

# **Draft Initial Study and Mitigated Negative Declaration**

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**Application for Conditional Use Permit  
Compassion and Health Collective  
Conditional Use Permit 30-16  
Development Agreement 02-17**

Prepared for:

City of Desert Hot Springs  
65950 Pierson Boulevard  
Desert Hot Springs, California 92240



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# CHAPTER ONE – INTRODUCTION

## 1.1 Purpose and Authority

This Initial Study and Mitigated Negative Declaration has been prepared to construct a medical marijuana cultivation facility in accordance with adopted City Ordinances pertaining to the regulation of Medical Marijuana facilities. On October 21, 2014, the City of Desert Hot Springs adopted Ordinance No. 552 and 553 pertaining to the regulation of Medical Marijuana facilities. Ordinance No. 552 is codified in Chapter 5.50 and Ordinance No. 553 is codified in Chapter 17.180 of the Desert Hot Springs Municipal Code. Subsequent amendments to Chapter 17.180 include Ordinance 585, adopted September 20, 2016 and Ordinance 597, adopted February 7, 2017. The facilities permitted under these ordinances include medical marijuana dispensaries and medical marijuana cultivation and manufacturing facilities that are owned and operated by bona fide non-profit organizations, such as a cooperative or a collective, until otherwise provided under State law that these facilities can be entities other than non-profit organizations. These facilities are subject to all State Law and regulations including, the Compassionate Use Act of 1996 (California Health and Safety Code Sections 11362.7 through 11362.83), the California Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use (issued in August, 2008), and any future state laws pertaining to cultivating and dispensing Medical Marijuana, such as State Assembly Bill 266 (AB 266), adopted October 2015.

The City of Desert Hot Springs allows cultivation of marijuana for medical use within Industrial Districts with approval of a Conditional Use Permit (CUP), Development Agreement and Medical Marijuana Regulatory Permit. The proposed Project is located in a qualifying Light Industrial (I-L) District. Medical marijuana cultivation is only permitted in the interior of enclosed structures, facilities, and buildings. Cultivation operations, including all marijuana plants at any stage of growth, shall not be visible from the exterior or any structure, facility or building containing cultivation of Medical Marijuana.

The project proposes the development of one single story building totaling approximately 12,000 square feet (sf) on a 1.07 acre site in accordance with Desert Hot Springs Municipal Code 5.50 and 7.180.78. The facility will contain space for office use and cultivation. The Project site will be secured by perimeter fencing and construction is proposed in one (1) phase.

This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq. The City of Desert Hot Springs will serve as the lead agency pursuant to CEQA.

## **1.2 Determination**

This Initial Study determined that development of the proposed medical marijuana cultivation facility would not have a significant impact on the environment, with the implementation of mitigation measures. A Mitigated Negative Declaration is proposed.

## **1.3 California Environmental Quality Act (CEQA) Authority to Prepare a Mitigated Negative Declaration**

This Draft Mitigated Negative Declaration (DMND) has been prepared by the City of Desert Hot Springs as lead agency and is in conformance with Section 15070, Subsection (a), of the State of California Guidelines for Implementation of the CEQA. The purpose of the DMND and the Initial Study Checklist was to determine whether there were potentially significant impacts associated with development of the Compassion and Heath Collective cultivation facility.

## **1.4 Public Review Process**

In accordance with CEQA, a good faith effort has been made during the preparation of this DMND to contact affected agencies, organizations and persons who may have an interest in this Project. The MND has been sent to the Riverside County Clerk, responsible agencies, and advertised in The Desert Star Weekly.

## **CHAPTER TWO – PROJECT DESCRIPTION**

### **2.1 Project Vicinity**

The Project is located on 1.07 acres of undisturbed desert land located on the south side of Two Bunch Palms Trail, east of Little Morongo Road, in the City of Desert Hot Springs, California.

**Total Project Area:** 1.07 gross acres

**Assessor's Parcel Number:** 665-030-055

**Section, Township & Range Description or reference:**

A Portion of Parcel 6 RS 25/84 Section 1, Township 3 South, Range 4 East, San Bernardino Base & Meridian

The 1.07 acre site consists of vacant desert land and is located on the south side of Two Bunch Palms Trail, approximately 1,100 feet east of Little Morongo Road. The Project site contains relatively undisturbed scrub habitat. Topographically, the site drains to the south. East of the property is the Coachella Valley Multi-Species Habitat Conservation Plan (CVMSHCP) Morongo Wash Conservation Area. The entire site is within Federal Emergency Management Agency (FEMA) flood zones AO, with a depth of 1' and velocity of 5 FPS.

The location of the Project site is shown below in Exhibit 1 and 2.

**Exhibit 1**  
**Vicinity Map**

**Exhibit 2**  
**Aerial Photograph**

## **2.2 Project Description**

The project proposes the development of one single-story building totaling approximately 12,000 square feet (sf) and associated improvements on a 1.07 acre site in accordance with Desert Hot Springs Municipal Code 5.50 and 7.180.78. The facility will contain space for office use, cultivation. The Project site will be secured by 6 foot high perimeter fencing and construction is proposed in one (1) phase.

The project includes a Conditional Use Permit (Municipal Code 17.180.090) and a Development Agreement. Approval of these entitlements will render the Project in full compliance with City regulations. In addition, all medical marijuana cultivation operations and any related activities, such as transportation, manufacturing, and testing, are required to comply with all relevant State and local laws.

Consistent with the architectural design guidelines established in Chapter 17.16.230 of the City's Municipal Code, the proposed building is expected to employ varied exterior construction materials (colored metal panels and concrete) with articulated facades and properly scaled doors and windows. The building architecture would include proportionate accent features and signage with a coordinated color scheme, resulting in a unified architectural style with a desert contemporary theme. The overall architectural character will be that of an attractive, well-maintained industrial building. The site perimeter will be enclosed with wrought-iron or tubular steel fencing to secure the perimeter.

Landscaping will be designed to balance aesthetic, water use, and security objectives. Project frontage landscaping will consist of native and/or drought tolerant trees, along with low level plantings and wrought iron or tubular steel fencing to visually enhance, protect and blend the cultivation facility into its surroundings while also promoting visibility by law enforcement vehicles from the street. The balance of the cultivation facility will be landscaped with drought-tolerant ground cover plants as approved by the City of Desert Hot Springs. Landscaping will also include large drought-tolerant flowering trees and shrubs typically found in the region. Plant irrigation will use drip or micro-spray applicators to avoid overwatering and promote water efficiency.

Security measures have been thoroughly incorporated into the project design. The site is proposed to be enclosed within perimeter security fencing. A gated entry/exit drive will control vehicular access onto and off of the property. Security cameras will be mounted on all exterior doors, perimeter fencing and entry gates. A more detailed, comprehensive security plan is required by the City during the regulatory permit phase. This will include specific locations and areas of coverage by security cameras; location of audible interior and exterior alarms; location of exterior lighting; name and contact information of Security Company monitoring the site and any additional information required by the City.

Proposed circulation and parking will be consistent with City parking standards. Off-Street parking standards for Medical Marijuana Cultivation uses are not specifically defined in the City Zoning Code. Therefore, City staff has applied parking ratios for similar uses including Office (1 space per 250 square feet), processing (1 space per 750 square feet) and plant nurseries (1 space per 2,500 square feet are utilized), resulting in a requirement of 10 total parking spaces. In total, the project proposes to provide 19 parking spaces, 1 of which is designated as an ADA parking stall. Ingress and egress to the site will be provided from Two Bunch Palms Trail. The



entry will be monitored by onsite security personal. Controlled access keyed entry system such as a Knox box will be available for emergency access by use of police and fire personnel.

Individual operations would be similar to that of a standard wholesale nursery without onsite sales. There will be no general public access to the facility at any time. Operational hours will be in compliance with City ordinances and regulations. Security cameras will be monitored and supplemented with onsite security staff to be in full compliance with local ordinances. All staff will be subject to thorough background checks as per City regulations.

All activities will take place within the interiors of the proposed building, including propagation, curing, potting, transplanting and shipping. Other uses may include extracting oils from the Cannabis plants using Fire Department approved CO<sub>2</sub> equipment. The finished product will be packaged and loaded onto delivery trucks within secured, enclosed areas located within each building.

The Project site plan is shown below, in Exhibit 3.

**Exhibit 3  
Site Plan**

## **2.3 Mitigation Monitoring Program**

Table 2-1: Mitigation Monitoring Program outlines the potential impacts and mitigation measures of the proposed Project, and assigns responsibility for the oversight of each mitigation measure. This Table shall be included in all bid documents and included as part of the Project development.

**Table 2-1  
Mitigation Monitoring Program**

<b>Section Number</b>	<b>Mitigation Measures</b>	<b>Responsible Party</b>	<b>Timing</b>	<b>Impact after Mitigation</b>
IV. Biological Resources	<b>BR-1:</b> The Project proponent shall ensure that the applicable MSHCP Local Development Mitigation Fee is paid to the City. The time of payment must comply with the City's Municipal Code (Chapter 3.40).	Developer  Planning Department	Prior to building permits	Less than significant
V. Cultural Resources	<b>CR-1:</b> If during the course of grading or construction, artifacts or other cultural resources are discovered, all grading on the site shall be halted and the applicant shall immediately notify the City Planner. A qualified archaeologist shall be called to the site by, and at the cost of, the applicant to identify the resource and recommended mitigation if the resource is culturally significant. The archaeologist will be required to provide copies of any studies or reports to the Eastern Information Center for the State of California located at the University of California Riverside and the Agua Caliente Tribal Historic Preservation Office (THPO) for permanent inclusion in the Agua Caliente Cultural Register.	Developer  Planning Department  Qualified Archaeologist	During grading and other ground disturbing activities	Less than significant
	<b>CR-2:</b> The applicant shall ensure the presence of an approved Agua Caliente Native American Cultural Resource Monitor(s) during any ground disturbing activities (including archaeological testing and surveys). 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 Office.	Developer  Planning Department  Approved Agua Caliente Tribal Resource Monitor	During grading and other ground disturbing activities	Less than significant

Section Number	Mitigation Measures	Responsible Party	Timing	Impact after Mitigation
	<b>CR-3:</b> The applicant shall ensure that any excavations deeper than 10-15 feet shall be monitored by a qualified paleontological monitor. The monitor shall be prepared to quickly salvage fossils as they are unearthed to avoid construction delays, but must have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens.	Developer  Planning Department  Qualified Archaeologist	During grading and other ground disturbing activities	Less than significant
	<b>CR-4:</b> All fossils and associated data recovered during the paleontological monitoring shall be reposted in a public museum or other approved curation facility.	Planning Department  Qualified Paleontologist	During grading and other ground disturbing activities	Less than significant
	<b>CR-5:</b> In the event that any human remains are discovered, the applicant shall cease all work and contact the Riverside County Coroner's Office and work shall not resume until such time that the site has been cleared by County Coroner and the Desert Hot Springs Police Department. The applicant shall also be required to consult with the Agua Caliente Tribal Historic Preservation Office (THPO).	Planning Department	During grading and other ground disturbing activities	Less than significant

## CHAPTER THREE – ENVIRONMENTAL CHECKLIST

1. **Project Name:** Compassion and Health Collective Cultivation Facility
2. **Lead Agency Name and Address:**  
City of Desert Hot Springs  
65950 Pierson Boulevard  
Desert Hot Springs, California 92240
3. **Contact Person and Phone Number:**  
Daniel Porras  
Community Development Director  
760-329-6411
4. **Project Location:**  
See Exhibits 1 and 2
5. **Project Applicants' Name and Address:**  
Bryan T. Gonzales, Esq.  
c/o Gonzales Law Firm  
PO Box 14566  
Long Beach, CA 90803
6. **General Plan Designation:** I-L Light Industrial District
7. **Zoning Designation:** I-L Light Industrial District
8. **Description of Project:** To process a Conditional Use Permit to construct a medical marijuana facility specifically geared for cultivation. The project proposes the development of one single-story building totaling approximately 12,000 square feet (sf) on a 1.07 acre site. The facility will contain space for office use and cultivation.
9. **Surrounding Land Uses and Setting:** Surrounded on the north and southwest by vacant land, to the east and south by industrial developments, and to the west by a church. Two Bunch Palms Trail runs along the northern property line.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** None.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics                           | <input type="checkbox"/> Agriculture Resources         | <input type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources      | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils                     |
| <input type="checkbox"/> Greenhouse Gases                     | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning                  | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing                 | <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic               | <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |
| <input checked="" type="checkbox"/> Tribal Cultural Resources |  |   |

### DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

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Senior Planner

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## CHAPTER FOUR – DISCUSSION OF ENVIRONMENTAL TOPICS

Issues:

### I. AESTHETICS -- Would the Project:

- a) Have a substantial adverse effect on a scenic vista?

