a seismic event, the applicant shall comply with the standards set forth in the Uniform Building Code to assure seismic safety to the satisfaction of the Community Development Department. (Ref. 1998 5.5-3a).</p>	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
<p>GEO-5 A structural engineer, civil engineer or architect experienced with earthquake-resistant design shall approve all building plans to determine the adequacy of seismic criteria for project structures, and to recommend appropriate design changes, if needed prior to issuance of building permits. The building plans shall incorporate design measures outlined within the Geotechnical/Soils Report prepared for the project site. (Ref. 1998 5.5-3b).</p>	City of Indian Wells Community Development Department	Prior to the issuance of building permits	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>HAZ-1 If waste materials are spilled during construction by the contractor and are believed to involve hazardous waste materials, the contractor shall:</p> <ul style="list-style-type: none"> • Immediately stop work in the vicinity of the suspected contaminant, remove workers and the public from the area; • Notify the City of Indian Wells Building and Safety Official. • Secure the area as directed by the City of Indian Wells Building and Safety Official; and • Notify the Director, Riverside County Environmental Health. Division (or designee) or appropriate approval authority. The Director shall follow procedures for site assessment, initiate coordination with local, State and regulatory agencies as required, and take remedial action as appropriate. (Ref. 1998 5.1-11). 	City of Indian Wells Community Development Department	During construction	
HYDROLOGY AND WATER QUALITY			
<p>HWQ-1 Refer to mitigation measures GEO-2 and GEO-3 identified in Section 3.6 Geology and Soils (Ref.1998 5.3-1a).</p>	City of Indian Wells Engineering Department	Prior to the issuance of grading permits	
<p>HWQ-2 Prior to grading within the CVWD Whitewater River easement area, the applicant shall obtain an encroachment permit from CVWD. (Ref. 5.3-1b).</p>	City of Indian Wells Community Development Department	Prior to the issuance of grading permits	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>HWQ-3 Drainage improvements shall be required pursuant to Coachella Valley Water District's requirements. All required drainage improvements shall be designed by a California Registered Engineer and shall be submitted for approval to Coachella Valley Water District prior to issuance of grading permits. (Ref. 1998 5.3-2a).</p>	<p>City of Indian Wells Engineering Department</p>	<p>Prior to the issuance of building permits</p>	
<p>HWQ-4 Prior to grading permit issuance, drainage hydrology and hydraulic calculations shall be prepared in accordance with City of Indian Wells conditions, in order to ensure that post-project runoff does not exceed existing site runoff velocities. (Ref. 1998 5.3-2b).</p>	<p>City of Indian Wells Engineering Department</p>	<p>Prior to the issuance of grading permits</p>	
<p>HWQ-5 In order to prevent exposed soil from erosion during periods of heavy rainfall, the project applicant shall be required to meet all erosion control measures to the satisfaction of the City of Indian Wells Building and Safety Department. (Ref. 1998 5.3-2c).</p>	<p>City of Indian Wells Building and Safety Department</p>	<p>During Construction</p>	
<p>HWQ-6 The project is required to meet Storm Water Management regulations. In accordance with City of Indian Wells conditions, prior to grading permit issuance, the project applicant/owner shall file for a National Pollutant Discharge Elimination System (NPDES) permit with the California State Water Resources Control Board and abide by the conditions of the permit as issued. A copy of the NOI, Storm Water Pollution Prevention Plan, and Monitoring Plan shall be submitted to the Engineering Department a minimum of thirty (30) days prior to commencing grading operations. (Ref. 1998 5.3-3a).</p>	<p>City of Indian Wells Engineering Department</p>	<p>Prior to the issuance of grading permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>HWQ-7 The project applicant shall be required to comply with the City of Indian Wells Engineering Department requirements contained in the conditions of approval on file in the Community Development Department with respect to urban and general construction stormwater management. (Ref. 1998 5.3-3b).Note: Development of Parcel 1 (hotel site) will require concrete reinforcement of the Whitewater Channel (aka Coachella Valley Storm Channel) slope adjacent to the site, which will require relatively nominal grading. Refer to mitigation measures BIO-3, HWQ-1, HWQ-2.</p>	<p>City of Indian Wells Engineering Department</p>	<p>Prior to the issuance of grading permits</p>	
<p>LAND USE AND PLANNING</p>			
<p>LUP-1 Refer to mitigation measures TT-1 through TT-3 identified in Sections 3.15 Transportation and Traffic; HWQ-5, 3.8 Hydrology and Water Quality; GEO-2, 3.6 Geology and Soils; NOI-1 through NOI-4, 3.11 Noise; AQ-1 and AQ-2, 3.3 Air Quality, AES-1, AES-2 and AES-3, 3.1 Aesthetics, for additional mitigation related to the land use impacts. (Ref. 1998 5.1.-1).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of the appropriate permit as required by the particular mitigation measure</p>	
<p>LUP-2 Refer to mitigation measures identified in Sections 3.15 Transportation and Traffic; NOI-5 3.11 Noise; AQ-8, 3.3 Air Quality, and AES-3 and AES-5, 3.1, Aesthetics. (Ref. 1998 5.1-2).</p> <p>LUP-3 The residential area and the hotel/commercial site shall incorporate all feasible design measures to minimize the potential land use compatibility impacts to the</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of the appropriate permit as required by the particular mitigation measure</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>satisfaction of the Community Development Department. The following components and design considerations shall be implemented:</p> <ul style="list-style-type: none"> • Orient truck delivery/loading areas away from existing residential areas and the Southwest Community Church (church). Require equipment storage areas and waste receptacles to be screened and/or designed away from existing residential uses. • Limit hours of operation on deliveries of goods, where applicable. • Precise Plans for the proposed project shall demonstrate that the site plan has incorporated appropriate design standards such as architectural treatments, buffers (i.e., landscaping and walkways), setbacks between proposed commercial hotel uses an orientation/design of condominiums and commercial hotel facilities. (Ref. 1998 5.1-4). 	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	
NOISE			
<p>NOI-1 Construction activities shall comply with City of Indian Wells Noise Chapter 9.06 relating to construction noise. If problems arise from construction noise, enforcement of the City's Municipal Code relating to construction-related noise discernible at residential boundaries will help minimize any potential noise impacts. Such noise is prohibited between the hours of Monday through Friday 7:00 am to 5:00 p.m. Saturday 8:00 am to 5:00 p.m. No Sundays or national holidays. (Ref. 1998 5.6-1a).</p>	<p>City of Indian Wells Community Development Department</p>	<p>During construction</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>NOI-2 All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers, to the satisfaction of the Community Development Department. (Ref. 1998 5.6-lb).</p>	<p>City of Indian Wells Community Development Department</p>	<p>During construction</p>	
<p>NOI-3 Stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers, to the satisfaction of the Community Development Department. (Ref. 1998 5.6-lb).</p> <p>NOI-4 Stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors during construction activities, to the satisfaction of the Community Development Department. (Ref. 1998 5.6-1d).</p>	<p>City of Indian Wells Community Development Department</p>	<p>During construction</p> <p>During construction</p>	
<p>NOI-5 Noise related to the Tennis Garden shall be regulated by Indian Wells City Council Resolution No. 2001-38 which provides for noise monitoring through the temporary use permit process to ensure that noise from events does not exceed City Noise Standards.</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of Temporary Use Permits</p>	
PUBLIC SERVICES			
<p>PS-1 Prior to issuance of building permits, the developer, and City of Indian Wells Police Department shall agree upon the procedures required to provide adequate police service to the project. (Ref. 1998 5.4-1).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	
<p>PS-2 The applicant shall comply with the existing City of Indian Wells Development Impact Fees for Fire Protection prior to the issuance of</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
building permits for each development phase. These funds are to be used for the purchase of land and to build, equip, or remodel fire stations when necessary as development occurs. (Ref. 1998 5.4-3a).	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
PS-3 The project applicant shall comply with all applicable sections of the City of Indian Wells Municipal Code for construction, access, water mains, fire flows, and fire hydrants, as required, subject to approval by the Fire Department. (Ref. 1998 5.4-3b).	City of Indian Wells Fire Department	Prior to the issuance of building permits	
PS-4 Prior to the recordation of a final tract/parcel map (except for a conveyance map), water improvement plans shall be submitted to and approved by the Fire Department for adequate fire protection and financial security posted for the installation. The adequacy and reliability of water system design, location of valves, and the distribution of fire hydrants is to be evaluated and approved by the Fire Department. (Ref. 1998 5.4-3c). PS-5 Prior to the issuance of building permits, a construction phasing plan shall be submitted to and approved by the Fire Department. The purpose of this review is to evaluate the adequacy of emergency vehicle access for the type of land use served. (Ref. 1998 5.4-3d).	City of Indian Wells Fire Department City of Indian Wells Fire Department	Prior to the recordation of a final parcel or tract map Prior to the issuance of building permits	
PS-6 Prior to the issuance of any certificates of use and occupancy, all fire hydrants shall have a "Blue Reflective Pavement Marker" indicating its location on the street or drive per Fire Department Standards.	City of Indian Wells Fire Department	Prior to the issuance of a certificate of occupancy	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>PS-7 Prior to final building inspection, the applicant shall satisfy all Fire Department requirements regarding sprinkler systems, fire lanes and extinguishers. (Ref.-5.4-3f).</p>	<p>City of Indian Wells Fire Department</p>	<p>Prior to the issuance of a certificate of occupancy</p>	
<p>PS-8 The proposed project shall be in compliance with the City requirements and Fire Departments requirements regarding hazardous materials as contained in the conditions of approval on file in the Community Development Department. (Ref. 5.4-3g).</p>	<p>City of Indian Wells Fire Department</p>	<p>Prior to the issuance of a building permit</p>	
<p>PS-9 The applicant shall pay the prevailing school assessment mitigation fees pursuant to California State law, prior to issuance of building permits. (Ref. 1998 5.4-21).</p>	<p>City of Indian Wells Community Development Department/Desert Sands Unified School District</p>	<p>Prior to the issuance of building permits</p>	
<p>RECREATION</p>			
<p>REC-1 The project shall pay in-lieu fees for park services as required by the Coachella Valley Parks and Recreation District, or dedicate a portion of the site to the District for public uses. (Ref. 1998 5.4-18a).</p>	<p>City of Indian Wells Community Development Department/Coachella Valley Parks and Recreation District</p>	<p>Prior to the issuance of building permits</p>	
<p>REC-2 Prior to issuance of occupancy permits, the project applicant shall construct a Class 1 bike trail on the south side of Miles Avenue along the project frontage (Parcels 1 and 2). (Ref. 1998 5.4-18b).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of occupancy permits</p>	
<p>TRAFFIC AND TRANSPORTATION</p>			
<p>TT-1 Prior to the issuance of building permits, the developer shall pay the TUMF to fund its fair share contributions for the following</p>	<p>City of Indian Wells Community Development</p>	<p>Prior to the issuance of building permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>improvements.</p> <ul style="list-style-type: none"> • Washington St. at Fred Waring: Add a westbound right turn lane on Fred Waring Dr., an additional southbound through lane on Washington Street, and an additional eastbound through lane of Fred Waring Dr. (With regard to the eastbound through lane, the City of Indian Wells is currently completing a street improvement project for Fred Waring Dr. that will be adding an eastbound through lane). • Washington St. at Miles Avenue: Add an additional southbound left turn lane on Washington Street and a westbound right turn lane on Miles Avenue. • Washington St. at Hwy. 111: Add a southbound right turn lane on Washington. • Washington St. at Avenue 48: Add a northbound right turn lane on Washington Street. • Adams St. at Hwy. 111: Add an additional westbound left turn lane and an additional eastbound left turn lane on Highway 111. 	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>TT-2 A Traffic Management Plan (TMP) shall be prepared and implemented to the satisfaction of the City of Indian Wells. The TMP shall include, but not be limited to, the following measures:</p> <ul style="list-style-type: none"> • Provision of continued access to residential properties adjacent to the construction site. • Provide alternate bicycle routes where existing bicycle routes are disrupted by construction activities. • Submit a truck routing plan, for approval, by the City of Indian Wells and other responsible public agencies in order to minimize impacts from truck traffic during material delivery and disposal. • The TMP will demonstrate that all inbound vehicle stacking is accommodated on-site with no spill-over onto miles Avenue, and that outbound traffic peaks can be moderated to such an extent that the Level of Service (LOS) does not deteriorate below LOS "E" for more than 30 consecutive minutes per day. (Ref. 1998 5.2-1a). 	<p>City of Indian Wells Engineering Department</p>	<p>Prior to the issuance of building permits</p>	
<p>TT-3 Construction related activities will be subject to, and comply with, standard street use requirements imposed by the City of Indian Wells and other public agencies, including the use of flag men to assist with haul truck ingress and egress of construction areas and limiting of large size vehicles to off-peak commute traffic periods. (Ref. 1998 5.2-1b).</p>	<p>City of Indian Wells Community Development Department</p>	<p>During construction</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>TT-4 During periods of heavy equipment access or truck hauling, the project contractor will provide construction traffic signage and a construction traffic flag man to control construction and general project traffic at points of ingress and egress. (Ref. 1998 5.2-1c).</p>	<p>City of Indian Wells Community Development Department</p>	<p>During construction</p>	
<p>TT-5 Existing Plus Phase 1 Project Conditions assume improvement of the currently deficient Fred Waring Drive/Washington Street intersection to LOS D operation through the addition of two southbound through lanes on Washington Street and one northbound through lane on Washington Street. As such, the project applicant shall pay a fair share of the costs of the Fred Waring Drive/Washington Street intersection improvement through payment of TUMF traffic impact mitigation fees for Existing Plus Phase 1 Project Conditions:</p> <ul style="list-style-type: none"> • Fred Waring Drive/Washington Street - fair share payment of TUMF traffic mitigation fees for the addition of two southbound through lanes on Washington Street and one northbound through lane on Washington Street due to existing deficient condition. (Ref. 1998 5.2-2a). 	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	
<p>TT-6 Existing Plus Phase 1 Project Plus Cumulative Conditions assume improvement of the currently deficient Fred Waring Drive/Washington Street intersection to LOS D</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>operation. Despite the implementation of the improvements required for the existing deficiency at the Fred Waring Drive/Washington Street intersection, additional mitigation is required for Existing Plus Phase 1 Project Plus Cumulative Conditions. As such, the project applicant shall pay a fair share of the costs of the following improvements at the Fred Waring Drive/Washington Street intersection through payment of TUMF traffic impact mitigation fees for Existing Plus Project Plus Phase 1 Project Plus Cumulative Conditions:</p> <ul style="list-style-type: none"> • Fred Waring Drive/Washington Street – fair share payment of TUMF traffic mitigation fees for an addition northbound left turn lane on Washington Street, an addition southbound left turn lane on Washington Street, and an additional northbound through lane on Washington Street for Existing Plus Phase 1 Project Plus Cumulative Conditions. (Ref. 1998 5.2-2b). 	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	
<p>TT-7 The Highway 111/Cook Street intersection is forecast to operate deficiently with the addition of project and cumulative traffic growth for Existing Plus Phase 1 Project Plus Cumulative Conditions. As such, the project applicant shall pay a fair share of the costs of the Highway 111/Cook Street intersection improvement through payment of TUMF traffic impact mitigation fees for Existing Plus Phase 1 Project Plus Cumulative Conditions.</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<ul style="list-style-type: none"> Highway 111/Cook Street- fair share payment of CVAG traffic mitigation fees for the addition of an eastbound right turn lane on Highway 111 at Cook Street due Existing Plus Phase 1 Project Plus Cumulative Conditions. (Ref. 1998 5-2.2c). 	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
<p>TT-8 Existing Plus Phase 1 Project Annual Tennis Event Conditions; "Special Event" coordination between the project applicant and the affected agencies is recommended, including the use of temporary signage, flag men and shuttle systems. (Ref. 1998 5.2-2d).</p>	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
<p>TT-9 Existing Plus Project Buildout Plus Cumulative Conditions assume improvement of the Fred Waring Drive/Washington Street intersection recommended for Existing Conditions and for Existing Plus Phase 1 Plus Cumulative Conditions as discussed in TT-8 above.</p> <p>Existing Plus Project Buildout Plus Cumulative Conditions result in a forecast deficiency at the Highway 111/Cook Street intersection. As such, the project applicant shall pay a fair share of the costs of the Highway 11/Cook Street intersection improvement through payment of-TUMF traffic impact mitigation fees for Existing Plus Project Plus Buildout Plus Cumulative Conditions:</p> <ul style="list-style-type: none"> Highway 111/CookStreet- fair share payment of TUMF traffic mitigation fees for conversion of the eastbound right turn lane added on Highway 111 at Cook Street for existing plus phase 1 project plus 	City of Indian Wells Community Development Department	Prior to the issuance of building permits	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>cumulative conditions to an eastbound through lane. Additionally, fair share payment of CVAG traffic mitigation fees for an additional northbound left turn lane on Cook Street, an additional southbound left turn lane on Cook Street, an additional eastbound left turn lane on Highway 111, an additional westbound left turn lane on Highway 111, an additional eastbound through lane on Highway 111, and an additional westbound through lane on Highway 111. (Ref. 1998 5.2-3b).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	
<p>TT-10 The 42nd Avenue/Highway 111 intersection is forecast to operate deficiently for Existing Plus Project Buildout Plus Cumulative Conditions. The project applicant shall pay a fair share of the costs of an additional southbound left run lane on Washington Street at 42nd Avenue, and re-striping of northbound Washington Street at 42nd Avenue to one northbound left turn lane and two northbound through lanes, through payment of TUMF traffic impact mitigation fees for Existing Plus Project Buildout Plus Cumulative Conditions:</p> <ul style="list-style-type: none"> • 42nd Avenue/Washington Street - fair share payment of TUMF traffic mitigation fees for the additional southbound left turn lane on Washington Street at 42nd Avenue, and re-striping of northbound Washington Street at 42nd Avenue, and re-striping of northbound Washington Street at 42nd Avenue to one left turn lane and two through lanes, for existing 	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
plus project buildout plus cumulative conditions. (Ref. 1998 5.2-3c).	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
<p>TT-11 The Miles Avenue/Jefferson Street intersection is forecast to operate deficiently for Existing Plus Project Buildout Plus Cumulative Conditions. The project applicant shall pay a fair share of the costs of an additional northbound left turn lane on Jefferson Street at Miles Avenue, and re-striping of southbound Jefferson Street at Miles Avenue to one southbound left run lane and one southbound through/right turn lane, through payment of TUMF traffic impact mitigation fees for Existing Plus Project Buildout Plus Cumulative Conditions:</p> <ul style="list-style-type: none"> • Miles Avenue/Jefferson Street - fair share payment of TUMF traffic mitigation fees for the additional northbound left turn lane on Jefferson Street at Miles Avenue, and re-striping of southbound Jefferson Street at Miles Avenue to one left turn lane and one through/right turn lane, for existing plus project buildout plus cumulative conditions. (Ref. 1998 5.2-3d). 	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
TT-12 Existing Plus Project Buildout Annual Tennis Event Conditions: Refer to Mitigation Measure No. TT-7. (Ref. 1998 5.2-4a).	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
TT-13 Existing Plus Project Buildout Annual Tennis Event Conditions: Ref. to Mitigation Measure No. TT 8)	City of Indian Wells Community Development Department	Prior to the issuance of building permits	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
TT-14 Existing Plus Project Buildout Annual Tennis Event Plus Cumulative Conditions: Refer to Mitigation Measure No. TT-7.	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
UTILITIES			
UTL-1 All final development plans shall be conditioned to require that all services and facilities shall be built in accordance with Imperial Irrigation District (IID) and Southern California Edison (SCE) policies and extension rules on file with the California Public Utilities Commission. (Ref. 1998 5.4-6a).	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
UTL-2 All building plans shall comply with the Energy Conservation Standards set forth in Title 24 of the California Administrative Code and local building and safety codes. (Ref. 1998 5.4-6b).	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
UTL-3 The developer shall consult with IID and SCE regarding participation in programs designed to increase the efficiency of operation and decrease energy costs. These programs may include new construction programs and off-peak cooling/thermal storage. Design criteria shall include the utilization of energy-efficient architectural and landscaping design concepts that would contribute to a reduction in the demand for energy. These concepts may include natural heating and/or cooling through sun and wind exposure and solar energy collection systems. (Ref. 1998 5.4-6c).	City of Indian Wells Community Development Department	Prior to the issuance of a building permit	