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#### Discussion:

The City of Desert Hot Springs has varying distinguished views of surrounding topographic features and mountain ranges. The perception and uniqueness of scenic vistas and visual character can vary according to location and composition of its surrounding context. The subjective value of views is generally affected by the presence and intensity of neighboring man-made improvements, such as structures, overhead utilities, and landscape, often in relation to the aesthetic quality offered by a natural background, such as open space, mountain ranges, or a landmark feature. The proximity and massing of structures, vegetation, overhead utilities and other visual barriers interacts with the visibility of surrounding environments to restrict or enhance local characteristic views. The assessment of scenic value also considers the compatibility of proposed projects in relation to areas, land uses or vantage points where the enjoyment of scenic vistas may exist, such as scenic roads or residential areas. For example, a light industrial facility proposed within an existing industrial land use district and distant from any scenic roadways or residential uses would be expected to result in considerably reduced impacts compared to a similar facility located near residential uses or adjacent to scenic roads, where the view shed opportunities would potentially be hindered.

The Project parcel encompasses approximately 1.07 acres of undeveloped land located south of Two Bunch Palms Trail and approximately 1,100 feet east of Little Morongo Road. The Project property occurs in the context of a partially developed Light Industrial (I-L) land use district established within the City. As such, the Project and its neighboring properties to the north, east, south and west are intended by land use and zoning designation to support business parks and the development of industrial facilities operating in enclosed buildings at the required setbacks. Medical marijuana facilities are permitted within light industrial districts of the City, but are subject to additional development and operational restrictions pursuant to Desert Hot Springs Municipal Code Chapters 5.50 and 17.180. The existing visual character of the site and its surroundings is distinguished by developed facilities intermixed with vacant properties with a flat topography and scattered vegetation coverage. Existing light industrial development in the City of Desert Hot Springs typically consists of metal buildings with low-pitch roofs, and a mass and scale suitable for the zoning district, parcel size, and operation being supported. A majority of the lots in the local vicinity are greater than one acre in size. Furthermore, the district is separated from the City's residential and commercial districts.

The existing conditions of the Project property are vacant and predominantly flat with scattered vegetation coverage associated with the Sonoran creosote bush scrub community. The on-site ground conditions exhibit a gradual natural slope toward the south. Vehicle tire marks and other evidence of incidental ground disturbance are noted throughout the parcel. The property's northerly boundary (street frontage) measures approximately 165 feet in length and is absent of any physical delineation, curb-and-gutter, or landscaping improvements. Within sight of the project, Two Bunch Palms Trail currently lacks lighting and traffic signals. The north side of this roadway is undeveloped with vegetation coverage representative of the region. To the east, the Project boundary is delineated by a temporary



Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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chain-link fence with a tan-colored fabric screen, installed for purposes of establishing a limit of construction on the adjoining parcel. The adjoining construction project, nearing completion, involves one two-story structure with a building footprint of approximately 12,000 square feet and a height of 50 feet. The north-facing building will accommodate light industrial uses pursuant to the local development standards for the zoning designation. The temporary fence will be replaced with a permanent tubular steel or wrought-iron perimeter fence with landscaping improvements upon construction completion. To the south, the Project boundary is delineated by a permanent chain-link fence, followed by an existing light industrial facility with a metal building of approximately 20,000 square feet and a height of less than 30 feet. To the west, the Project boundary is delineated by a concrete masonry unit (CMU) block wall followed by single-story facilities operated by the West Congregation Jehovah's Witnesses.

Overall, there are no salient topographic features or other visual landmarks on-site or on its general surroundings. Based on historical maps, the vacant condition has been representative of the property since at least 1953. Accordingly, no historic buildings, structures, or other permanent improvements have been known to formerly exist on-site and no physical improvements, structures, natural topographic features or other visual landmarks are currently observable. The undeveloped Project property has distant and relatively unobstructed views of the Little San Bernardino Mountains to the north and northeast. Views to the west are partially obstructed by the existing block wall and adjoining facilities. Views of the Santa Rosa and San Jacinto Mountains to the southeast, south, and southwest are also partially obstructed by existing adjoining development, which includes a 33-foot building under construction to the east and existing metal buildings to the south. All visible mountain ranges are located over a mile from the project site and none have a formal designation as a scenic vista in relation to the project setting.

In accordance with Chapter 17.16.230 (Industrial Districts) of the Desert Hot Springs Municipal Code, new industrial development is required to employ design elements that enhance the visual character of a site and avoid certain features deemed undesirable. The design guidelines are intended to ensure that the aesthetic quality of proposed industrial facilities, such as this Project, surpasses the traditional design approach and characteristics found on past industrial development practices. In particular, new industrial facilities are expected to employ "variety in structure forms" to create visual interest and avoid plain features, such as "large blank, unarticulated wall surfaces", which are deemed less attractive. Based on the most current architectural site plan available, the proposed development involves one building of approximately 12,000 square feet with space for office use, cultivation,. The structure will be one-story and is therefore expected to have a height of less than 50 feet, including any parapet or ornamental features that may be implemented as part of the building design. Exterior improvements include street frontage, on-site parking, landscaping, trash enclosures, screened mechanical equipment and a future storage shed or greenhouse structure. Consistent with the architectural design guidelines established in Chapter 17.16.230 of the City's Municipal Code, the proposed building is expected to employ varied exterior construction materials (colored metal panels and concrete) with articulated facades and properly scaled doors and windows. The building architecture would include proportionate accent features and signage with a coordinated color scheme, resulting in a unified architectural style with a desert contemporary theme. Moreover, the Project's design is expected to avoid elements identified by the City as being undesirable, such as highly reflective surfaces, large blank wall surfaces, and chain-link fencing. Proposed downward-oriented lighting mounted on the building walls and on posts will provide the necessary nighttime illumination for facility security in the parking lot and drive aisles.

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The proposed areas designated for landscaping improvements demonstrate that the Project edges and street frontage will be improved with the suitable combination of trees, palms, shrubs, ground-cover, and accent plantings to visually coordinate with the surrounding desert environment while providing the necessary visibility for law enforcement purposes. Enhanced landscaping features are identified along the street frontage and the gated access point to improve upon the streetscape. The landscaping design will be subject to review and approval by the City of Desert Hot Springs. In the context of the existing setting and land use designation, the proposed Project is not anticipated to adversely alter the existing viewshed on any scenic vistas and less than significant impacts are expected.

**Mitigation Measures:** None

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

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**Discussion:**

The Project property is undeveloped and does not contain any landmarks or scenic resources, such as trees, rock outcroppings, and historic buildings that would be damaged by the proposed development. The vacant condition has been representative of the property since at least 1953. As such, there is no evidence of recognizable potential historic resources on-site.

The purpose of the State Scenic Highway Program is to preserve and protect scenic State highway corridors from change that would diminish the aesthetic value of lands adjacent to highways. State highways can be officially designated as Scenic Highways or be determined to be eligible for designation. The status of a state scenic highway changes from eligible to "officially designated" when a local jurisdiction adopts a scenic corridor protection program and the California Department of Transportation (Caltrans) approves the designation as a Scenic Highway. The project property is not located adjacent to or within close proximity to any existing highway or freeway. The Caltrans status map of scenic highway designations indicates that Highway 62, from north of Interstate 10 to the San Bernardino County line, is considered an Eligible State Scenic Highway, but is not officially designated. The distance between the project and Highway 62 is approximately 4 miles.

Moreover, the Project is not located within close proximity to any designated county scenic highway, as identified in the Circulation Element of the Riverside County General Plan Update. Therefore, the proposed site plan, architectural design, and landscaping design would not result in adverse impacts to scenic resources adjacent to or within close proximity to state scenic highway or other local transportation corridor. Less than significant impacts are expected.

**Mitigation Measures:** None

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?

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**Discussion:**

As previously discussed, the proposed site plan involves one building of approximately 12,000 square feet with a height under 50 feet, surrounded by parking lot facilities and landscaping enhancements within fenced limits. The proposed building is expected to incorporate a contemporary architectural

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design with coordinated construction materials and exterior enhancements to establish an attractive architectural presence with perimeter landscaping. The heights and setbacks of the proposed facilities will be required to comply with the local standards for industrial development, including those pertaining to the maximum building height and required building setbacks. Consistent with the existing land use standards, the proposed medical marijuana cultivation will only be conducted in the interior of enclosed structures, facilities and buildings. All cultivation operations and all marijuana plants at any stage of growth will not be visible from the exterior of any structure, facility or building containing the cultivation of medical marijuana.

On-site improvements also include parking lot facilities and interior drive aisles with downward-oriented light fixtures for nighttime security illumination. Light fixtures will be wall and pole mounted. The proposed perimeter landscaping throughout the site plan and along the Two Bunch Palms Trail frontage will help enhance the visual character of the existing streetscape in a manner that is compatible with the local desert environment. The Project's final site design, architecture and landscape architecture will be subject to review and approval by the City of Desert Hot Springs to ensure that aesthetic considerations of the community are addressed in the proposed design. Less than significant impacts are expected.

**Mitigation Measures:** None

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

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**Discussion:**

The Project property is surrounded primarily by developed uses within the Light Industrial zoning district. Although the site does not constitute an existing source of glare or light due to its undeveloped condition, it is surrounded by facilities that contribute a limited level of glare or light to the local setting. Existing buildings to the east, south and west include the necessary lighting improvements for nighttime security, generally consisting of downward projected fixtures mounted on the building walls or on posts. The exterior materials associated with these buildings do not have large reflective surfaces; therefore they are not considered sources of considerable glare. Limited daytime glare and nighttime lighting can be attributed to vehicular traffic along Two Bunch Palms to the north.

The proposed development is expected to comply with Chapter 17.16.230 (Industrial Districts) of the Desert Hot Springs Municipal Code by employing a building design with elements that enhance visual character and avoid large bank or reflective surfaces. The building architecture is expected to employ appropriately scaled doors, windows, fascia, signage and accent features, resulting in an articulated appearance. These visible components of the building will follow a coordinated color palette meeting the City's requirements. Moreover, materials are expected to have partial solar reflectivity and none are expected to have highly reflective properties or involve large-sized windows, such that would result in substantial glare. The proposed fenced perimeter and landscaping design with trees, palms, and other plantings are expected to help temper the partial sunlight reflectivity associated with the proposed building materials.

For security purposes, the Project will provide varied nighttime lighting to safely illuminate the parking areas, entrances, signs, walkways and other project features in accordance with the City's Outdoor Lighting Requirements. These requirements are established to minimize light pollution and trespassing.

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Compliance with the City's lighting requirements must be demonstrated in a required Photometric Site Plan, which includes point-by-point lighting levels (measured in foot-candles) for the entire project. The photometric plan will demonstrate that proposed downward orientation, placement, and intensity of the exterior light fixtures will provide adequate illumination for face recognition at 100 feet without causing light spillage onto adjoining properties. During the period of construction, the Project is expected to utilize temporary light fixtures as a standard measure of nighttime site safety. These fixtures are typically installed on posts and/or on the sides of temporary construction trailers to illuminate stored equipment, building materials, and sensitive areas. These sources of light are generally downward-oriented and some are only activated by motion. The temporary construction perimeter fencing (with wind fabric) is expected to visually screen the temporary light fixtures during construction activities, therefore preventing temporary light spillage effects. Less than significant impacts are expected.

**Mitigation Measures:** None

## II. AGRICULTURE RESOURCES – Would the Project

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

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**Discussion:**

The proposed Project will not disturb or convert any designated farmland or other form of agricultural resource. According to the 2014 California Farmland Mapping and Monitoring Program the property is designated as "Other Land".

A large portion of the City of Desert Hot Springs is designated as Other Land, which is land not included in any other mapping category. Common examples include low density rural development, brush, timber, wetland and riparian areas not suitable for livestock grazing, confined livestock, poultry or aquaculture facilities, strip mines, borrow pits and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded by urban development and greater than 40 acres is mapped as Other Land.

The subject site and surrounding land to the north, east, south and west is not categorized as Prime Farmland, Unique Farmland, or Farmland of local statewide importance, no impacts are expected.

**Mitigation Measures:** None

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

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**Discussion:**

The Project site is not located in an existing zone for agricultural use or classified as farm land. According to the Williamson Act Program 2015-16 Status Report, no portion of land within a one-mile radius is recognized as being under a Williamson Act Contract. The proposed Project will not impact or

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remove land from the City or County's agricultural zoning or agricultural reserve. No impacts are expected.

**Mitigation Measures:** None

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220 (g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

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**Discussion:**

The proposed Project will occur in an existing urban desert setting zoned for industrial uses. No forest land, timberland or Timberland Production zoning occurs on the Project site or in the surrounding area because forest vegetation is not characteristic of the Coachella Valley desert environment. No impacts are anticipated.

**Mitigation Measures:** None

- d) Result in the loss of forest land or conversion of forest land to non-forest use?

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**Discussion:**

The proposed Project will occur in an existing urban desert setting zoned for industrial uses. No forest land, timberland or Timberland Production zoning occurs on the Project site or in the surrounding area because forest vegetation is not characteristic of the Coachella Valley desert environment. No impacts are anticipated.

**Mitigation Measures:** None

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or Conversion of forest land to non-forest land?

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**Discussion:**

As previously described, the Project site and vicinity are designated by the Desert Hot Springs General Plan and Zoning map as Light Industrial (I-L). The proposed indoor cultivation facilities will not result in conversion of any farmland or forest land because no farmland or forest land is situated within or adjacent to the Project. No impacts are anticipated.

**Mitigation Measures:** None

**III. AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the Project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion:

The Project is located in the Coachella Valley region within the Salton Sea Air Basin (SSAB), under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). Air quality in the SSAB is influenced by the regional climate as well as the temperature, wind, humidity, precipitation, and amount of sunshine. The Coachella Valley is an arid desert region with a climate characterized by low annual precipitation, low humidity, hot days, and very cool nights. Wind direction and speed (which in turn affect atmospheric stability) are the most important climate elements affecting local ambient air quality. The prevailing wind direction in the Project vicinity is predominantly from the northwest. Desert regions are typically windy because minimal friction is generated between the moving air and the low, sparse vegetation. This allows the wind to maintain its speed crossing the desert plains. Additionally, the rapid daytime heating of the air closest to the desert surface leads to convective activity and the exchange of surface air for upper air, which accelerates surface winds during the warm part of the day.

Projects are evaluated for consistency with the local air quality management plans, which links local planning and individual Projects to the regional plans developed to meet the ambient air quality standards. The assessment takes into consideration whether the Project forms part of the expected conditions identified in local plans (General Plan Land Use and Zoning) and whether the Project adheres to the City's air quality goals, policies, and local development assumptions factored into the regional Air Quality Management Plan. As previously discussed, the undeveloped Project property and its surroundings have a Light Industrial General Plan and Zoning designation, which has been established to permit the development of business parks and industrial uses. In its current condition, the undeveloped Project site is surrounded by vacant land and is not located within close proximity of existing residential uses or other densely populated areas of the City or County.

Since the Project is located within an industrial district in the City, it is considered consistent with the permitted locations established under Municipal Code Chapter 17.180. Medical marijuana cultivation facilities may also be located in any Industrial District in the City, upon issuance of a conditional use permit, and a state issued regulatory permit. Consistent with the existing land use standards, the proposed medical marijuana cultivation shall only be conducted in the interior of enclosed structures, facilities and buildings. All cultivation operations and all marijuana plants at any stage of growth shall not be visible from the exterior of any structure, facility or building containing the cultivation of medical marijuana. The proposed cultivation facility will be compatible with the existing land use designation and development standards on and around the property and is not expected to conflict with the General Plan buildout conditions or obstruct with implementation of its applicable air quality objectives.

The Final 2007 and 2012 Air Quality Management Plans (AQMP) serves as policy guides for decision-making related to air quality throughout the region. The most recent plan provides strategies for controlling air pollution, maintenance and attainment in order to achieve state and federal attainment levels. The Project will not require a General Plan Amendment or other revision that would provide directly or indirectly for increased population growth above the level projected in the adopted AQMP. The Project will not interfere with the ability of the region to comply with federal and state ambient air quality standards. Projects that are consistent with local General Plans are considered consistent with the air quality related regional plans including the current AQMP, the PM10 CVSIP and other applicable regional plans. The proposed Project is a permitted use in the existing zone and shall comply with the

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corresponding development standards. Development is consistent with the growth projections in the City of Desert Hot Springs General Plan and is considered to be consistent with the AQMP.

The Project would not result in or cause violations to the National Ambient Air Quality Standards or California Ambient Air Quality Standards. The Project's proposed land use designation for the subject site does not materially affect the uses allowed or their development intensities as reflected in the adopted City General Plan. The Project is therefore considered to be consistent with the AQMP and impacts related to air quality plans are expected to be less than significant following implementation of standard conditions within the plan and including but not limited to:

- Development of the proposed Project will comply with the provisions of Chapter 8.20 Fugitive Dust Control of the City of Desert Hot Springs, which includes implementation of Coachella Valley best available control measures as identified in the Coachella Valley Fugitive Dust Control Handbook.
- A Fugitive Dust Control Plan will be prepared for the Project outlining required control measures throughout all stages of construction.

Less than significant impacts are anticipated relative to conflict with or obstruction of implementation of the applicable air quality plan following the implementation of standard conditions.

**Mitigation Measures:** None

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

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**Discussion:**

To assist lead agencies in determining the significance of air quality impacts, SCAQMD has established suggested short-term construction-related and long-term operational impact significance thresholds for direct and indirect impacts on air quality. Significance thresholds are recommended therein for both local and regional air quality impacts associated with short-term Project construction and long-term operations.

As shown in Table III-1, the SCAQMD has established construction and operational daily significance thresholds, which are recommended for use by lead agencies in considering potential impacts on air quality. Project effects would be considered significant if the emissions exceed these thresholds. Project effects would also be considered potentially significant if emissions affected sensitive receptors such as schools or nursing homes, or if the Project conflicted with the regional AQMP and/or local air quality plans.

**Table III-1**  
**SCAQMD's Air Quality Significance Thresholds**

Emission Source	CO	VOC	NOx	SOx	PM10	PM2.5
Construction or Operation	550	75	100	150	150	55

Source: Air Quality Analysis Guidance Handbook, Chapter 5.

Prepared by the South Coast Air Quality Management District. [www.aqmd.gov/ceqa/hndbk.html](http://www.aqmd.gov/ceqa/hndbk.html)

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The California Emissions Estimator Model (CalEEMod Version 2016.3.1; Released in September of 2016) was utilized to estimate the short-term construction-related emissions of criteria air pollutants and greenhouse gas emissions that would be associated with the construction activities necessary to implement the proposed Project.

The Project parameters involved a general light industrial facility with a total building area of up to 12,000 square feet and 19,170 square feet of parking and hardscape. Current information known about the building methods anticipates that the structure will include pre-fabricated and pre-finished construction materials, such as tilt-up wall panels. These factors were incorporated into the CalEEMod parameters. CalEEMod default construction parameters were accepted on construction activities for which site-specific information is not currently available.

Table III-2 summarizes the unmitigated short-term emissions of the six criteria pollutants associated with the construction activities required to implement the proposed Project. The construction period includes all aspects of Project development, including site preparation, grading, building construction, paving and architectural coating. Peak day emissions estimates are provided by construction phase type and reflect activities in the season or year with the highest daily emissions. As shown, the unmitigated peak day air pollutant emissions during the construction phase with the highest daily emissions are not projected to exceed any of the significance thresholds for short-term construction-related emissions recommended by the SCAQMD. Based upon the projected emissions of the criteria air pollutants, the proposed Project would have less than significant impacts relative to short-term impacts to air quality.

The SCAQMD requires any emission reductions resulting from existing rules or ordinances to be included as part of the unmitigated Project emissions. Those measures that are legally mandated and therefore required of all developments by applicable ordinances, rules, and regulations are not considered mitigation. Once the unmitigated Project emissions have been determined, additional mitigation measures may be applied to reduce any potentially significant air quality impacts to the maximum extent feasible and identify the net Project emissions. Chapter 15.84 in the City of Desert Hot Springs Municipal Code outlines the minimum requirements for construction activities to reduce man-made fugitive dust and corresponding PM10 emissions. The City will require the preparation of a Fugitive Dust Control Plan identifying the fugitive dust sources at the site and the work practices and control measures proposed to meet the City of Desert Hot Springs minimum performance. These standards are consistent with SCAQMD Rule 403 and 403.1 and require implementation identified in the Coachella Valley Fugitive Dust Control Handbook. Fugitive dust control measures that are required to comply with the City Municipal Code are generally not considered mitigation by the SCAQMD. Similarly, compliance with applicable SCAQMD Rules and Regulations is not considered mitigation by the SCAQMD.



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**Table III-2  
Short Term Air Pollutant Emissions  
Associated With Construction of the Proposed Project (Unmitigated)  
(Pounds/Day)**

	ROG	NOx	CO	SO2	PM10	PM2.5
Total Emissions	16.1530 (Summer)	13.4767 (Winter)	9.2888 (Summer)	0.0143 (Summer)	24.3738 (Summer)	2.8831 (Summer)
SCAQMD Threshold	75	100	550	150	150	55
<b>Threshold Exceeded</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

**Table III-3  
Long Term Operational Air Pollutant Emissions  
Associated With Development of the Project (Unmitigated)  
(Pounds/Day)**

Emission Source	ROG	NOx	CO	SO2	PM10	PM2.5
Total Area Sources, Energy Use, Mobile Sources	0.6116 (Summer)	2.3808 (Winter)	3.8009 (Summer)	0.0119 (Summer)	0.6726 (Winter)	0.1944 (Winter)
SCAQMD Threshold	75	100	550	150	150	55
<b>Threshold Exceeded</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Furthermore, CalEEMod was utilized to estimate the long-term operational air pollutant emissions that would result from implementation of the proposed Project. Operational emissions are ongoing emissions that will occur during the life of the Project. They include area source emissions, emissions from energy demand, and mobile source (vehicle) emissions. As shown in Table III-3, the Project-related emissions of criteria pollutants are not projected to exceed any of the SCAQMD recommended significance threshold criteria for operational impacts. The project is considerably separated from any existing or planned residential use or populated area. Consequently, the Project would not contribute substantially to a significant individual or cumulative impact on existing or projected exceedances of the state or federal ambient air quality standards or result in a cumulatively considerable net increase in the emissions of any criteria pollutant for which the Project region is designated nonattainment. Less than significant impacts are anticipated.

**Mitigation Measures: None**

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

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**Discussion:**

The Coachella Valley is designated by the California Air Resources Board as nonattainment for ozone, based on exceedances of both the state 1-hour and 8-hour standards; and for PM10, based on exceedances of the state 24-hour and annual average standards. Adherence to the SCAQMD rules and regulations involves compliance with locally adopted AQMP and PM10 State Implementation Plan control measures to reduce the pollutant burden contributed by the individual development Projects. As such, appropriate air quality measures are required by the City of Desert Hot Springs and implemented through enforcement of the *Desert Hot Springs Municipal Code (Chapter 15.84)*, which is consistent with SCAQMD Rules 403 and 403.1 that apply to the Coachella Valley strategy for reducing fugitive dust emissions.

As mentioned, relative to PM10 threshold exceedance, construction associated with a future Project will be required to adhere to the City's Fugitive Dust and Erosion Control policies and ordinance to minimize potential temporary construction related emissions. An approved Fugitive Dust (PM10) Control Plan will be required prior to issuance of a grading permit. Implementation of the Fugitive Dust Control Plan is required to occur under the supervision of an individual with training on Dust Control in the Coachella Valley (Rule 403 and 403.1). The plan will include methods to prevent sediment track-out onto public roads, prevent visible dust emissions from exceeding a 20-percent opacity, and prevent visible dust emissions from extending more than 100 feet (vertically or horizontally from the origin of a source) or crossing any property line. The most widely used measures include proper construction phasing, proper maintenance/cleaning of construction equipment, soil stabilization, installation of track-out prevention devices, and wind fencing.