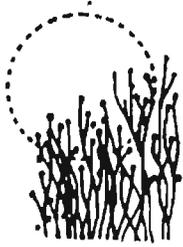
Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>UTL-4 Water system design and all public water mains, meters, and appurtenances shall be installed and constructed in compliance with the applicable standards, specifications, policies, and regulations of the CVWD and a construction phasing plan shall be approved, prior to project final or occupancy permits. (Ref. 1998 5.4-12a).</p>	<p>City of Indian Wells Community Development Department/CVWD</p>	<p>Prior to issuance of a certificate of occupancy</p>	
<p>UTL-5 All water mains shall be sized to convey peak hour demands or maximum day demands with fire flows, prior to occupancy permits. All public streets and easements must be capable of containing and conveying the design fire flow capacity, as determined by the Fire Department. (Ref. 1998 5.4-12b).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of a certificate of occupancy</p>	
<p>UTL-6 Prior to building permit issuance a clearance letter from the Coachella Valley Water District shall be provided to the Community Development Department verifying compliance with the conditions as follows: Stormwater and drainage, protection and control, water and sewer utility clearance, and low water efficient landscaping and irrigation. (Ref. 1998 5.4-12c).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of a building permit</p>	
<p>UTL-7 Prior to the issuance of building permits, the developer shall demonstrate use of low water use fixtures, plumbing fixtures and appliances, to the satisfaction of the Community Development Department and CVWD, which may include the following:</p>		<p>Prior to the issuance of a building permit</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>Interior:</p> <ul style="list-style-type: none"> • Supply line pressure: Reduce water pressure greater than 60 psi to 60 psi or less by means of a pressure-reducing valve. • Drinking fountains: Equip drinking fountains with self-closing valves. • Ultra-low flush toilets: Install 1.6 gallon per flush toilets in all new construction. <p>Exterior:</p> <ul style="list-style-type: none"> • Landscape with low water-consuming plants wherever feasible. • Minimize use of lawn by limiting it to lawn-dependent uses. • Group plants of similar water use to reduce over irrigation of low-water-using plants. • Use mulch extensively in all landscaped areas. Mulch applied on top of soil would improve the water-holding capacity of the soil by reducing evaporation and soil compaction. • Install efficient irrigation systems which minimize runoff and evaporation, and maximize the water which would reach the plant roots. Drip irrigation, soil moisture sensors, and automatic irrigation systems are a few methods to consider in increasing irrigation efficiency and may be feasible for the project. • Use pervious paving material whenever feasible to reduce surface water runoff. • Investigate the feasibility of utilizing reclaimed wastewater, stored rain water, or gray water for irrigation. (Ref. 1998 5.4-12d). 	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of a building permit</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>UTL-8 The project, applicant shall comply with the CVWD requirements for water service. (Ref. 1998 5.4-12e).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of a building permit</p>	
<p>UTL-9 The applicant shall submit a construction phasing plan for review and approval by the Community Development Department prior to final design plan approval. (Ref. 1998 5.4-14a).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of a building permit</p>	
<p>UTL-10 Prior to map recordation the applicant shall comply with City of Indian Wells Municipal Code Chapter 14.04 (Sewage System) and CVWD requirements as contained within the conditions of approval on file in the Community Development Department for sewer service. (Ref. 1998 5.4-14b).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the recordation of a final parcel/tract map</p>	
<p>UTL-13 Items to be collected for recycling from a residential or commercial establishment depend on the types of materials available for recycling and the hauler's collection system. The project proponent should work with his permitted refuse hauler to identify which materials may be collected for recycling and on what schedule. (Ref. 1998 5.4-16c).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of a building permit</p>	
<p>UTL-11 Prior to issuance of occupancy permits, the project applicant shall provide the City with evidence of compliance with guidelines set forth by the State of California accordance with the California Integrated Waste Management Act of 1989 (AB 939), which requires jurisdictions to divert 50 percent of solid waste from landfills. This shall include consideration for offering marketable materials, such as concrete, asphalt and steel, to recyclables. (Ref. 1998 5.4-16a).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of a certificate of occupancy</p>	