Project-related construction emissions are not expected to exceed the SCAQMD mass daily regional significance thresholds. Therefore, the Project will not result in a cumulatively considerable net increase of NOx and ROG emissions during construction activities. Since Project-related emissions would be consistent with the *Air Quality Management Plan*, the *Coachella Valley PM10 SIP*, and all SCAQMD Air Quality Significance Thresholds, long-term operational air quality impacts associated with the Project should not be considered cumulatively considerable. The proposed Project is expected to emit criteria pollutants, including ozone precursors, in a region designated nonattainment of the national 8-hour ozone standards. However, as shown in Tables III-2 and III-3, the Project-related emissions are not expected to exceed the applicable SCAQMD quantitative significance thresholds for short-term construction-related or long-term operational emissions. Less than significant impacts are anticipated.

**Mitigation Measures: None**

- d) Expose sensitive receptors to  
substantial pollutant concentrations?

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**Discussion:**

A sensitive receptor is a person in the population who is particularly susceptible (i.e. more susceptible than the population at large) to health effects due to exposure to an air contaminant. Sensitive receptors and the facilities that house them are of particular concern if they are located in close proximity to localized sources of carbon monoxide, toxic air contaminants, or odors. Land uses considered by the SCAQMD to be sensitive receptors include residences, long-term health care facilities, schools, rehabilitation centers, playgrounds, convalescent centers, childcare centers, retirement homes, and athletic facilities. Residential areas are considered sensitive receptors because

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residents tend to be at home for extended periods of time and may include children and the elderly. The undeveloped Project site and its local surroundings do not include existing sensitive receptors. As previously discussed, the undeveloped Project property has a Light Industrial General Plan and Zoning designation by the City, surrounded by vacant land, industrial developments, churches, and roads.

The nearest residential structures to the Project within the City of Desert Hot Springs are located approximately 2,900 feet to the east. Existing residential dwelling units outside of the City boundaries (unincorporated) are found approximately 1,300 feet to the west. During construction, the Project is expected to produce temporary and localized emissions, which based on the Air Quality Study's modeling results would not exceed the SCAQMD mass thresholds of significance. Implementation of the required SCAQMD rules, best available dust control measures and the City's Fugitive Dust Control and Erosion Control policies will minimize those temporary impacts, preventing pollutants emissions from reaching any substantial concentrations. Examples of best available dust control measures include constructing a temporary fence with a wind screen to prevent propagation of dust emissions, utilizing properly maintained equipment, maintaining stabilized soil, and constructing track-out prevention devices at construction access points. These standard practices are consistent with the SCAQMD Rule 403 and 403.1 and the Coachella Valley Fugitive Dust Control Handbook. Fugitive dust control measures that are required to comply with the City Municipal Code are generally not considered mitigation by the SCAQMD. During the life of the Project, activities and operations related to the proposed facilities are not expected to generate emissions concentrations that exceed the SCAQMD mass thresholds. Less than significant impacts are anticipated.

**Mitigation Measures:** None

- e) Create objectionable odors affecting a substantial number of people?

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**Discussion:**

Objectionable odors can be associated with toxic or non-toxic emissions. While offensive odors seldom cause physical harm, they can be unpleasant and lead to considerable annoyance and distress among the public. The SCAQMD has compiled a list of facilities and operations that tend to produce offensive odors. Examples of such facilities that commonly generate odors include wastewater treatment plants, sanitary landfills, composting/green waste facilities, recycling facilities, petroleum refineries, chemical manufacturing plants, painting/coating operations, rendering plants, and food packaging facilities.

A sensitive receptor is a person in the population who is particularly susceptible (i.e. more susceptible than the population at large) to health effects due to exposure to an air contaminant. Sensitive receptors and the facilities that house them are of particular concern if they are located in close proximity to localized sources of carbon monoxide (CO), toxic air contaminants, or odors.

Certain facilities, land uses and populations are considered more likely to experience concern over odors. Land uses considered by the SCAQMD to be sensitive receptors include residences, long-term health care facilities, schools, rehabilitation centers, playgrounds, convalescent centers, childcare centers, retirement homes, and athletic facilities. Coordination with the SCAQMD is recommended for Projects that would locate sensitive receptors within one-quarter mile of a new or existing land use that emits toxic air contaminants, objectionable odors, or is the site of a CO hot spot. Residential areas are considered sensitive receptors because residents tend to be at home for extended periods of time and include children and the elderly.

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As previously described, the vacant Project property is situated within an industrial district of the City with partial development. This area of the City is designated to support business parks and the development of industrial uses operating in enclosed buildings. The undeveloped Project site and its surroundings are not located near any sensitive receptors, such as residences, retirement homes, schools, playgrounds, child-care centers, or athletic facilities.

Operations involved with the proposed Project can generate natural odors associated with plant blossoms. As mandated by Municipal Code Chapter 5.50 and 17.180, all medical marijuana cultivation activities are only allowed in the interior of enclosed structures, facilities, and buildings. Cultivation operations are not allowed to be visible from the exterior. To comply with the conditional use permit requirements, the Project operator must provide the necessary odor control, ventilation and filtration systems for the cultivation, processing and office areas of the structures sufficient to ensure that City requirements for odor control are met.

The ventilation system may include activated carbon filtration, negative ion generation, ozone generators, and masking agents. These systems together would effectively control any objectionable odors produced in the facility interiors. As a result, the Project is expected to result in minimal exterior plant odors and is not identified on the SCAQMD list as common sources of odor emissions. No operation or activity on-site shall cause the emission of any smoke, fly ash, dust, fumes, vapors, gases, odors, or other forms of air pollution, which exceed levels identified as acceptable by the SCAQMD or the City of Desert Hot Springs. Less than significant impacts related to objectionable odors are anticipated.

**Mitigation Measures:** None

#### **IV. BIOLOGICAL RESOURCES -- Would the Project:**

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? ☐



#### **Discussion:**

In June 2017, James W. Cornett Ecological Consultants conducted a Project-specific *General and Focused Biological Resources Assessment*. The assessment area covered the entire 1.07 gross acre site; no surveys were conducted beyond site boundaries due to the presence of private property to the east, west, and south. Surveys were conducted on property to the north of Two Bunch Palms Trail. The biological survey and analyses were designed to ascertain the impacts of proposed development on the potential biological resources of the Project site and immediate vicinity, as mandated by CEQA and required by the City of Desert Hot Springs.

The specific objectives of the biological survey are listed below:

- Determine the vascular plant and vertebrate animal species that occur on, and immediately adjacent to, the Project site.

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- Ascertain the presence of plant or animal species given special status by government agencies, with an emphasis on sensitive species or communities not covered under the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP).
- Ascertain the existence of other significant biotic elements, corridors or communities.
- Consider the site location as it relates to Conservation Areas as designated in the CVMSHCP.
- If necessary and where appropriate, recommend measures to mitigate significant adverse impacts of the Project on any non-Plan-covered sensitive species and habitats determined to occur within the Project boundaries.

Survey methodology included literature review to determine resources that are known to exist within the general area and to determine the possible occurrence of sensitive species. The review included a search in the California Natural Diversity Database. Field surveys were initiated in June of 2017. Daytime field surveys were conducted on June 16-18, 2017, and on June 23-25, 2017, of the following week. Night surveys were conducted on June 23 and 24, 2017. Animal surveys were conducted simultaneously with plant surveys. In addition, twenty live-animal traps (which capture animals unharmed) for large and small mammals were set within the Project site for twenty-four hour periods on June 23 and 24, 2017. Invertebrate sampling was conducted on the evenings of June 23 and 24, 2017. Two Bioquip Light Traps were used for attracting and live-capturing flying insects and some terrestrial arthropods. Black lights were the attracting mechanism with each trap powered by a 12-volt automobile battery. Traps were placed for maximum visibility.

Surveys were conducted by walking north-south transects at 10-yard intervals through the Project site; no surveys were conducted beyond site boundaries due to the presence of private property to the east, west, and south. Surveys were conducted on property to the north of Two Bunch Palms Trail. The survey techniques used during this assessment have been approved by the U.S. Fish and Wildlife Service (USFWS) for determining the presence or absence of the burrowing owl and desert tortoise and represents an intensive survey effort that resulted in no officially listed or federally protected species being overlooked.

The elevation of the Project site is approximately 990 feet above sea level. The only natural topographical relief consists of sand hummocks that rise from one to two feet above their base. The hummocks were formed by shrubs that interrupt the flow of sand carrying wind coming from the west off the Mission Creek floodplain. The environment of the Project site is included as part of the desert scrub habitat of the valley floor as described in the CVMSHCP. The Project specific biological assessment indicates there are no naturally occurring springs or permanent aquatic habitats in or near the Project. No blue-line stream (streams or dry washes) are shown on the U.S. Geological Survey (USGS) maps for the Project site nor are there botanical indicators of such corridors. The biological report states that there should be no need to obtain streambed alteration permits from state or federal agencies, and no habitat evaluation or state or federal streambed alteration permits are required.

Soil characteristics are relatively uniform over the entire site. Surface soil is primarily composed of wind-blown alluvium created by persistent winds from the west. This process increased in intensity with the drying out of the Coachella Valley at the close of the Pleistocene epoch ending 10,000 years before present. Minor surface and extensive subsurface soils consist of comparatively coarse sand with some

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gravel indicating periods of surface water flow in prehistoric time. The presence of widely scattered boulders also indicates past surface flows. All lands immediately surrounding the Project are developed except to the north. Two Bunch Palms Trail forms the northern boundary of the Project site.

The site may be suitable habitat for the Glandular Ditaxis, Ribbed Cryptantha, flat-seeded spurge, Coachella Valley Jerusalem cricket, the Coachella Valley giant sand-treader cricket, and the Coachella Valley grasshopper, even though none of these species were detected. Two individuals of Coachella Valley Milk Vetch were found within the project boundaries, as well as a single detection of the Palm Springs ground squirrel. Each of these organisms is covered under the CVMSHCP and mitigation is provided under the plan through the payment of fees.

No evidence was recorded of breeding migratory birds, including the western burrowing owl, a protected species and one not functionally covered under the Plan. Because of the very disturbed habitat of the site and surrounding urban human activities, the site is not considered suitable habitat for burrowing owls. No further surveys for this species are recommended.

The Project lies within the CVMSHCP fee area, but does not lie within a Conservation Area of the (CVMSHCP). Additionally, the site is not located immediately adjacent to a Conservation Area of the plan and is therefore, not subject to Plan requirements regarding lands adjoining Conservation Areas. The Project is required as a standard condition to comply with and pay the relevant CVMHSCP development impact fee.

The study's findings conclude that no significant adverse impacts to biological resources in the region are expected to result from Project implementation. Therefore, the Project would not have a substantial adverse impact on candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS).

The biological report recommends one mitigation measure: 1) contact Coachella Valley Association of Governments (CVAG) to determine the precise mitigation fee applicable under the CVMSHCP. This form of mitigation is itemized as BR-1 in this section of the Initial Study.

Less than significant impacts are expected to species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, following the recommended mitigation listed below:

#### **Mitigation Measures:**

**BR-1:** The project applicant shall ensure that the applicable MSHCP Local Development Mitigation Fee is paid to the City. The time of payment must comply with the City's Municipal Code (Chapter 3.40).

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

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#### **Discussion:**

The biological survey performed on the Project property did not find any on-site naturally occurring

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springs, permanent aquatic habitats, drainages or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service. No blue-line stream corridors or desert washes were found within the Project boundaries.

Because the Project would disturb more than one acre, temporary construction activities associated with these improvements would be subject to National Pollutant Discharge Elimination System (NPDES) requirements to ensure that required construction site best management practices are implemented to reduce off-site impacts. The Project applicant will also be required to develop and implement a Project-Specific Water Quality Management Plan (WQMP) to comply with the most current standards of the Whitewater River Region Water Quality Management Plan for Urban Runoff and the Whitewater River Watershed MS4 Permit. The plan will be reviewed and approved by the City.

The Project-Specific WQMP involves a detailed strategy of site design, source controls, treatment controls and on-going maintenance measures to address post-construction runoff quality and quantity. Such compliance and implementation protects the receiving waters and avoids Project violations to the established water quality standards and waste discharge requirements. The quality and quantity of runoff generated by the Project will be required to be controlled, preventing impacts to any downstream resources. This topic is further discussed within the Hydrology and Water Quality Section of this document. As a result of the absence of significant wash or riparian vegetation, absence of sensitive plant species and absence of sensitive animal species, less than significant impacts to desert wash or riparian habitats are expected.

**Mitigation Measures:** None

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

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**Discussion:**

The National Wetlands Inventory from the USFWS indicated that there are no wetlands or riparian resources on the Project property. Furthermore, the Biological Resources Assessments did not identify naturally occurring springs or permanent aquatic habitats in or near the Project site boundaries nor are there botanical indicators of such corridors.

As a result, implementation of the Project would not result in the direct removal, filling or other hydrological interruption to any of these resources. The proposed on-site storm drain improvements shall include facilities to prevent the direct discharge and hydro-modification impacts of runoff to any adjacent land uses. A Project Specific Water Quality Management Plan (WQMP) is expected to be prepared to ensure that the Project does not contribute pollutants of concern in any Project storm runoff. Less than significant impacts are expected.

**Mitigation Measures:** None

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

Per the Project Biological Resources Assessment, no evidence of migratory wildlife corridors or native wildlife nursery sites exists on the Project site or adjacent properties. The Coachella Valley region contains potential habitat for the burrowing owl, which is protected in the United States by the Migratory Bird Treaty Act of 1918. The Migratory Bird Act prohibits harming the owl and therefore, mitigation that is approved by the USFWS is generally required. At present time the USFWS approves of the form of mitigation provided in the "Staff Report on Burrowing Owl Mitigation" prepared by the CDFW.

The Biological Assessments performed at the Project site included surveys approved by the USFWS for determining the presence or absence of the burrowing owl. The surveys revealed no evidence of the western burrowing owl. Because of the very disturbed habitat of the site and surrounding urban human activities, the site is not considered suitable habitat for burrowing owls. Less than significant impacts are expected to the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife.

**Mitigation Measures: See BR-1**

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Discussion:**

The Project property is presently vacant and undeveloped with scattered vegetation. Project implementation would not result in demolition or tree removal. The proposed site plan provides landscaping improvements along the Project edges in a manner consistent with the local development standards. The Project will comply with the CVMSHCP and there are no other unique local policies or ordinances protecting biological resources that would cause a conflict nor does the site support high value biological resources that could be affected. There are no applicable tree preservation policies or ordinances and no impacts are expected.

**Mitigation Measures: None**

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Discussion:**

The Project lies within the boundary of the CVMSHCP, which outlines policies for conservation of habitats and natural communities. However, the project is not located within or adjacent to a designated



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Conservation Area under this plan. Therefore, is not subject to CVMSHCP requirements regarding lands adjoining conservation Areas.

The CVMSHCP implements a habitat mitigation fee from all new development to support the acquisition of conservation lands. The fee would be applied per Chapter 3.40 of the Desert Hot Springs Municipal Code (Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan Mitigation Fees). Based on these provisions, the applicable fees would be collected by the City and remitted to the Coachella Valley Conservation Commission (CVCC) at issuance of a certificate of occupancy or upon final inspection of the premises, whichever occurs first. The Project is expected to comply with provisions of the CVMSHCP. Less than significant impacts would result from project implementation provided the following Mitigation Measure BR-1 is followed.

**Mitigation Measures: See BR-1**

**V. CULTURAL RESOURCES –Would the Project:**

- a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

☐☐☐☒

**Discussion:**

The Project is located on approximately 1.07 acres of undeveloped land within a partially developed industrial district in the City of Desert Hot Springs. This area of the City is designated as a Light Industrial (I-L) District which supports business parks and the development of industrial uses operating in enclosed buildings. This district is largely segregated from the City's residential and commercial uses, a condition which is intended to reduce land use incompatibility. Existing industrial establishments in the vicinity are mostly north of the Project site. The Project specific Historical/Archaeological Resources Survey Report prepared by CRM Tech (July 2017) found no evidence of any settlement or land development activities on or near the Project area. The research methods performed by CRM Tech as part of this assessment includes a comprehensive records search, Native American Scoping, consultation with local historical organizations, historical background research and an intensive-level field survey.

According to Eastern Information Center (EIC) records, the Project area had not been surveyed for cultural resources studies prior to this study, and no historical/archaeological sites had been recorded on or adjacent to the property. Outside of the Project area but within a one-mile radius, EIC records show at least 40 previous studies covering various tracks of linear features, including a survey on the adjacent property to the east. Despite these past survey efforts, only one historical/archaeological site has been identified within the scope of the records search. That site represented a historic period refuse scatter found approximately 0.4 mile north of the project area. No prehistoric i.e., Native American cultural remains were previously recorded within the one-mile radius.

Historical sources consulted for the Project specific study suggest that the Project area is relatively low in sensitivity for cultural resources from the historic period. No evidence of any settlement or development activities was noted within the Project boundaries throughout the 1850s-1950s eras. Little Morongo Road, lying roughly a quarter mile to west and first notes in the early 1940s, was the earliest man-made feature known to be present in the general vicinity. By the 1950s, a web of unpaved roads, including Two Bunch Palms Trail and Cabot Road, had been laid out in the surrounding area,

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suggesting the beginning of a planned development. As late as 1972, these roads remained little more than faint dirt track tracks across the desert landscape, and no construction had occurred anywhere in the entire neighborhood. Most of the roads were eventually paved sometime between 1972 and 1996, and many buildings now exist in the neighborhood, including those on the adjacent properties to west and south also date to that period. The project area itself has remained undeveloped up until the present time.

The field survey results were negative for cultural resources. The entire project area was closely inspected for any evidence of human activities dating to the prehistoric or historic period, but none was found. Large amounts of refuse and construction debris was present in areas of sparse vegetation. The field survey produced negative results for cultural resources, and no buildings, structures, objects, sites, features, or artifacts more than 50 years of age were encountered in the Project area.

Additionally, Native American input during this study did not identify any sites of traditional cultural value in the vicinity, and historic maps show no notable cultural features within the Project area throughout the historic period.

Therefore, there are no recognizable potential historic resources, as defined in Section 15064.5 of the CEQA Guidelines that would be adversely affected by the proposed Project. This includes any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant and no impacts are anticipated.

**Mitigation Measures:** None

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

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**Discussion:**

Archaeological resources are described as cultural resources, such as structures or objects that provide evidence to past human activity. They are important for scientific, historic, and/or religious reasons to cultures, communities, groups or individuals. As previously discussed, CRM Tech conducted a Project and site specific study on historical and archaeological resources. The assessment included a records search, Native American scoping, historical background research and an intensive-level field survey. Observations by the investigators during the field survey did not encounter onsite buildings or structures. Outside the Project area but within a one-mile radius, one historical/archaeological site has been identified and recorded. That site represented a historic period refuse scatter found approximately 0.4 mile north of the project since it is an already recorded site, it does not require further consideration during this study is needed.

Furthermore, the Native American Heritage Commission (NAHC) sacred lands record search did not indicate the presence of Native American resources with a half-mile radius of the Project. The NAHC did recommend that additional local Native American groups be contacted for further information. Upon receiving the NAHC's response, CRM Tech sent written requests for comments to 18 Tribal individuals. Three (3) Tribal representatives contacted have responded in writing, the Cabazon Band of Mission Indians and San Manuel Band of Mission Indians have no information on any Native American cultural resources in the project area.

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The Soboba Band of Luiseno Indians have identified the project location to be a part of the Tribes Traditional Use Area (TUA). Therefore, Tribal monitoring shall be required to ensure the preservation of potential Tribal resources. The project specific Cultural Report concludes that there are no archaeological resources that would be adversely affected by the proposed project. Therefore, less than significant impacts are expected following the recommended mitigation measures.

#### **Mitigation Measures:**

**CR-1:** If during the course of grading or construction, artifacts or other cultural resources are discovered, all grading on the site shall be halted and the applicant shall immediately notify the City Planner. A qualified archaeologist shall be called to the site by, and at the cost of, the applicant to identify the resource and recommended mitigation if the resource is culturally significant. The archaeologist will be required to provide copies of any studies or reports to the Eastern Information Center for the State of California located at the University of California Riverside and the Agua Caliente Tribal Historic Preservation Office (THPO) for permanent inclusion in the Agua Caliente Cultural Register.

**CR-2:** The applicant shall ensure the presence of an approved Native American Cultural Resource Monitor(s) during any ground disturbing activities (including archaeological testing and surveys). 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 Office.

- c) Directly or indirectly destroy a  
unique paleontological resource or  
site or unique geologic feature?

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#### **Discussion:**

Per the Riverside County Land Information System, the property is recognized for having low potential for Paleontological Sensitivity. Areas recognized for having "low" potential have a reduced likelihood of containing significant non-renewable paleontological resources, including vertebrate or significant invertebrate fossils. Moreover, the site is not recognized as a unique paleontological or a unique geologic feature. However, per industry standards in the region, excavations deeper than 10-15 feet should be monitored by a qualified paleontological monitor. Less than significant impacts are expected to paleontological resources following the recommended mitigation measures.

#### **Mitigation Measures:**

**CR-3:** The applicant shall ensure that any excavations deeper than 10-15 feet shall be monitored by a qualified paleontological monitor. The monitor shall be prepared to quickly salvage fossils as they are unearthed to avoid construction delays, but must have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens. Additionally, the grading plan shall include a note that excavations deeper than 10 feet are planned (if any) and notification of such planned excavations be provided by the grading engineer to the Planning Department.

**CR-4:** All fossils and associated data recovered during the paleontological monitoring shall be reposted in a public museum or other approved curation facility.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

The historical and archaeological reports prepared by CRM TECH for this Project included intensive-level field observations of the entire site. The entire Project area was closely inspected for evidence of human activities dating to prehistoric or historic periods. As discussed previously, no other sites, features, artifacts, or built-environment features of prehistoric or historic age were encountered within the Project area during the field survey.

Pursuant to the California Health and Safety Code Section 7050.5, and the CEQA Guidelines Section 15064.5 require that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlay adjacent remains, until the County Coroner has examined the remains. If the coroner determines the remains to be Native American, or has reason to believe that they are Native American, the coroner shall contact by telephone within 24-hours of the Native American Heritage Commission. Pursuant to the mentioned California Health and Safety Code, proper actions shall take place in the event of a discovery or recognition of any human remains during Project construction activities. Less than significant impacts are expected following standard conditions.

**Mitigation Measures:**

**CR-5:** In the event that any human remains are discovered during construction activities, the applicant shall cease all work and contact the Riverside County Coroner's office and work shall not resume until such time that the site has been cleared by the County Coroner and/or the Desert Hot Springs Police Department. The Applicant shall also be required to consult with the Agua Caliente Tribal Historic Preservation Office (THPO).

**VI. GEOLOGY AND SOILS -- Would the Project:**

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

During an earthquake, ground rupture and ground shaking are the most significant seismic hazards that will impact the Desert Hot Springs planning area. The General Plan Geotechnical Section indicates that critical parameters for magnitude of impacts include whether foundations and/or structures straddle the fault, distance between the fault and various portions in the City, the maximum credible earthquake each fault is capable of generating, the intensity of ground shaking expressed as a fraction of the

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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acceleration of gravity (g), and the Modified Mercalli (MM) seismic intensity values that have been calculated for the City. In general, peak ground accelerations and seismic intensity values decrease with increasing distance from the causative fault. However, local site conditions, such as the top of ridges, may amplify the seismic waves generated by an earthquake, resulting in higher accelerations.

Per the General Plan Environmental Impact Report (GP EIR), no known active faults traverse the Project site or are found near it. GP EIR EXHIBIT V-1: Faults in the Desert Hot Springs General Plan Area, indicates that the nearest Alquist-Priolo Fault Zone is located approximately 1.5 miles to the northeast and labeled the Mission Creek Fault. Alquist-Priolo Maps are corroborated by the Riverside County Seismic Faults and Fault Zones database and by the Desert Hot Springs EIR Map. The nearest seismic feature to the Project site is the Coachella Valley Segment of the San Andreas Fault Zone. This southwest trending zone (presumably the Zone also mapped in Alquist-Priolo maps) is located approximately 1.5 miles northeast of the site. Surface rupture occurs when movement on a fault deep within the earth breaks through to the surface. The GP EIR indicates that fault ruptures usually follow preexisting faults, which are zones of weakness.