APPENDIX A

2008 RARE PLANT SURVEY



Thomas Leslie Corporation

Biological & Cultural Investigations & Monitoring

Mr. Ernest Perea, Principal
EPC Land Planning, Inc.
5225 Canyon Crest Drive, Suite 71-325
Riverside, California 92507

April 21, 2008

Subject: Results of Spring 2008 Focused Rare Plant Field Surveys Performed Within Two Naturally Vegetated Areas (Survey Area #1 and #2) of the Indian Wells Tennis Garden Project Site

Dear Mr. Perea:

As requested, April 19, 2008 Thomas Leslie Corporation (TLC) biologists performed a focused Rare Plant field survey within two naturally vegetated areas (Survey Area #1 and #2) of the Indian Wells Tennis Garden Project Site. The survey was conducted to update the 2007 rare plant survey letter report previously prepared by TLC (TLC, 2007a).

Figure 1 illustrates the boundaries of the Indian Wells Tennis Garden project site on the 2008 Thomas Guide San Bernardino and Riverside Counties Street Guide and Directory.

Figure 2, the project site *Biological Resources Map*, identifies the two naturally vegetated areas comprising the April 19, 2008 Rare Plant field survey locations: Survey Area #1 and #2.

A. METHODOLOGIES OF THE APRIL 19, 2008 FOCUSED RARE PLANTS SURVEY

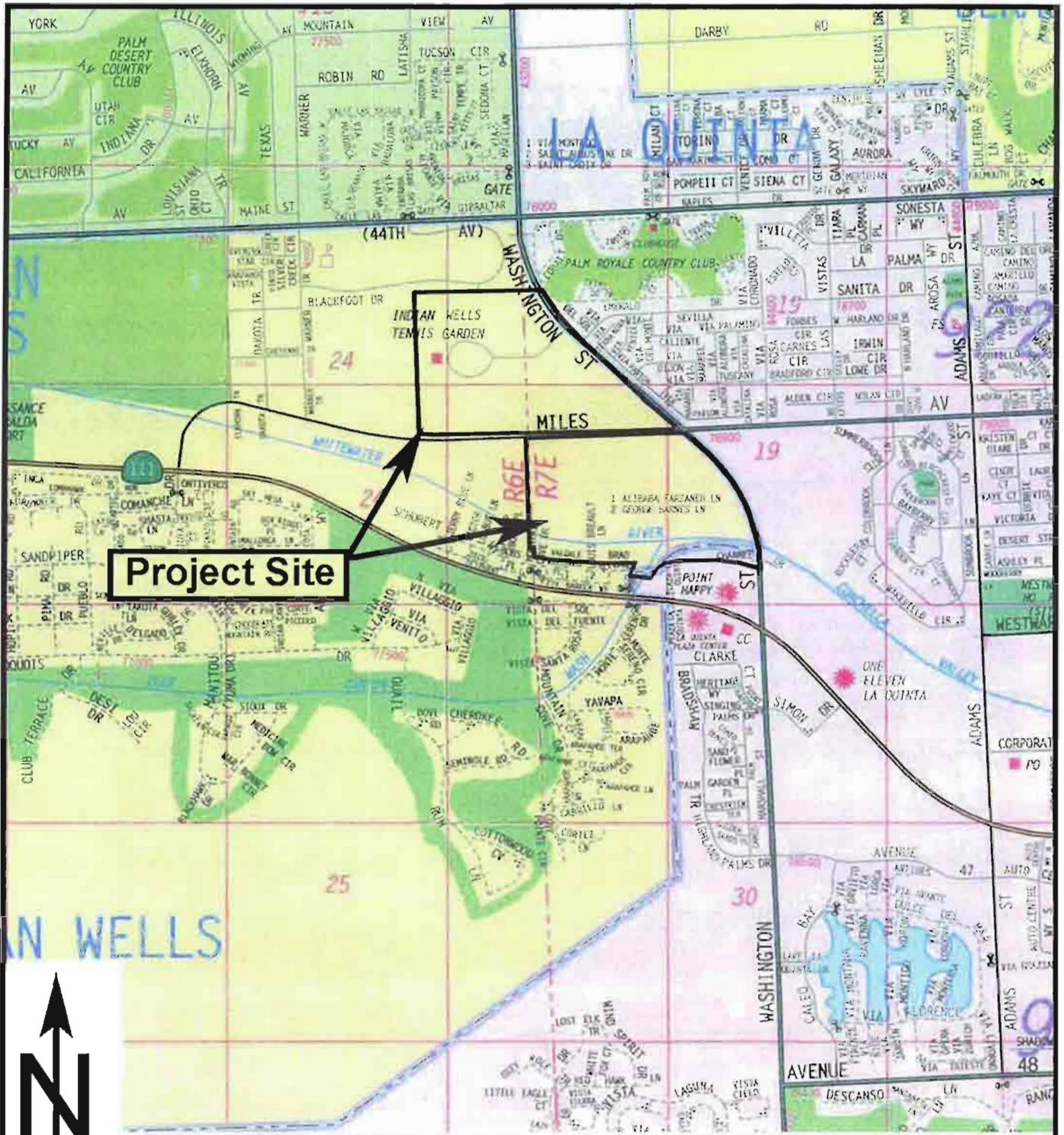
As recommended by the CDFG's May 1984 *Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities*, focused April 19, 2008 rare plant survey was conducted during flowering time of January-December flowering Purple Stemodia, February-May flowering Coachella Valley Milkvetch, February-May flowering Triple-ribbed Milkvetch, February-September flowering Flat-seeded Spurge, March-December flowering California Ditaxis and March-May flowering Slender Woolly-heads.

The surveys were performed by TLC biologists Thomas A. Leslie and Nadya Leslie, both of whom are experienced in conducting focused Rare Plant field surveys in the Coachella Valley Multiple Species Habitat Conservation Plan Area (CV-MSHCP) including the Indian Wells Tennis Garden Project Site and region surrounding the project site.

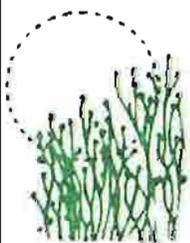
Appendix A provides list of the plant species observed within the two focused rare plant survey areas. Appendix B Photo Plate Nos. 1 and 2 provide representative views of the conditions present within the two survey areas on April 19, 2008.

B. RESULTS OF THE APRIL 2008 FOCUSED RARE PLANT FIELD SURVEY

- *No* listed endangered, or unlisted special-status annual plant species, having potential to occur within focused Rare Plant Survey Area #1 or Area #2 due to the presence of suitable habitat, were observed on April 19, 2008. Similarly, *none* were observed on March 10 or April 16 and 22, 2007 (TLC, 2007a).
- Since *no* rare plant species were identified within the boundaries of Survey Area #1 or #2, *no* impacts to rare plants are anticipated. Therefore, *no* mitigation measures are proposed.



2008 Thomas Guide for S. Bernardino & Riverside Cos., Pg. 819, Coords. E-7, F-7; Pg. 849, Coords. E-1, F-1, G-1



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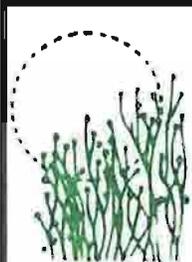
Figure 1

**Location of Indian Wells
 Town Center Project Site**
 Illustrated on the Thomas Guide Map



- Survey Area # 1: Creosote Bush/Desert Sand Verbena Series Natural Habitat (northern portions are disturbed)
- Survey Area # 2: Fourwing Saltbush Series Natural Habitat (southwestern portion is disturbed)

Aerial Photograph Source: Earth.Google.com



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Figure 2
 Location of the Two
 Rare Plant Survey Areas
 on the Indian Wells
 Town Center Project Site

- As the Appendix A Floral Compendium (FC) documents, 24 plant species (15 natives; 9 non-natives) were identified within the boundaries of the project site during performance of the focused April 2008 Rare Plant survey within Survey Area #1 or Area #2. *No* additional, previously unidentified plant species were observed during performance of the focused April 2008 Rare Plant survey within Survey Area #1 or Area #2.
- The plant species field identified within Survey Areas #1 and #2 were all locally common annual and perennial species typically associated with natural but disturbed Creosote Bush/Desert Sand Verbena series and Fourwing Saltbush Series habitat of the local vicinity.