The Project site does not lie within an Alquist-Priolo Earthquake Fault Zone. Surface fault rupture is considered to be unlikely at the Project site because of the well-delineated fault lines through the Coachella Valley as shown on California Department of Mines and Geology (CDMG) maps. Less than significant impacts are expected.

**Mitigation Measures:** None

ii) Strong seismic ground shaking? ☐ ☐ ☒ ☐

**Discussion:**

As mentioned in the previous discussion, relative to properties that are not located on faults or within fault study areas, ground shaking is the primary seismic hazard that can be expected. Intensity, in general, decreases as the distance from a fault increases. Strong shaking from an earthquake can result in secondary actions including landslides, ground lurching, structural damage or destruction, and liquefaction (discussed subsequently in this Geotechnical section.)

As mentioned previously, critical parameters include whether foundations and/or structures straddle the fault, distance between the fault and various parts of the City, the maximum credible earthquake each fault is capable of generating, the intensity of ground shaking expressed as a fraction of the acceleration of gravity (g), and the Modified Mercalli (MM) seismic intensity values that have been calculated for the City. In general, peak ground accelerations and seismic intensity values decrease with increasing distance from the causative fault. However, local site conditions, such as the top of ridges, may amplify the seismic waves generated by an earthquake, resulting in higher accelerations.

The Project will be conditioned to comply with the most current seismic design coefficients and ground motion parameters and all applicable provisions of the California Building Code (CBC.) The proposed facilities will be constructed in a manner that reduces the risk of seismic hazards (Title 24, California Code of Regulations). Remedial grading and construction will work to reduce exposure of people or structures to adverse effects of seismic hazards to the greatest extent possible. All grading and construction plans will be reviewed and approved by the City. Additionally, the project will be conditioned to comply with the Seismic Design Parameters and recommendations within the Geotechnical Investigation.

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Following compliance with standard conditions relative to geotechnical studies and seismic design requirements, less than significant impacts are expected.

**Mitigation Measures:** None

iii) Seismic-related ground failure,  
including liquefaction?

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**Discussion:**

The General Plan Geotechnical Element indicates that liquefaction occurs when loose, unconsolidated, saturated, sandy soils are subjected to ground vibrations during a seismic event. When these conditions occur, soils may liquefy; this phenomenon is called liquefaction. This commonly occurs in areas where the ground water table is within 50 feet of the ground surface.

According to the Mission Springs Water District (MSWD) Draft 2015 Urban Water Management Plan, groundwater levels in the Mission Creek Subbasin, in which the Project is located, average 300 feet below the ground surface elevation.

The chance for hazards associated with liquefaction is considered low in the Desert Hot Springs area, principally because of the approximate depth to ground water. The exception includes lands located immediately adjacent to and on the north side of the Banning and Coachella Valley (Mission Creek) Faults, which dike ground water and allow it to rise within 50 feet of the surface. Effects of liquefaction include a loss of bearing strength, ground oscillations, lateral spread and slumping. The Project is located a minimum of 1.50 miles from the nearest of the fault, the Mission Creek Fault.

**Mitigation Measures:** None

iv) Landslides?

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**Discussion:**

Per the General Plan Geotechnical Element, the Project is not located near an area of Seismically Induced Rock Falls and Landslide Susceptibility. Exhibit V-2 of the Geotechnical Element indicates that the closest area with moderate susceptibility to land sliding is approximately 1.9 miles to the west which is an isolated geological feature referred to as Devers Hill.

**Mitigation Measures:** None

b) Result in substantial soil erosion or the  
loss of topsoil?

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**Discussion:**

Remedial grading, including over-excavation and re-compaction, will be required for preparation of the site soils for construction. Site soils are susceptible to wind and water erosion, standard construction measures to reduce seasonal flooding impacts including waterborne erosion will be incorporated into the site grading plans. These include the onsite retention of 100 percent of the incremental increase of storm water. To address windborne soil erosion, paving, landscape and other means of stabilization are incorporated into the Project. These plans will be submitted to the City for review and approval.

Relative to waterborne erosion, the entire Project and its immediate surroundings are located within

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Zone AO and is identified as being subject to inundation by the 1-percent-annual-chance storm with shallow flooding (usually sheet flow in sloping terrain) at an average depth of one (1) feet and a velocity of five (5) feet per second; For areas of alluvial fan flooding.

Offsite run-on to the site is expected to be collected and conveyed through or around the proposed Project site, along the existing flow direction, without changing the runoff, or impacting any of the adjacent properties through hydro-modification. The proposed stormwater retention system will be designed to contain the worst case scenario increase of the pre- and post-construction runoff. All onsite 100-year peak discharges would drain into onsite retention via surface and/or piped flows. Following these design requirements, proposed construction would not alter the FEMA Flood Zone AO sheet flow.

The initial stages of Project construction include demolition and grading activities that would alter existing conditions on the property by removing existing paving, topsoil and vegetation. The demolition of Palomar Lane is necessary as the frontage adjacent portion was partially paved at some time in the past. These temporary impacts during construction will be addressed by the required preparation, approval and implementation of a Project specific Storm Water Pollution Prevention Plan, further discussed in the Hydrology section of this document, as well as a Fugitive Dust (PM10) Control Plan, further discussed in the Air Quality section of this document.

The Project will be conditioned to comply with the recommendations and design criteria outlined in a Project specific Geotechnical Investigation. Compliance with adopted procedures for grading and erosion will mitigate impacts associated with grading. The following conditions will be implemented:

- All future grading shall be performed in accordance with the grading ordinance of the City of Desert Hot Springs.
- The Project contractor shall adhere to the recommendations contained within the Project specific Geotechnical Investigation throughout grading and construction activities.
- A grading plan that outlines measures to contain any run off shall be prepared and submitted to the City for approval.
- The Project proponent shall prepare and implement (throughout all construction activities) a Stormwater Pollution Prevention Plan (SWPPP) and a Fugitive Dust (PM10) Control Plan.

Following implementation of Standard Conditions and Geotechnical Investigation Recommendations impacts are anticipated to be less than significant.

**Mitigation Measures: None**

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

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**Discussion:**

The existing onsite area has an elevation drop of 6 feet, from the north to the south, at a 2.1% grade.

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As discussed previously hazards associated with liquefaction, lateral spread and landslides are not expected.

The GP EIR states that ground subsidence is the gradual settling or sinking of the ground surface with little or no horizontal movement. This phenomenon is usually associated with the extraction of oil, gas or ground water from below the surface, but it may also occur as a result of an earthquake. The 4-meter high scarp on the west side of Devers Hill indicates that uplift has occurred within the Desert Hot Springs Area. Devers Hill is approximately 1.9 miles west of the subject property.

A USGS Scientific Investigations Report 2014-5075 "Land Subsidence, Groundwater Levels and geology in Coachella Valley, California, 1993-2010" indicates the following: While most of the Coachella Valley was relatively stable, land surfaces declined about nine inches to two feet in some areas of Palm Desert, Indian Wells, and La Quinta, between 1995 and 2010. An important exception was observed in La Quinta where groundwater levels have stabilized and risen, and the rate of land subsidence substantially decreased after groundwater replenishment systems were installed in 2009. Subsidence is considered a regional problem requiring regional mitigation not specific to the Project vicinity.

According to the GP EIR, soil collapse typically occurs in recently deposited soils that were deposited in an arid or semi-arid environment. The alluvial sediments which comprise much of Desert Hot Springs are prone to collapse, which can result from surface irrigation. Remedial grading, including proper preparation and compaction of Project soil, will be required and indicated in Project specific grading plans which will be reviewed and approved by the City.

The Project will be conditioned to comply with the recommendations and Design Criteria within a Project Specific Geotechnical Investigation required as a Condition of Approval. Less than significant impacts are expected.

**Mitigation Measures:** None

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life of the Property?

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**Discussion:**

According to the General Plan Geotechnical Section, expansive soils are those, which include a significant amount of clay and are subject to swelling. Expansive soils can change in volume and can exert significant pressure on loads (such as buildings) that are placed on them. Expansive soils are not commonly considered a hazard in the Desert Hot Springs area because of the relatively minor amount of clay present in the soils. Where expansive soils may occur is in the Qf3 and Qf4 soils, which generally occur north of the Mission Creek Fault and in the vicinity of Whitewater Hill. The property is approximately 1.5 miles southwest of the Mission Creek Fault and 4.6 miles east of Whitewater Hill.

**Mitigation Measures:** None



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

Mission Springs Water District (MSWD) currently provides sewer service in Two Bunch Palms Trail. Septic tanks or alternative waste water disposal systems are not necessary for this Project. Less than significant impacts are anticipated.

**Mitigation Measures:** None

**VII. GREENHOUSE GAS EMISSIONS --Would the Project:**

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Discussion:**

Greenhouse Gas (GHG) is a gaseous compound in the earth's atmosphere that is capable of absorbing infrared radiation, thereby trapping and holding heat in the atmosphere. Common greenhouse gases in the earth's atmosphere include: water vapor, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), ozone, and to a lesser extent chlorofluorocarbons. Carbon dioxide is the main GHG thought to contribute to climate change.

In response to growing concern for long-term adverse impacts associated with global climate change, California's Global Warming Solutions Act of 2006 (AB 32) requires California Air Resource Board (CARB) to reduce statewide emissions of greenhouse gases to 1990 levels by 2020. In 2016, Governor Jerry Brown signed Senate Bill 32 (SB32) that requires California to reduce GHG emissions to 40 percent below 1990 levels by 2030. Additionally, in 2013, the City of Desert Hot Springs adopted their Climate Action Plan (CAP) that includes policies applicable to new development for the reduction of GHGs.

There is currently no statewide adopted threshold for GHG emissions. The SCAQMD has adopted a screening threshold of 3,000 MTCO<sub>2</sub>e per year for stationary source emissions for small land use Projects and 10,000 MTCO<sub>2</sub>e for industrial facilities. These GHG emissions would occur as a result of Project-related area sources, energy usage, mobile sources, solid waste disposal, water usage, and wastewater treatment.

The CalEEMod (The California Emissions Estimator Model/CalEEMod Version 2016.3.1) was utilized to estimate the long-term operational air pollutant emissions and the greenhouse gas emissions that would result from the implementation of the proposed Project. The annual GHG emissions associated with the operation of the proposed Project is 931.8369 MTCO<sub>2</sub>E per year as summarized in Table VII-1. Direct and indirect operational emissions associated with the Project are compared with the SCAQMD threshold significance for industrial facilities Projects, which is 10,000 MTCO<sub>2</sub>e per year.

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The proposed cultivation facility will add a new land use, and as a result, an increase in greenhouse gas emissions is expected. The project will operate under the mandatory regulations found in the most recent Cal Green Building Standards Code for non-residential uses. According to the CALGreen guidance, these regulations promote activities such as the use of bicycles and clean air vehicles as alternative means of transportation in alignment with California's aggressive efforts to reduce greenhouse gas emissions.

The construction related and operational emissions of Co2 equivalent are less than the SCAQMD interim threshold of 10,000 MT/year for industrial facilities. Therefore, less than significant impacts are expected.

**Table VII-1  
Greenhouse Gas Annual Emissions Summary**

	Emissions (metric tons per year)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	Total CO <sub>2</sub> E
Area	5.6000e-004	0.0000	0.0000	5.9000e-004
Energy	65.7599	2.2500e-003	7.7000-004	66.0444
Mobile Sources	134.3922	9.1000e-003	0.0000	134.6197
Waste	3.0205	0.1785	0.0000	7.4832
Water Usage	12.3932	0.0909	2.2300e-003	15.3313
<b>Total CO<sub>2</sub>E (All Sources)</b>	<b>223.4792</b>			

Source: CalEEMod™ output.

Note: Totals obtained from CalEEMod and may not total 100% due to rounding.