C. RECOMMENDATIONS REGARDING THE NEED FOR FURTHER FOCUSED RARE PLANT SURVEYS

If focused Rare Plant Survey Area #1 and/or Area #2 are not graded by mid-March 2009, the focused Rare Plant survey of Survey Area #1 and Area #2 should be repeated mid-March and mid-April 2009 to confirm the continued absence of any of the plant species having potential to occur onsite. Conversely, if Survey Area #1 and Survey Area #2 are graded by mid-March 2009, a repeat of focused Rare Plant surveys would not be necessary or possible.

Respectfully Submitted

THOMAS LESLIE CORPORATION



Thomas A. Leslie, President/BS-MS Biology
TAL/nvl

REFERENCES

- California Department of Fish and Game (CDFG), March 30, 2008, Natural Diversity Data Base (CNDDDB) Rare Find Record Search Results for the La Quinta, Calif. USGS 7.5 Minute Topographic Quadrangle.
- California Department of Fish and Game (CDFG), May 1984, Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities.
- California Department of Fish and Game (CDFG), May 4, 1984, Revised August 15, 1997, Guidelines for Assessing the Effects of Proposed Developments on Rare, Threatened, and Endangered Plants and Plant Communities.
- Thomas Leslie Corporation (TLC), April 24, 2007a, Results of Spring 2008 Focused Rare Plant Field Surveys Performed Within Two Naturally Vegetated Areas (Survey Area #1 and #2) of the Indian Wells Tennis Garden Project Site.
- Thomas Leslie Corporation (TLC), February 13, 2007b, Results of a Biological Constraints Analysis (BCA) for the 98.4-acre City of Indian Wells Town Center Project Site (Project Site).

APPENDIX A

2008

Focused Rare Plant Survey
FLORAL COMPENDIUM

FOR

Survey Area #1 and Survey Area #2

(Includes only species field identified on April 19, 2008)

OF THE PROPOSED

**INDIAN WELLS TOWN CENTER
PROJECT SITE**

INDIAN WELLS, CALIFORNIA

Non-native (9)	SCIENTIFIC NAMES	COMMON NAMES (24)	Flowering (F) On April 19, 2008	Listing Status
	Class Dicotyledones	Dicots		
	FAMILY ASTERACEAE	SUNFLOWER FAMILY		
	<i>Ambrosia dumosa</i>	Burro-weed	---	None
	<i>Encelia farinosa</i>	Brittlebush	F	None
	<i>Palafoxia arida</i>	Desert Spanish-needles	F	None
	<i>Xanthium strumarium</i>	Cocklebur	---	None
	FAMILY BORAGINACEAE	BORAGE FAMILY		
	<i>Tiquilia plicata</i>	Plicate Coldenia	F	None
	FAMILY BRASSICACEAE	MUSTARD FAMILY		
X	<i>Brassica tournefortii</i>	African Mustard	---	None
X	<i>Sisymbrium altissimum</i>	Tumble Mustard	---	None
X	<i>Sisymbrium irio</i>	London Rocket	---	None
	FAMILY CHENOPODIACEAE	GOOSEFOOT FAMILY		
	<i>Atriplex canescens</i>	Four-wing Saltbush	---	None
X	<i>Salsola tragus</i>	Russian Thistle	F	None
	FAMILY CUCURBITACEAE	GOURD FAMILY		
	<i>Brandegea bigelovii</i>	Brandegea	---	None
	FAMILY EUPHORBIACEAE	SPURGE FAMILY		
X	<i>Ricinus communis</i>	Castor Bean	---	None
	FAMILY FABACEAE	LEGUME FAMILY		
	<i>Dalea mollis</i>	Annual Dalea	F	None
	<i>Prosopis glandulosa</i>	Mesquite	---	None
	<i>Psoralea argemone</i>	Dye-plant	---	None

Non-native (9)	SCIENTIFIC NAMES	COMMON NAMES (24)	Flowering (F) On April 19, 2008	Listing Status
	FAMILY NYCTAGINACEAE	FOUR O'CLOCK FAMILY		
	<i>Abronia villosa</i>	Desert Sand Verbena	F	<i>None</i>
	FAMILY ONAGRACEAE	EVENING PRIMROSE FAMILY		
	<i>Camissonia claviformis</i>	Evening Primrose	F	<i>None</i>
	<i>Oenothera deltoides</i>	Devil's Cage	---	<i>None</i>
	FAMILY SOLANACEAE	NIGHTSHADE FAMILY		
	<i>Datura wrightii</i>	Jimson Weed	---	<i>None</i>
X	<i>Nicotiana glauca</i>	Tree Tobacco	---	<i>None</i>
	FAMILY TAMARICACEAE	TAMARISK FAMILY		
X	<i>Tamarix aphylla</i>	Athel	F	<i>None</i>
	FAMILY ZYGOPHYLLACEAE	CALTROP FAMILY		
	<i>Larrea tridentata</i>	Creosote Bush	F	<i>None</i>
	Class Monocotyledones	Monocots		
	FAMILY POACEAE	GRASS FAMILY		
X	<i>Cynodon dactylon</i>	Bermuda Grass	---	<i>None</i>
X	<i>Schismus barbatus</i>	Mediterranean Schismus	---	<i>None</i>

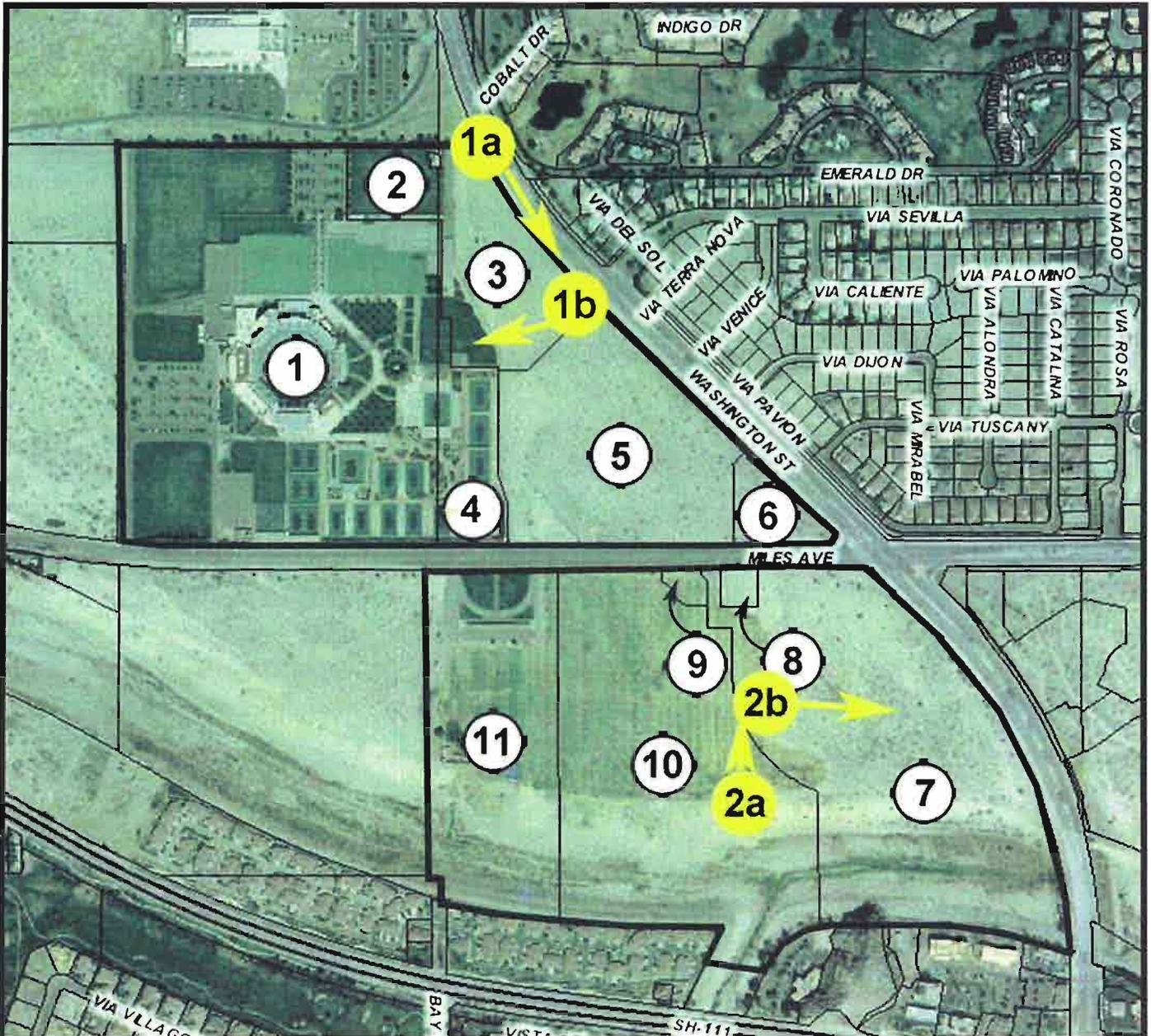
APPENDIX B

2008

PHOTO PLATE NOS. 1 and 2

**FOR THE PROPOSED
INDIAN WELLS TOWN CENTER
PROJECT SITE**

INDIAN WELLS, CALIFORNIA

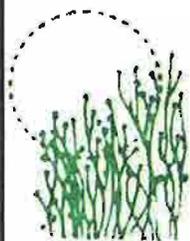


- 1 = APN 633-360-027 (existing Tennis Garden);
- 2 = APN 633-360-028;
- 3 = APN 633-360-029;
- 4 = APN 633-360-026;
- 5 = APN 633-360-018;

- 6 = APN 633-360-024
- 7 = APN 604-040-089
- 8 = APN 604-040-036
- 9 = APN 604-040-097
- 10 = APN 604-040-098
- 11 = APN 604-040-091 (easterly 6 AC portion)

1a, 1b, 2a and 2b = Location and Directions of Photos

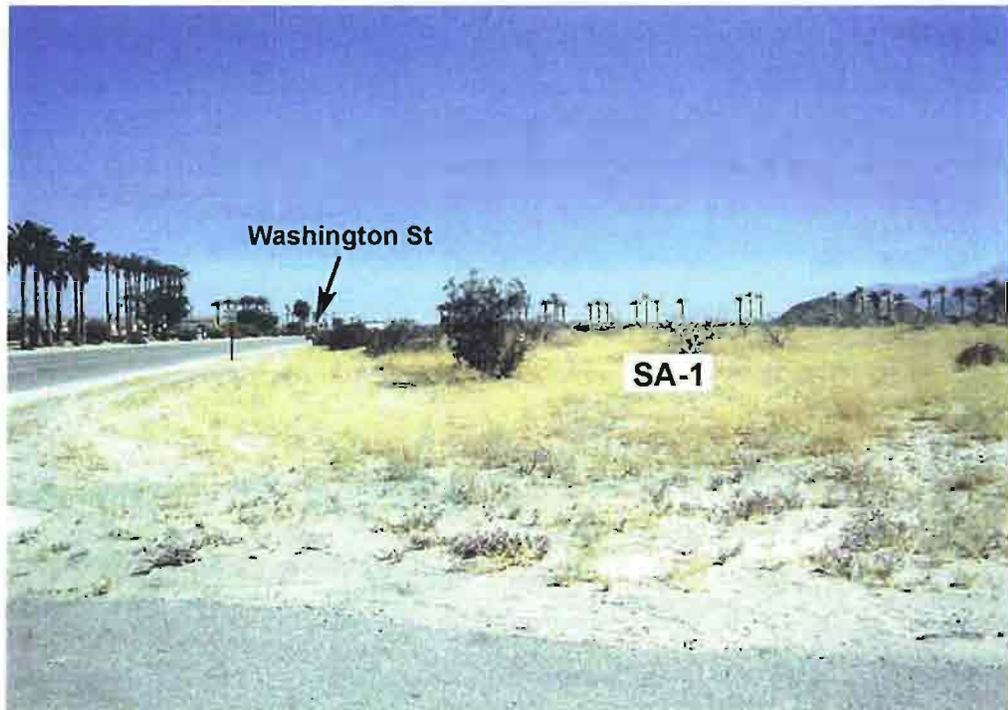
Map Source: Riverside County GIS



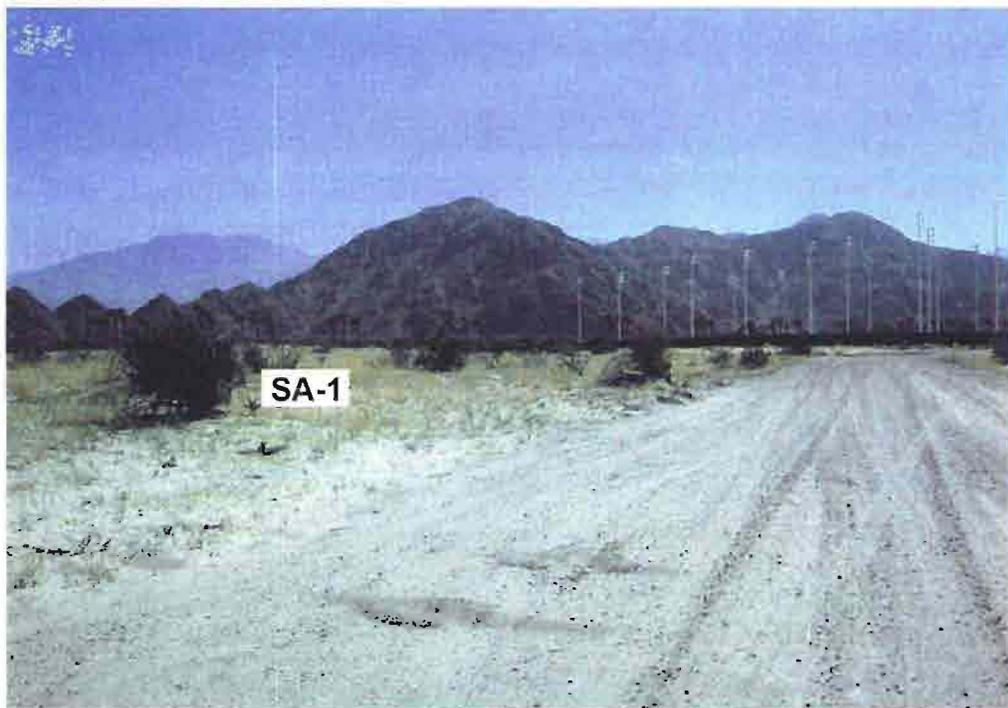
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Index Map:
 Location and Direction of Photos
 and Parcel Map for APNs
 Comprising the Indian Wells
 Town Center Project Site

PHOTO PLATE NO. 1

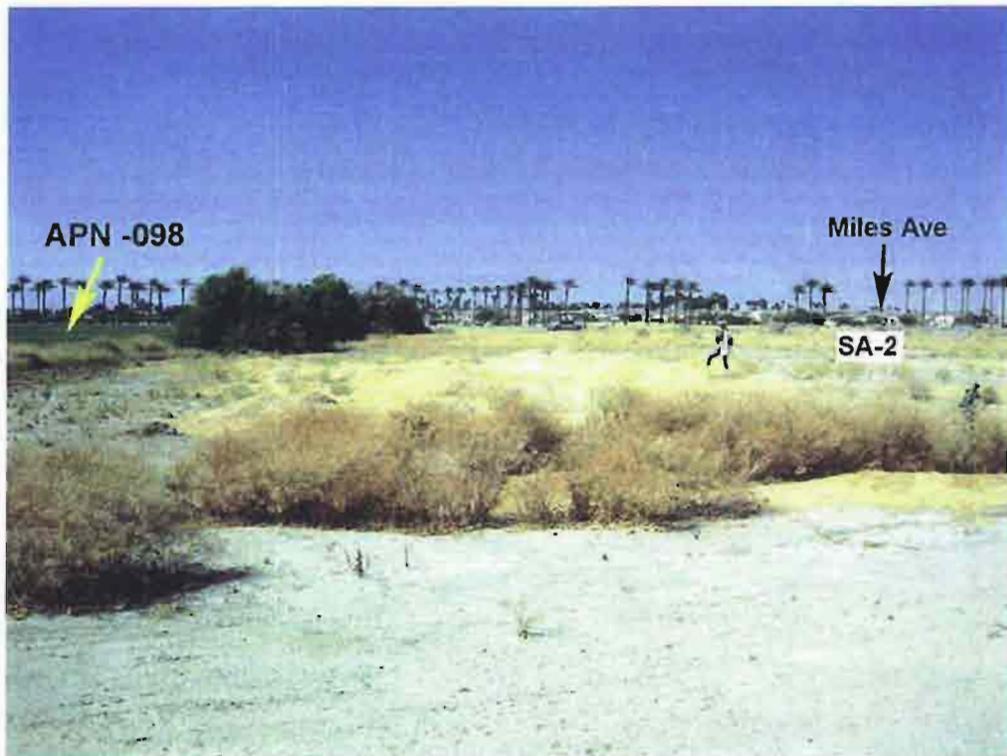


- 1a. Southeasterly view, from the intersection of Washington Street and an unnamed paved roadway paralleling the northern boundaries of APN 633-360-027, -028 and -029, across the easterly portion of APNs 633-360-029, -018 and -024. Extensive portions of APN 633-360-029 were comprised of highly disturbed mostly unvegetated sandy soils transected by unpaved dirt vehicle trails. An open growth of Creosote Bush/Desert Sand Verbena series habitat vegetated APNs 633-360-018 and -024 and the undisturbed portion of APN 633-360-029. The Creosote Bush/Desert Sand Verbena habitat comprised Rare Plant Survey Area #1 [SA-1] (photo date – 04/19/08).

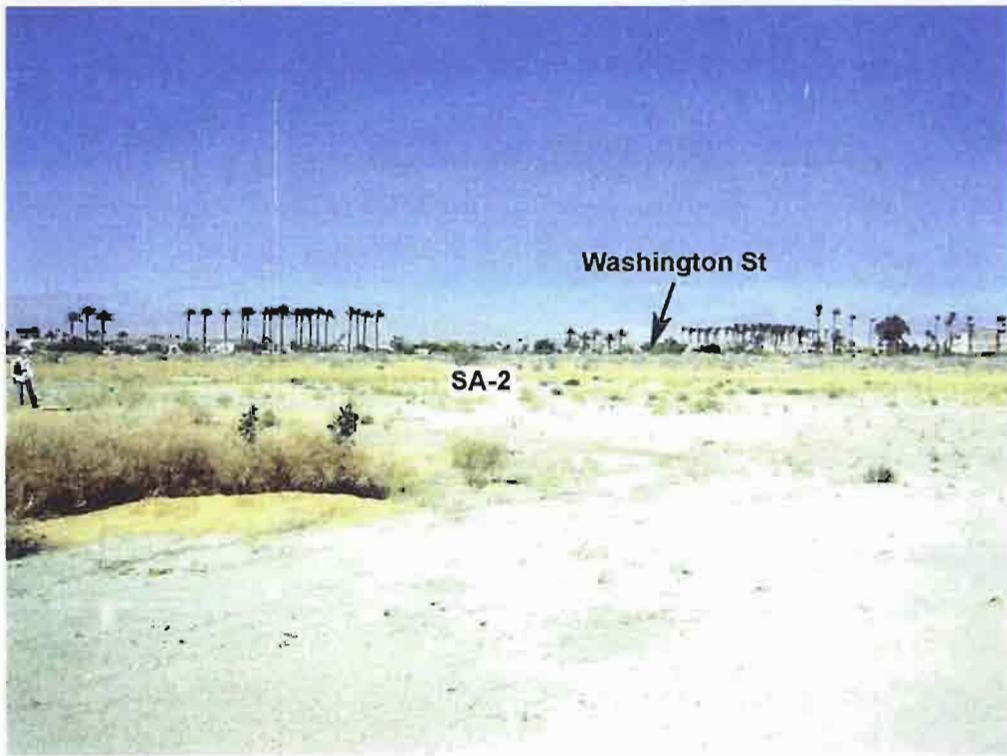


- 1b. Easterly view toward existing Tennis Garden Facility, from the unnamed roadway paralleling the northern boundary of APNs 633-360-027, -028 and -029. As this photograph documents, substantial areas of the sandy soils beneath the shrub canopy of the Creosote Bush/Desert Sand Verbena habitat were vegetated with dead/dried annual herbs and grasses dominated/primarily comprised of Tumble Mustard (*Sisymbrium altissimum*) and Mediterranean Schismus (*Schismus barbatus*) in April 2008 (photo date - 04/19/08).