#### **Mitigation Measures: None**

- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

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#### **Discussion:**

California's Global Warming Solutions Act of 2006 (AB32) requires California to reduce its GHG emissions to 1990 levels by 2020. California Air Resource Board (CARB) has identified measures to achieve this goal as set forth in the CARB Scoping Plan. The SCAQMD adopted the interim GHG significance threshold for stationary/industrial sources on December 5, 2008 which applies to Projects where the SCAQMD is the lead agency. Additionally, the City of Desert Hot Springs has adopted a Climate Action Plan (CAP) to help reduce greenhouse gas emissions or support reduction strategies resulting from development.

SB 32 adopted in 2016 requires the state to reduce statewide GHG emissions to 40% below 1990 levels by 2030, a reduction target that was first introduced in Executive Order B-30-15. The project will reduce its GHG emissions to the maximum extent feasible through energy conservation measures and implementation of the current California Green Building Standards Code in addition to the use of water efficient irrigation for plants and landscape design. The project will not interfere with the state's implementation of AB 32 or SB 32. As previously indicated, the project would not exceed the 10,000

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MTCO<sub>2</sub>e threshold, therefore the project's GHG emissions would not conflict with plans and policies adopted for the purpose of reducing GHGs emissions. Less than significant impacts are expected.

**Mitigation Measures:** None

**VIII. HAZARDS AND HAZARDOUS MATERIALS** --Would the Project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

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**Discussion:**

The Project site is approximately 1.07 acres of vacant desert land located on Two Bunch Palms Trail between Little Morongo Road and Cabot Road. The Project proposes to construct a medical marijuana facility specifically geared for cultivation. Development will consist of one single-story, building totaling approximately 12,000 sf. The facility will contain space for office use, cultivation, /manufacturing.

The Project will not involve the use or storage of hazardous materials other than organic certified fertilizers and California approved natural pesticides and fungicides. These materials will be stored and applied according to manufacturer's instructions to mitigate the potential for incidental release of hazardous materials or explosive reactions.

The Code of Federal Regulations (CFR Title 40, Part 261) defines hazardous materials based on ignitability, reactivity, corrosivity, and/or toxicity properties. The State of California defines hazardous materials as substances that are toxic, ignitable or flammable, reactive and/or corrosive, which have the capacity of causing harm or a health hazard during normal exposure or an accidental release. As a result, the use and management of hazardous or potentially hazardous substances is regulated under existing federal, state and local laws. Hazardous wastes require special handling and disposal methods to reduce their potential to damage public health and the environment. Manufacturer's specifications also dictate the proper use, handling, and disposal methods for the specific substances.

Construction of the Project is expected to involve the temporary management and use of potentially hazardous substances and petroleum products. The nature and quantities of these products would be limited to what is necessary to carry out construction of the Project. Some of these materials would be transported to the site periodically by vehicle and would be stored in designated controlled areas on a short-term basis. When handled properly by trained individuals and consistent with the manufacturer's instructions and industry standards, the risk involved with handling these materials is considerably reduced.

To prevent a threat to the environment during construction, the management of potentially hazardous materials and other potential pollutant sources will be regulated through the implementation of control measures required in the Storm Water Pollution Prevention Plan (SWPPP) for the Project. The SWPPP requires a list of potential pollutant sources and the identification of construction areas where additional control measures are necessary to prevent pollutants from being discharged. Best management practices are necessary for *Material Delivery and Storage*; *Material Use*; and *Spill Prevention and Control*.

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These measures outline the required physical improvements and procedures to prevent impacts of pollutants and hazardous materials to workers and the environment during construction. For example, all construction materials, including paints, solvents, and petroleum products, must be stored in controlled areas and according to the manufacturer's specifications. In addition, perimeter controls (fencing with wind screen), linear sediment barriers (gravel bags, fiber rolls, or silt fencing), and access restrictions (gates) would help prevent temporary impacts to the public and environment.

In the case that gas service is not immediately available; the Project would install four on-site liquid propane tanks to power the backup generators. Construction and installation of the liquid propane tanks will conform to the latest edition of the American Society of Mechanical Engineers (ASME) Code for Pressure Vessels (Section VIII Division 1), and the California Code of Regulations Title 8, Chapter 4 (Department of Industrial Relations), Subchapter 1 (Division of Industrial Safety). The proposed tank facilities will also be required to comply with the National Fire Protection Association Fuel Gas Codes and with the local fire protection regulations. These regulations are applicable to all aspects of the facilities, including the tank's structural integrity, supporting equipment and safety mechanisms. NFPA requires the installation of control safety devices both on containers and in transfer piping to minimize the accidental release of either fuel. The transport of liquid propane to the Project site will be regulated under the U.S. Department of Transportation, which establishes mandatory safety procedures for the transport of these materials.

Consistent with the local codes regulating light industrial districts and medical marijuana facilities, all proposed cultivation operations would only be conducted in the interior of enclosed structures, facilities and buildings. All cultivation operations and all marijuana plants at any stage of growth shall not be visible from the exterior of any structure, facility or building containing the cultivation of medical marijuana. The proposed medical marijuana cultivation operation is not expected to involve the routine transport, use or disposal of hazardous materials in quantities or conditions that would pose a hazard to public health and safety or the environment. Less than significant impacts related to the routine transport, use or disposal of hazardous materials are expected.

**Mitigation Measures:** None

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

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**Discussion:**

The Project site is located within a light industrial land use sector of the City that is separated from residential or other densely populated land uses. As previously discussed, the Project is not expected to handle any significant quantities of hazardous materials. The management of propane gas or diesel fuel as a utility service will occur in accordance with the National Fire Protection Association, Fuel Gas Codes and with the fire protection regulations. Any other use of potentially hazardous substances, is expected to occur in small quantities and managed on-site with the proper containment and facilities, as required by the industry standards.

Cultivation activities would involve plant treatment with organic fertilizers, insecticides, acaricides, fungicides, and other crop protection agents. These substances would be stored and applied according

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to the manufacturer's instructions to reduce the potential for incidental release or reactions. The application and management methods of fertilizers and crop protection agents would be required to comply with all manufacturer-specific instructions, precautionary requirements, and accidental release measures. In most cases, it would be a violation of Federal law to apply these products in a manner that is inconsistent with the instructions provided in each corresponding product labeling.

The most common restrictions prohibit the products from being applied directly to water or areas where surface waters are present. Cleaning of equipment shall not result in water contamination. The products shall not be applied either in a way that come in contact with workers or other persons, directly or through drift. Only protected handlers may be present in the area during application. The application and management methods are also subject to requirements pertaining to training, decontamination, notification, and emergency assistance. Any wastes resulting from the use of this product may only be disposed in a landfill approved for pesticide or hazardous material disposal, or in accordance with the applicable federal, state or local procedures.

Toxic cleaning compounds, sanitizing agents, solvents, and potentially flammable materials may also be involved within the proposed facilities. The use of these products would also be subject to the manufacturer's specifications, as well as local, state, and federal regulations that would help protect against accidental release, explosive reactions, injury and contamination.

The Project operator would be required to provide the proper storage facilities and containers designed to protect and isolate these substances, therefore minimizing the threat to the public or the environment. Facility employees shall be trained on safety rules to prevent personal or public risk. Solid waste produced by the Project will be stored in a designated staging area with enclosures and less than significant impacts are expected.

**Mitigation Measures: None**

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

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**Discussion:**

The Project site is not located within one-quarter mile of an existing or proposed school. The nearest existing school is Two Bunch Palms Elementary located approximately 0.76 miles east of the Project. As previously discussed, the Project site would be developed as a facility for the cultivation of medical marijuana. The Project will operate in a fully secured setting and surrounded with perimeter fencing. There will be no public access. The nature of the Project would not involve the use or handling of hazardous substances in quantities or conditions that would result in the release of hazardous emissions, materials or waste. To further minimize any potential public exposure to accidental risks, proper construction and safety measures will be implemented and temporary impacts during construction will be further mitigated by standard operational procedures and protocols as well as Best Management Practices (BMPs). Less than significant impacts are expected.

**Mitigation Measures: None**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion:

Record searches on the Project property were performed within multiple database platforms compiled pursuant to Government Code 65962.5 and its subsections. The resources consulted included *GeoTracker*, *EnviroStor*, and the *EPA Enforcement and Compliance History Online* (ECHO).

GeoTracker is a database maintained by the State of California Water Resources Control Board that provides online access to environmental data. It serves as the management system for tracking regulatory data on sites that can potentially impact groundwater, particularly those requiring groundwater cleanup and permitted facilities, such as operating underground storage tanks and land disposal sites.

EnviroStor is a database maintained by the State of California Department of Toxic Substances Control (DTSC). The EnviroStor database identifies sites with known contamination or sites for which there may be reasons to investigate further. It includes the identification of formerly contaminated properties that have been released for reuse; properties where environmental deed restrictions have been recorded to prevent inappropriate land uses; and risk characterization information that is used to assess potential impacts to public health and the environment at contaminated sites.

Moreover, the ECHO database focuses on inspection, violation, and enforcement data for the Clean Air Act (CAA), Clean Water Act (CWA) and Resource Conservation and Recovery Act (RCRA) and also includes Safe Drinking Water Act (SDWA) and Toxics Release Inventory (TRI) data.

In June 2017, a search was performed on all three database platforms. The search results did not identify any records or sites in connection with the subject property. The EnviroStor and GeoTracker database results did not identify any Land Disposal Sites, Military Sites, DTSC Hazardous Waste Permits, or DTSC Cleanup Sites on or around the subject property.

The ECHO database search results identified the following sites within a 1,000 foot radius of the Project site.

- Desert Stage Lines: 65100 San Jacinto Lane, Desert Hot Springs, CA 92240  
This property is located approximately 1000 feet southwest of the Project property. It is registered under the Resource Conservation and Recovery Act (RCRA) as an active small quantity generator (SQG). The RCRA identification is CA0000133629 and the Facility Registry Service (FRS) identification is 110002613477. There are no violations reported over the last three years of available data.
- Spectrum Custom Design: 65242 San Jacinto Lane, Desert Hot Springs, CA 92240

This property is located directly south of the Project. It is registered under the Resource Conservation and Recovery Act (RCRA) as an active small quantity generator (SQG). The RCRA identification is CAR000088690 and the Facility Registry Service (FRS) identification is

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110012246694. This facility is also registered in the Air Emissions Inventory (EIS) under the Clean Air Act (ID 10116211). There are no violations reported over the last three years of available data.

- Ocean Springs Tech: 65145 Two Bunch Palms Trail, Desert Hot Springs, CA 92240

This property is located 450 feet to the northwest of the Project. It is registered under the Facility Registry Service (FRS) only. The FRS identification is 110066078149. There is no additional information regarding the site.

- Alex Auto Service: 65090 San Jacinto Lane, Desert Hot Springs, CA 92240

This property is located 650 feet to the west of the Project. It is registered under the Facility Registry Service (FRS) only. The FRS identification is 110065347342. There is no additional information regarding the site.

Less than significant impacts related to significant hazard to the public or the environment are expected.

**Mitigation Measures:** None

- e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?

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**Discussion:**

The Project is not located near an existing airport or airport land use plan. The nearest airport facility to the Project is the Palm Springs International Airport, located approximately 7.12 miles away. No impacts are anticipated.

**Mitigation Measures:** None

- f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?

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**Discussion:**

The Project is not located in the vicinity of a private airstrip and no impacts are anticipated.

**Mitigation Measures:** None

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### **Discussion:**

The Emergency Preparedness Element of the City's General Plan is designed to address concerns regarding the City's capability to respond to potential natural or man-made disasters. The Element sets forth goals, policies and programs to ensure an effective response. Critical Facilities, Emergency Transportation and Circulation, Emergency Medical Facilities, Emergency Operations Center, Emergency Organization and Chain of Command, and Extended Organizational Structure and Assistance are identified as important components of that strategy.

The City of Desert Hot Springs contracts with Riverside County Fire Department/Cal Fire (RCFD) for a full range of fire protection services provided 24 hours a day 7 days a week. The RCFD is staffed with a combination of County and State of California Department of Forestry & Fire Protection employees. They operate 96 fire stations that serve 1,360,000 residents over 6,970 miles of Riverside County. The City of Desert Hot Springs has two RCFD fire stations, Battalion 10, Station 36; located at 11535 Karen Avenue is approximately 3.5 miles to the northwest of the Project site. Battalion 10, Station 37 is the City's busiest fire station and is located at 65-958 Pierson Blvd, approximately 2.2 miles to the northeast of the proposed Project. Both stations are staffed by 8.2 full time personal and each shift has 3 professionals consisting of a Fire Captain/and or engineer and one or two Firefighter II / licensed paramedic on duty at all times. Each station is also equipped with a Type I, 1500 GPM fire engine.