PHOTO PLATE NO. 2



- 2a. North view toward Miles Avenue, across APN 604-040-097, the easterly portion of APN 604-040-098 and westerly portion of APN 604-040-089, from the southeast corner of APN 604-040-089. The majority (95±%) of the topographic surface of APNs 604-040-097 and -098 was covered by irrigated non-native Bermuda Grass (*Cynodon dactylon*). APN 604-040-089 was vegetated with an open growth of Fourwing Saltbush series habitat. The Fourwing Saltbush habitat comprised Rare Plant Survey Area #2 [SA-2] (photo date - 04/19/08).



- 2b. East view toward Washington Street, across the central portion of APN 604-040-089, from the west central parcel boundary. As this photo documents, an open growth of Fourwing Saltbush series habitat vegetated the parcel's sandy soils. The Fourwing Saltbush habitat comprised Rare Plant SA-2. The sandy soils beneath the shrub canopy of the Saltbush habitat were vegetated/dominated by annual Tumble Mustard in April 2008 (photo date - 04/19/08).

APPENDIX B

2008 BUROWING OWL SURVEY



Thomas Leslie Corporation

Biological and Cultural Investigations & Monitoring

Mr. Corrie Kates
Community Development Director
City of Indian Wells
44-950 Eldorado Drive
Indian Wells, California 92210

April 15, 2008

Subject: Results of a 30-Day Pre-grading Burrowing Owl (*Athene cunicularia*; BUOW) Survey

Dear Mr. Kates:

As requested, on April 14, 2008 Thomas Leslie Corporation (TLC) biologists performed a 30-day pre-grading BUOW survey over the entirety of the 10± acre City of Indian Wells Event Parking for the Garden of Champions (event parking site). Figure 1 illustrates the location of the 30-day BUOW survey area.

A. PURPOSE OF THE 30-DAY PRE-GRADING BUOW SURVEY: The 30-day pre-grading BUOW survey was conducted within the boundaries of the event parking site to ascertain the presence or absence of (1) BUOW individuals, (2) potential BUOW ground burrows excavated by fossorial mammals like the California ground squirrels (*Spermophilus beecheyi*) and (3) signs of past or present BUOW occupation or use of the event parking site such as BUOW tracks, BUOW molted feathers, BUOW cast (regurgitation) pellets, BUOW prey remains (e.g., undigested rodent prey bones, hair, etc.), BUOW eggshell fragments, or BUOW excrement at or near any ground burrow entrance.

B. METHODOLOGIES OF THE 30-DAY PRE-GRADING BUOW SURVEY: The 30-day pre-grading Burrowing Owl survey, performed by Thomas A. Leslie (MS Biology) and Nadya Leslie (MS Biology), involved inspecting the *entirety* of the event parking site during the April 14, 2008 30-day pre-grading survey. No weather or physical site conditions existed that would have prevented the observation or identification of BUOW individuals, potential BUOW burrows or signs of past or present BUOW occupation or use of the event parking site, if any were present onsite.

The attached Photo Plate provides representative views of the conditions present on the event parking site during the April 14, 2008 30-day pre-grading BUOW survey.

C. RESULTS OF THE 30-DAY PRE-GRADING BUOW SURVEY:

- *No* BUOW individuals, *no* potential BUOW ground burrows and *no* signs of past or present BUOW occupation or use of the event parking site were observed on April 14, 2008.
- *No* state BUOW occurrence record is documented on the event parking site. The *nearest* state BUOW occurrence record is *off-site* 2.93± miles northeast of the center of the event parking site (see Occurrence #856 of the California Department of Fish and Game (CDFG), March 30, 2008, Natural Diversity Data Base (CNDDDB) Rare Find Record Search Results for the La Quinta, Calif. USGS 7.5 Minute Topographic Quadrangle).
- It is concluded that as of April 14, 2008, BUOW were *not* utilizing the 10± acre event parking site. Therefore, grading of the site can proceed.
- The results of the April 14, 2008 30-day pre-grading BUOW survey are valid through May 14, 2008. If the property is not graded by May 14, 2008, the 30-day pre-grading BUOW survey must be repeated.

Please call me if you have any questions regarding this letter report.

Respectfully Submitted

THOMAS LESLIE CORPORATION

Thomas A. Leslie, President/BS-MS Biology
TAL/nvl//CIW-041508-30-day pre-grading BUOW Survey

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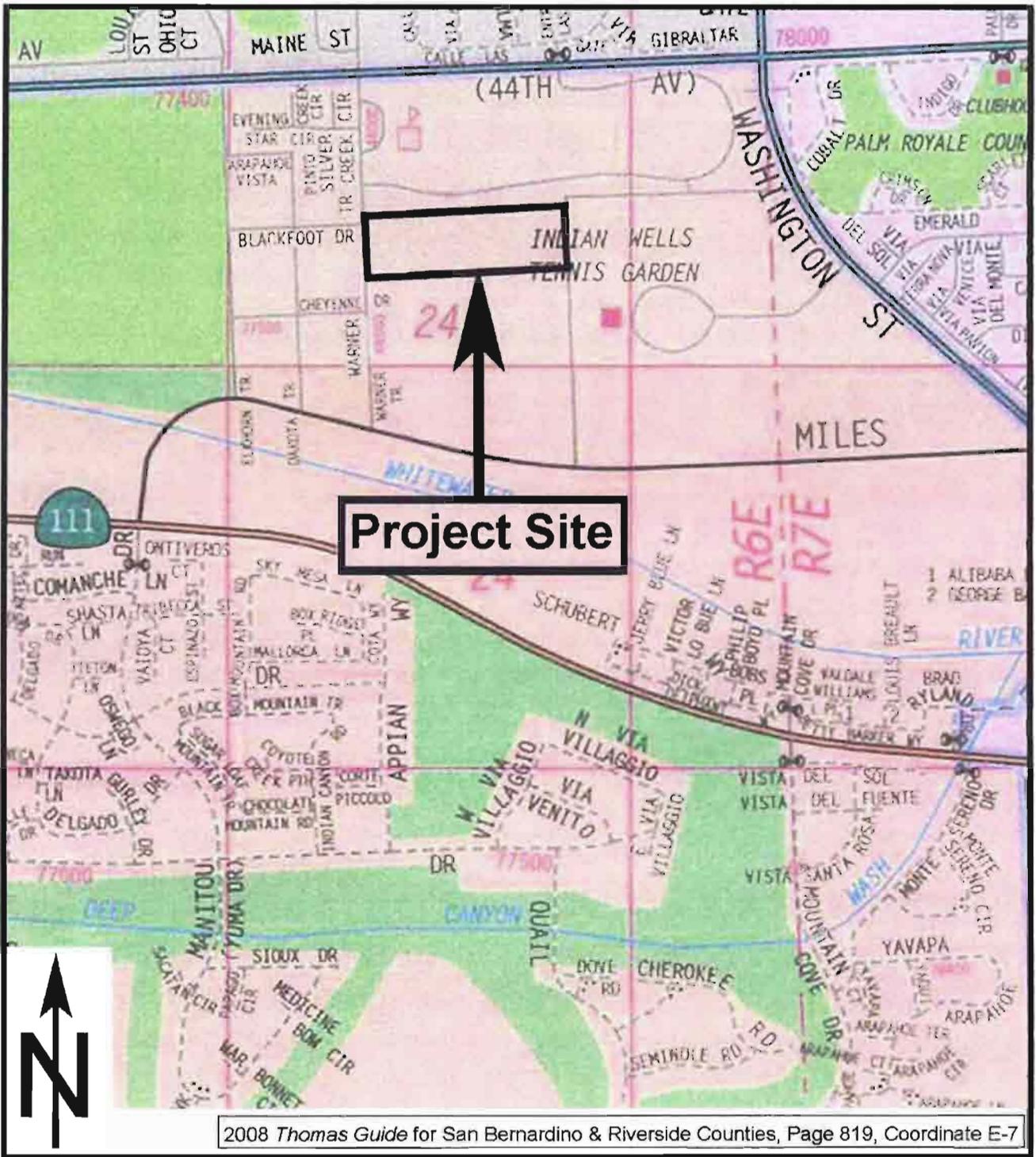
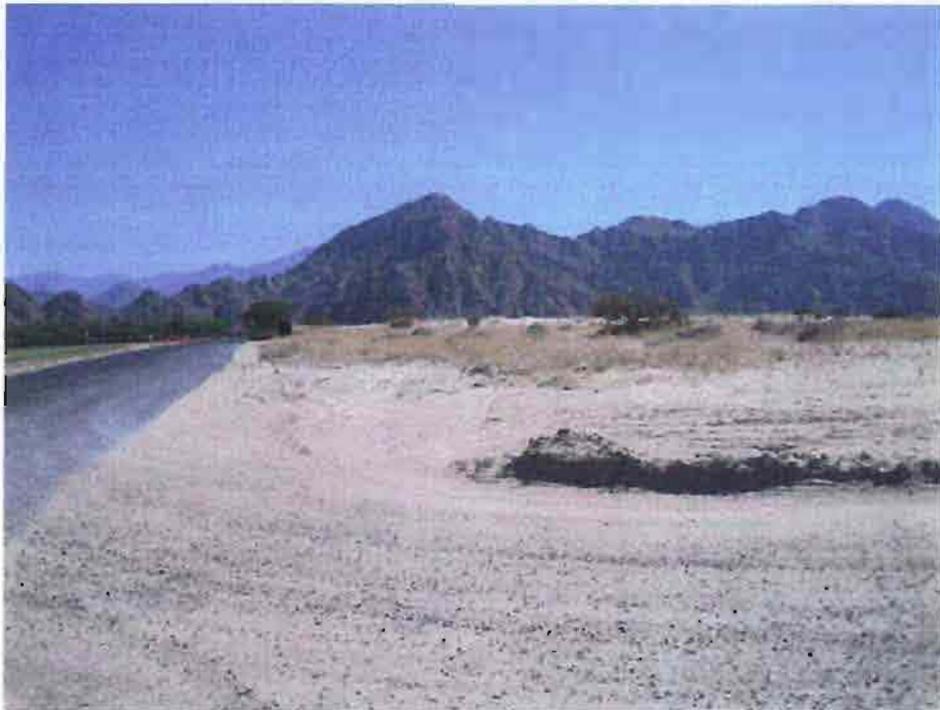
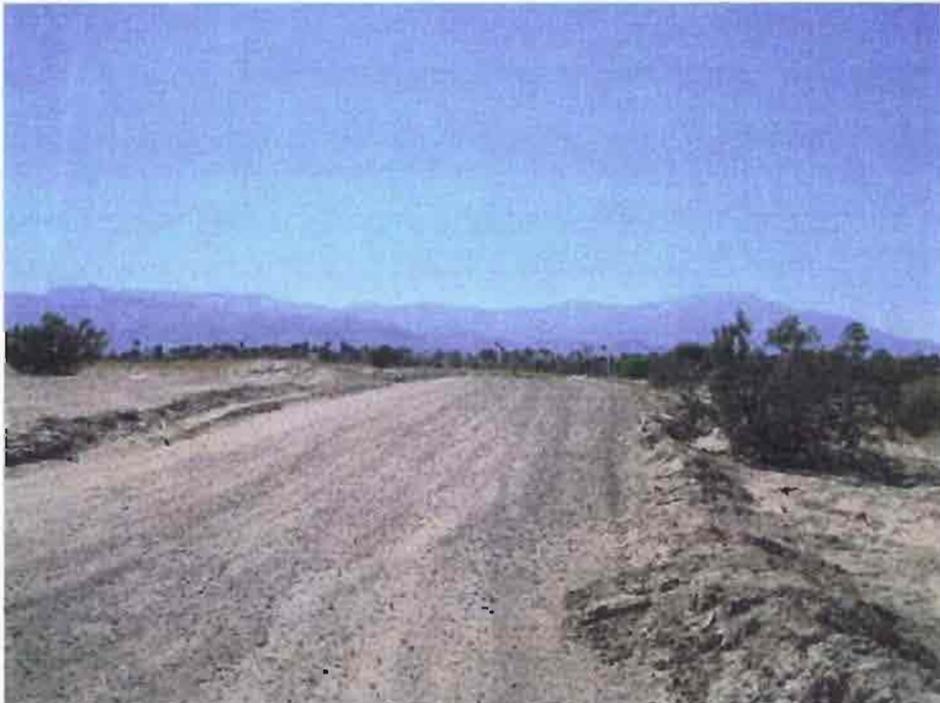


Figure 1
 Location of the City of Indian Wells
 Event Parking for the
 Garden of Champions
 Illustrated on the Thomas Guide Map

PHOTO PLATE NO. 1



- 1a. Southerly view toward Miles Avenue, across the eastern portion of the 10± acre City of Indian Wells Event Parking for the Garden of Champions (event parking site), from the northeast corner of the site. On April 14, 2008, a sparse open disturbed growth of Creosote Bush/Desert Sand Verbena series (CB/DSV) habitat (a.k.a. Stabilized Shielded Sand Fields) vegetated the sandy soils of the event parking site. The dominant plants of the CB/DSV habitat on 04/14/08 were Creosote Bush (*Larrea tridentata*) and Sand Verbena (*Abronia villosa*). *No* Burrowing Owl (*Athene cunicularia*; BUOW) individuals, *no* potential BUOW ground burrows and *no* signs of past or present BUOW occupation or use of the event parking site were observed on April 14, 2008 (photo date – 04/14/08).



- 1b. Westerly view toward Warner Trail, across the northern portion of the event parking site, from the northeast corner of the site. A number of existing wide and narrow dirt vehicle roads and pedestrian foot trails crisscrossed the disturbed event parking site (photo date - 04/14/08).

APPENDIX C
CULTURAL REPORT

**A REVIEW OF PREVIOUS CULTURAL RESOURCE INVESTIGATIONS WITHIN
THE INDIAN WELLS GARDEN OF CHAMPIONS TOURNAMENT CENTER AND
INDIAN WELLS TOWN CENTER PROJECT SITE, CITY OF INDIAN WELLS,
RIVERSIDE COUNTY**

by

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for

Mr. Corrie Kates
Community Development Director
City of Indian Wells
44-950 El Dorado Drive
Indian Wells, CA 92210-7497

Study Area USGS 7.5' Topographic Quadrangle:

La Quinta

Study Area Acreage: 150± acres

Section 24, Township 5 South, Range 6 East, SBBM
Section 19, Township 5 South, Range 7 East, SBBM

January 31, 2008

I. PREVIOUS RESEARCH

A. Introduction

The following research comprises a comprehensive summary of the various archaeological studies that have been previously conducted within the boundaries of the Indian Wells Garden of Champions Tournament Center and the Indian Wells Town Center project sites in the City of Indian Wells, Riverside County. The study area comprises 150+ acres of partially developed land located south of Fred Waring Drive, north of the Whitewater River Channel, east of Warner Trail and west of Washington Street. Miles Avenue bisects the property from east to west. Legally, the subject property comprises portions of the Northeast 1/4 of Section 24, Township 5 South, Range 6 East and the West 1/2 of Section 119, Township 5 South, Range 7 East, San Bernardino Base Meridian.

B. The Archaeological Studies

The following information has been compiled from archaeological records on file with the Eastern Information Center (EIC) at the University of California at Riverside. The EIC is part of the California Historical Resources Information System (CHRIS) and is the state repository for all prehistoric and historic site records in Riverside County. The Information Center also archives all survey and excavation reports conducted within the County. Additionally, the EIC maintains an inventory of all County properties that are listed on the National Register of Historic Places (NRHP), California Historical Landmarks (CHL), California Points of Historical Interest (CPHI), and the Office of Historic Preservation's Directory of Properties.

1. Sutton (1985)

The whole of the 150-acre study area was initially surveyed for cultural resources by Mark Sutton of the Archaeological Research Unit (ARU) at the University of California at Riverside in 1985. At that time, the property was investigated in conjunction with a larger, 350-acre parcel for the proposed Desert Classic Resort (Sutton 1985). Sutton's survey resulted in the identification of four prehistoric archaeological sites, two of which (RIV-3005 and RIV-3008) were located within the subject 150-acres.

RIV-3005 was described as a rather extensive site consisting of ceramics (brown and buff wares), various types of lithic debitage (obsidian, jasper, chert, quartzite, and basalt), a projectile point (jasper Desert Side-Notched), milling stones, and bone (fish and mammal). He concluded that the site appeared to contain an intact subsurface deposit and therefore, a test program (Phase II significance evaluation) was recommended. In so far as we can determine, Sutton did not initiate any further work at RIV-3005.

RIV-3008 was characterized as a small ceramic scatter consisting of approximately 12 brown ware sherds. Sutton determined that the site did not appear to have any further research potential and no further consideration of the site is necessary (Sutton 1985:5).

2. McKenna (1990)

Five years later, the northwestern portion of the study area (situated within the Northeast 1/4 of Section 24, Township 5 South, Range 6 East) was re-surveyed by Jeanette McKenna as part of a 120-acre investigation for Tract 25617 (McKenna 1990). Having performed a records search at the EIC, McKenna was aware that Mark Sutton had recorded RIV-3008 (small ceramic scatter) within the boundaries of Tract 25617. However, she was unable to relocate the site during her field study and concluded that the ceramic scatter had either been recovered by non-archaeologists or had become buried under the accumulation of sand (McKenna 1990:16).

McKenna concurred with Sutton's previous findings that the recovery of these sherds was not necessary and no additional investigation was warranted (ibid). Although the survey was completely negative for both historic and prehistoric cultural material, McKenna did recommend avoidance of sensitive areas (i.e. vicinity of tree concentration and the southern boundary) due to possible sub-surface deposits at these locations. In the event that avoidance was not possible, then grading monitoring by a qualified archaeologist was suggested.

3. Brown (1998a)

In 1998, Joan Brown of RMW Paleo Associates, Inc. conducted a Phase I cultural resources assessment for the Garden of Champions Tennis Facility in Indian Wells (Brown 1998a). The 150-acre project area coincides with the acreage and boundaries detailed in the introduction of this

section (the Northeast 1/4 of Section 24, Township 5 South, Range 6 East and the West 1/2 of Section 19, Township 5 South, Range 7 East, San Bernardino Base Meridian). Background research and a literature review conducted at the Eastern Information Center at UC Riverside indicated that two prehistoric sites (RIV-3005 and RIV-3008) had been previously recorded on the property.

During RMW=s systematic walkover survey, the area of RIV-3005 was relocated as well as the locale of RIV-3008 which McKenna failed to relocate in 1990. RIV-3005 was estimated to measure 366 meters (E-W) by 183 meters (N-S). Artifacts observed at the site included 100+ ceramic sherds (mostly brown ware), 20 flakes (basalt and chert), 20 groundstone fragments (granite and schist), and fire altered rock. At RIV-3008, a total of seventeen potsherds were found over an area measuring 94 meters (E-W) by 23 meters (N-S).

The survey also resulted in the discovery of a portion of a third site (RIV-5876) which extended onto the property from an adjacent parcel. RIV-5876 was first reported by Jim Brock in 1997 while surveying a 5-acre parcel south of Miles Avenue for a proposed golf driving range (1997a). The site was described as containing an extensive surface scatter of prehistoric pottery sherds (brown and buff wares, burnt and unburnt), a small amount of chipped stone and thermally affected rock, and faunal material (Brock 1997b). That portion of RIV-5876 situated within RMW=s project boundaries was estimated to measure 183 meters (N-S) by 90 meters (E-W). According to Brown, 100+ potsherds, 6-8 basalt and quartzite flakes, and a few fire affected rocks were observed.

In addition to the three prehistoric archaeological sites described above (RIV-3005, RIV-3008, and RIV-5876), RMW also identified a total of nine isolate locations. Isolates are generally one or two artifacts that are found in a context not associated with any other cultural material or features. Although none of these finds were discussed in RMW=s survey report, isolate records were filed with the EIC and included with the updated site record forms in Appendix B of the Confidential Appendix. Table 1 below lists the nine finds along with their assigned Primary # on file with the Eastern Information Center at UC Riverside.

Brown concluded that the 150-acre study area was highly sensitive for prehistoric cultural resources. Although the artifact assemblage observed at RIV-3005 differed slightly from that

described by Sutton in 1985, Brown suggested that the differences in site configuration was a result of time (13 years between studies) and the dynamic shifting sand dunes which regularly cover and expose prehistoric scatters of artifacts throughout the Coachella Valley (Brown 1998a:13). This scenario could also be true for the small pottery scatter at RIV-3008 which Sutton (1985) and Brown (1998a) observed but not McKenna (1990).

Table 1. List of Isolated Finds Identified by Brown (1998a, Appendix B).

<u>Isolate No.</u>	<u>Primary # (33-)</u>	<u>Description</u>
#1	9015	1 brown ware sherd
#2	9016	1 brown ware sherd
#3	9017	1 basalt flake, 2 brown ware sherds
#4	9018	1 brown ware sherd
#5	9019	1 brown ware sherd
#6	9020	1 brown ware sherd
#7	9021	3 brown ware sherds
#8	9022	1 unifacial granitic mano fragment
#9	9023	2 brown ware sherds

Based upon the variety of surface artifacts, Brown suggested that RIV-3005 and RIV-5876 represented either habitation sites or camp sites. In the event that avoidance of the sites was not possible, RMW recommended A...that a Phase II test excavation be undertaken to determine the presence and integrity of possible subsurface deposits@ (Brown 1998a:iii).

4. Brown (1998b)

Immediately following the Phase I cultural resources survey for the 150-acre Garden of Champions Tennis Facility, RMW conducted @an exploratory investigation@of RIV-3005 and RIV-5876 (Brown 1998b). Although excluded from the report title, investigations were also

conducted at RIV-3008. It is important to note that in the two short months that had transpired between the survey and this field program, the shifting sands had already obscured some of the artifact concentrations. This exploratory phase of archaeological investigation at the three sites included collection of surface artifacts, excavation of shovel test pits (STPs), excavation of 1 x 1 meter units, and backhoe trenching. Consultation with both the Cabazon Band of Mission Indians and the Agua Caliente Band of Cahuilla Indians was also initiated.

RIV-3008

At RIV-3008 exploratory investigations included a collection of surface artifacts and the excavation of four shovel test pits (STPs). A total of 48 finds (exclusively pottery sherds) were collected from the surface of RIV-3008. After measuring the dimensions of the four collection areas, a single STP was excavated within each of the four locations. The STPs ranged in diameter from 35-60 cm. and 35-62 cm. in depth. A total of 16 sherds were recovered from STP AA@, 21 from STP AB@, 2 from STP AC@, and 19 from STP AD@. The condition of the sherds was quite poor as they had been heavily sandblasted. Only three fragments retained evidence of their interior and exterior surfaces. Based upon the fact that all of the sherds were similar in deterioration, color, and temper, it was hypothesized that they were probably from a Apot drop@ represented by one or two vessels. No additional work was recommended for RIV-3008 beyond grading monitoring during ground disturbance activities (Brown 1998b:19).

RIV-3005 and RIV-5876

Exploratory investigations at RIV-3005 and RIV-5876 included surface collection, the excavation of ten (1 x 1 meter) hand units (4 at RIV-5876; 6 at RIV-3005), and machine trenching (3 trenches at RIV-5876; 5 trenches at RIV-3005). All hand units were dug in arbitrary 10 cm. levels and extended to depths of 50-60 cm. Trenches six feet deep were excavated using a backhoe fitted with a 24" wide bucket.

Artifacts from RIV-3005 and RIV-5876 included pottery sherds (ranging from 132-184 specimens), chipped stone tools (i.e. utilized flake, chopper), lithic debitage (flakes), groundstone (intact or fragmented manos and metates), faunal remains (shell and bone) and manuports (lithic

material not indigenous to the area). By far, the predominate find included pottery sherds found on the surface of both sites. Subsurface finds were sparse with only four potsherds found below 10 cm. in the hand units. Trenches 4 and 8 yielded two finds (metate fragment and a potsherd respectively) from RIV-3005 while a chert flake and one potsherd were recovered from Trench 1 at RIV-5876.

Findings and Recommendations

RMW stated that AThe primary purpose of this study ...was to conduct exploratory investigations at CA-RIV-3005 and CA-RIV-5876 to establish reasonable methods for use during Phase 2 archaeological evaluation of the two prehistoric sites@ (Brown 1998b:ii). There is some question as to what Areasonable methods for use@ was intended to mean. Furthermore, the scope and breadth of the work performed at RIV-3005, 5876 and 3008 would under most circumstances constituted a Phase II test program intended to determine site significance as opposed to Aexploratory investigations@. In any event, at the completion of exploratory investigations, RMW recommended a Phase II (2) test evaluation of RIV-3005 and RIV-5876. This Phase II program would include: 1) the excavation of 10 cm. surface scrapes, 2) the removal of large quantities of sand with leaf blowers in an effort to expose features such as hearths, midden deposits, post holes of prehistoric structures, and human coprolites (dried fecal matter), 3) perform a geomorphology study to see how dune formation and movement influence the displacement of artifactual remains, and 4) a ceramic analysis of pottery sherds incorporating potsherds collected during this investigation with those from the test phase (Brown 1998b:iii).

5. Brown (2000)

Additional work at RIV-3005 and RIV-5876 was conducted between November 1998 and April 1999. The investigation also included a geologic and geomorphic study of the dune field environment. The title of RMW=s report indicates that the study not only included an Evaluation phase (Phase II) but also a Data Recovery phase also known as a Phase III Salvage program. Data Recovery or Salvage programs comprise the final phase of archaeological investigation other than grading monitoring.

RIV-3008

The evaluation/data recovery program did not include any additional field work at RIV-3008, merely the analysis of the ceramic fragments collected during the Aexploratory investigation of the site. The collection included 106 body sherds; no rim or decorated sherds were recovered. Interestingly, all of the 106 sherds were classified as Salton Buff ware and thought to have originated from a single pot (Brown 2000:20).

RIV-3005 and RIV-5876

Field methods conducted at RIV-3005 and RIV-5876 included the hand excavation of surface scrapes. Surface scrapes provide a check of the accuracy of surface collections due to the problem of migrating sand. They can also assist in determining the placement of test units as well providing information on site stratigraphy. A total of 19 surface scrapes were hand excavated at RIV-3005. Each surface scrape measured 2 x 2 meters in size and 15 cm. in depth. Two of these scrapers (#s 3 and 17) were expanded to include Acomplex artifactual deposits. Eleven scrapes were excavated at RIV-5876. All recovered artifacts were combined with the finds from the prior exploratory investigation (Brown 1998b) for further analysis.

RIV-3005 and RIV-5876 were found to contain similar artifactual and ecofactual material to other sites in the Indian Wells area. Ceramic fragments were the predominant artifact in the collections with the vast majority of pottery comprising body sherds of Salton Buff Ware. Rim sherd counts were rather small (8 at RIV-3005 and 15 at RIV-5876), and only two sherds from RIV-3005 exhibited decoration. Lithic material largely comprised flakes and a few nameable chipped stone tools. No projectile points were recovered. Milling equipment was also present (some of which was fire affected). Manuports or non-native materials were predominately collected from RIV-3005 (195 specimens) while RIV-5876 yielded only 11.

Freshwater mussels (*Anodonta dejecta*) were locally available and represented at both sites. Three of these shell fragments from RIV-3005 appeared to exhibit edge modification and may actually represent pendants or ornaments. A shell bead was also recovered from RIV-3005. In addition to shell, faunal remains primarily consisted of unidentifiable fragments of modern animals (rodents, rabbits and birds).

The results of the ceramic study indicated that there was a correlation between site activity and the proportion of burned sherds from the sites. Forty-one percent of the pottery sherds from RIV-3005 were burned while fifty-nine percent comprised unburned fragments suggesting that RIV-3005 was a habitation site. At RIV-5876, seventeen percent of the sherds were burned as opposed to eighty-three percent unburned. These numbers indicated that RIV-5876 was a special use or campsite (Brown 1998b:21). RMW submitted a small shell sample (from a disintegrating pendant) from RIV-3005 to Beta Analytic Inc. in Miami, Florida (commercial C-14 dating laboratory) for Accelerator Mass Spectrometry (AMS) dating. The AMS analysis of the shell placed the prehistoric occupation of RIV-3005 between A.D. 980 and A.D. 1150. This date was found to be commensurate with other prehistoric sites in the area located along the shoreline of ancient Lake Cahuilla (Brown 2000:23).

RMW stated that RIV-3005 and RIV-5876 were deemed significant according to CEQA; however, the excavations conducted at the sites recovered the majority of the cultural remains and the site areas were subsequently graded. Therefore, no further cultural resources study within the project area is required (ibid:ii). Regarding grading of the two site areas, RMW concluded that due to the possibility of subsurface deposits, grading monitoring was warranted for the project area (50± acres south of Miles Avenue containing RIV-3005 and RIV-5876; Brown 2000:fig. 2). RMW archaeologists appear to have monitored this area within the same time frame as the site evaluation field program (between November 1998 and April 1999). The monitoring resulted in the recovery of only seven artifacts. These finds included a mano fragment and two pottery sherds from the area north of Miles Avenue and four pottery sherd from RIV-3005 (ibid.:14).

6. Tuma (2004)

In 2004, SWCA Environmental Consultants conducted a Phase I cultural resources assessment of a 12-acre parcel proposed for the Garden Villas Affordable Housing Project (Tuma 2004). The parcel is located within the Apan handle of the 150-acre footprint presently under study. Legally, it is located in the South 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 24, Township 5 South, Range 6 East, San Bernardino Base Meridian.

The results of a records search revealed that this parcel had been previously surveyed on

three different occasions (Sutton 1985, McKenna 1990, and Brown 1998a) and that one prehistoric site (RIV-3008) had been previously recorded within its boundaries. Supplemental information also indicated that the site had been previously explored by RMW Paleo Associates, Inc. during a limited test excavation in 1998. RIV-3008 was found not to be a significant site within the meaning of CEQA and no additional work beyond grading monitoring during ground disturbance activities was recommended (Brown 1998b:19).

The 12-acre parcel was systematically surveyed by SWCA using 15-meter intervals. The results of the field study were completely negative. No new archaeological resources or any additional material associated with RIV-3008 were observed. However, it was recommended that a qualified archaeologist monitor the brushing/grubbing and rough grading phase of the proposed development.

II. CONCLUSIONS AND RECOMMENDATIONS

It is clear that a great deal of time and effort have been expended over the years surveying the 150-acre study area for cultural resources and investigating the three archaeological sites that lie therein. A review of the various studies indicates that all three sites have been evaluated and the finds recovered adequately analyzed and reported. As stated in the documents, no additional work, including grading monitoring, was recommended at RIV-3005 and RIV-5876. Furthermore, only monitoring of future earth disturbing activities was recommended for RIV-3008.

The dynamic wind situation in the Coachella Valley resulting in the fine-grained dunes of sand to migrate has been a problem that has nagged archaeologist for decades. Prehistoric sites in the valley are initially discovered only to be obscured by the "shifting sands". They inevitably re-materialize at some point later in time but in many instances the scatters of surface finds have grown larger or smaller than originally reported. Since it appears that new finds have emerged at one or more of the three site locations as a result of both time and wind, we would propose the following as a final course of mitigation prior to the onset of future earth-disturbing activities at the site locations:

Final Surface Collection

The final surface collection would serve the purpose of mitigating impacts to additional surface artifacts that have been exposed as a result of sand migration within the 150-acre study area. It would also provide a concept of the configuration of surface material that may be compared with previous mapping projects. The surface collection should be conducted using the transit-controlled method. Briefly, this consists of locating each surface artifact with a surveyor's transit. The collection crew bags and numbers the artifacts, the numerical designation corresponding to the number on the transit coordinate entry. In this way, it is possible to map the configuration of surface finds to scale and the original provenience of each item is permanently recorded. All finds recovered should be catalogued and analyzed. An illustrated, narrative report describing the field investigation and the laboratory work should also be produced.

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