In addition to the other RCFD facilities located in the Coachella Valley, the department maintains a cooperative mutual aid agreement with other agencies and communities to assist in suppressing fire or controlling emergency incidents. Mutual aid is an agreement among emergency responders to lend assistance across jurisdictions provided resources are available and is not to the detriment of their own service area. Per the City's General Plan, agreements are in place with Palm Springs and Cathedral City. Both of these cities provide their own fire services and do not contract with RCFD/Cal Fire. As previously discussed, the nature of the proposed Project is not expected to introduce operations that would hinder the City's ability to implement its emergency response goals, policies or programs.

The site plan configuration of the proposed development includes fire truck accessible drive aisles to ensure adequate emergency response access on-site. The proposed design would be subject to a standard review process by the Riverside County Fire Department to ensure that the site-specific emergency access, water pressure, and other pertinent criteria are met by the Project. Less than significant impacts are expected.

**Mitigation Measures:** None



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Discussion:

Large areas of Southern California are susceptible to Wildfires all year round due to the region's weather, topography and vegetation conditions. The Coachella Valley's hot dry summer and autumn weather is ideal to generate the dry vegetation that fuels most wildfires. The California Board of Forestry and Fire Protection ranks fire hazard of wildland areas of the State using four main criteria: fuels, weather, assets at risk, and level of service. Although the Project site and its general surroundings are undeveloped with scattered vegetation, these conditions have not been recognized to meet the criteria of high or very high fire hazard zones.

Wildland fire protection in California is the responsibility of either the State, local government, or the federal government. Local responsibility areas include incorporated cities where fire protection is typically provided by City fire departments, fire protection districts, counties, and by CAL Fire under contract to local government. As mentioned previously, the City of Desert Hot Springs contracts with Riverside County Fire Department/Cal Fire (RCFD) for a full range of fire protection services provided 24 hours a day 7 days a week. The responsibility for fire prevention and suppression outside of the City boundaries is under the State and federal agencies.

The Riverside County RCIP and the Cal Fire Maps for Western Riverside County indicate that the Project and its surroundings are located outside of the Very High Fire Hazard Severity Zone (FHSZ) for Local Responsibility Area and outside of the Very High/High/Moderate FHSZ for State and Federal Responsibility Areas. As previously discussed, the Project will include on-site fire protection facilities necessary to satisfy the local Fire Department requirements. Less than significant impacts related to wildland fire are expected.

#### Mitigation Measures: None

### IX. HYDROLOGY AND WATER QUALITY -- Would the Project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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#### Discussion:

The Clean Water Act (CWA) of 1972 establishes regulations pertaining to the discharge of pollutants to waters of the U.S. from point sources. Subsequent amendments to the CWA in 1987 established a framework for regulating non-point source stormwater discharges under the National Pollutant Discharge Elimination System (NPDES). Presently in the State of California, the State Water Resources Control Board (SWRCB) and nine California Regional Water Quality Control Boards (RWQCBs) administer the regulation, protection and administration of water quality pursuant to the NPDES. Their regulations encompass storm water discharges from construction sites, municipal separate storm sewer systems (MS4s), and major industrial facilities. The proposed Project is located within the Whitewater River Watershed in the Colorado River Region (Region 7). The City of Desert Hot Springs is a Permittee of the Whitewater River Watershed MS4. Within Region 7, the approved Water

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Quality Control Plan, prepared by SWRCB, identifies the beneficial uses of state waters within the Region and provides guidelines for their preservation and quality. Proximate receiving waters in the Coachella Valley and relevant to the project include Big Morongo Creek (Wash), Whitewater River, and the Coachella Valley Storm Water Channel. The nature and size of the proposed light industrial development prompts compliance requirements with the existing regulations pertaining to water quality standards and waste discharge requirements.

The proposed project will result in temporary and permanent disturbance in an area greater than one acre. Therefore, the developer must comply with the State's most current Construction General Permit (CGP) (Order No. 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006-DWQ). Compliance with the CGP involves the development and implementation of a project-specific Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts to surface water quality during the period of construction. The required plan will identify the locations and types of construction activities requiring best management practices (BMPs) and other necessary compliance measures to prevent soil erosion and stormwater runoff pollution. The plan will also identify the limits of allowable construction-related disturbance to prevent any construction activities outside of the designated areas.

Based on the Project location and setting, the SWPPP is expected to identify temporary sediment track-out prevention devices at the construction entrance/exit points adjacent to public roadway (Palomar Lane). Track-out BMP devices will provide stabilization at the access point(s) to prevent sediment track-out and fugitive dust emissions. Linear sediment barriers may be warranted along portions of or the entire construction perimeter to prevent soil erosion impacts. Any proposed storm drain inlets will require the timely temporary protection to prevent sediment or pollutants from entering the on-site storm drain system. Furthermore, construction activities will be subject to good site housekeeping requirements pertaining to street sweeping, proper waste management, proper material handling and storage.

During construction, the Project will also be required to comply with South Coast Air Quality Management District's (SCAQMD) Rule 403 and 403.1, which prompt the requirement for preparation and implementation of a Fugitive Dust (PM10) Control Plan. Implementation of the Fugitive Dust Control Plan primarily pertains to air quality, but also supports water quality protection through the requirement of soil stabilization measures to prevent sediment erosion and track-out. The implementation of the required SWPPP and Dust Control Plan will work to prevent the potential construction-related impacts to water quality at the site and its surroundings, therefore resulting in less than significant impacts.

The Project is designed with an on-site stormwater retention system that during the life of the Project will comply with the City's drainage requirements by preventing the transport of untreated runoff. The Project will be required to comply with the Stormwater Management and Discharge Controls per Chapter 13.08 of the Desert Hot Springs Municipal Code (Ordinance #1997-03). Moreover, the Project proponent will be required to develop and implement a Project-Specific Water Quality Management Plan (WQMP) to comply with the most current standards of the Whitewater River Region Water Quality Management Plan for Urban Runoff and the Whitewater River Watershed MS4 Permit. The Project-Specific WQMP will identify a strategy of site design, source controls, and treatment controls with a required operation and maintenance program to address post-construction runoff quality and quantity. The site plan, grading design, storm drain design, and retention facility of the Project must be factored in the WQMP development and documentation.

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As currently proposed runoff from the impervious surfaces (buildings, hardscape and pavement) of the Project will be conveyed via surface and piped flows to an underground retention facility sized to retain the incremental increase between the pre-development and post-development volume resulting from the controlling 100-year storm event. As proposed, the stormwater retention and management strategy are expected to comply with local and regional requirements for protecting surface water quality and preventing waste discharge violations. Less than significant impacts are expected.

**Mitigation Measures: None**

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

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**Discussion:**

Local groundwater resources are managed under the Missions Springs Water District (MSWD) 2015 Urban Water Management Plan (UWMP). Regionally, groundwater resources are managed by a partnership among MSWD, Coachella Water Authority (CWA), Coachella Valley Water District (CVWD), Desert Water Agency (DWA), and Indio Water Authority (IWA) under the Coachella Valley Integrated Regional Water Management (IRWM) program. The UWMP acknowledges that continued artificial groundwater recharge is necessary to eliminate or reduce the groundwater overdraft condition. MSWD, DWA, and CVWD presently manage the Mission Creek Subbasin resources and its replenishment efforts under the terms of a 2004 settlement agreement. Groundwater management is also guided by the evaluation and water use strategies identified in the UWMP. As required by the policies of the General Plan, the City continues to cooperate with MSWD and other agencies in implementing a groundwater replenishment program capable of ensuring the viability of the Mission Creek subbasin.

Water use and conservation strategies identified in the UWMP incorporate demographic data and planned land use conditions identified in local plans (e.g. City of Desert Hot Springs General Plan) to forecast the development intensities and other growth factors as they relate to achieving the most efficient use of groundwater resources. Water uses within MSWD's service area are categorized by service sector. Industrial uses are aggregated with the categories of institutional and irrigation. As such, industrial uses represent less than 2 percent of the total number of water service connections tabulated in 2015, while the actual demand for potable water corresponding to industrial, institutional, and irrigation uses account for approximately 13.6 percent of the total demand during the same year. Due to the sector aggregation, industrial uses alone are assumed to represent a portion of the 13.6 percent. As previously discussed, the proposed development is consistent with the designated land use and development intensity reflected in the adopted General Plan and therefore is not expected to alter the existing groundwater management objectives.

The proposed development will be expected to implement water conservation measures to reduce impacts to public water supplies. These measures must include low-flow plumbing fixtures, drought-

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tolerant (native) outdoor landscaping, and water-efficient irrigation systems. Additional domestic water improvements necessary to serve this development will be identified by MSWD and included as conditions of approval by the City of Desert Hot Springs during the City's standard review process.

Moreover, the Project site design is not expected to interfere with groundwater recharge conditions. The Project includes underground retention facilities designed to collect and infiltrate the incremental between pre-development and post-development stormwater runoff volume resulting from the controlling storm event. This method of stormwater management will therefore facilitate groundwater recharge through infiltration. Infiltration opportunities are also provided in the form of pervious cover areas provided in the landscaping design. Less than significant impacts are expected.

**Mitigation Measures:** None

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

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**Discussion:**

The proposed development is located in a light industrial land use sector, which by designation under the Desert Hot Springs General Plan, is planned to support business parks and the development of industrial uses. Existing and prior establishments in this zone include automotive repair shops, storage warehouses, light manufacturing facilities and religious service centers. This district includes undeveloped properties with relatively flat topography and scattered vegetation. The undeveloped areas typically lack adequate storm drain conveyance facilities, such as curb and gutter improvements, catch basins, and pipes. In the regional context, the project site and a majority of the City's light industrial zone is located between Mission Creek and Big Morongo Wash.

The local hydromorphology is influenced by the presence of intermittent surface drainages originating from the Little San Bernardino and San Gorgonio Mountains and carrying flows predominantly in a southeastern direction toward the valley floor. In particular, the Project setting occurs between the Mission Creek and Big Morongo Wash drainage courses. Morongo Wash Special Provisions Area of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) is located approximately 100 feet to the northeast of the Project. Mission Creek is an earthen channel located approximately 2,600 feet to the west, within the Upper Mission Creek/Big Morongo Canyon Conservation Area of the CVMSHCP.

The Project property and its immediate surroundings have a FEMA Zone AO designation, subject to inundation by the 100-year (1-percent-annual-chance) flood with a depth of one (1) feet and an average velocity of five (5) feet per second. The current Zone AO designation encompasses undeveloped and developed properties.

Project implementation would involve permanent site improvements introducing impervious surfaces in the form of buildings, paving, and hardscape to the previously undeveloped (pervious) land. The light industrial nature of the Project requires ample utilization of the entire property to accommodate the

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proposed facilities and operations (buildings, parking lot, drive aisles, etc.). As a result, opportunities to minimize imperviousness through the use of landscaping, natural areas or other pervious surfaces are restricted throughout the Project site plan. To prevent changes to local drainage conditions (patterns, quantities, or velocities) and adverse erosion and sedimentation impacts, the Project will implement a storm drain design with flood control facilities sized to handle the Project-specific conditions.

A runoff from the Project will be conveyed to a storm water retention facility designated to retain and infiltrate the largest increase in runoff volume between the pre- and post-construction condition caused by the controlling storm event. Only runoff in excess of the storm drain system capacity would be conveyed off-site in a pattern that does not cause erosion or siltation conditions. The proposed building will be protected with 2-foot high flood walls and flood shields or flood doors will be installed at all openings. The proposed development also includes street frontage improvements with proposed curb-and-gutter facilities, which will help address the existing unimproved condition.

The proposed improvement plans will be subject to agency review and approval and ensure that the proposed grading and drainage conditions are acceptable to the City standards. As a result, following implementation of an approved grading plan, the Project is not anticipated to alter any local drainage course, stream or wash in a manner that would result in erosion or siltation on- or off-site. Less than significant impacts are expected related to the existing drainage patterns and erosion or siltation conditions.

**Mitigation Measures:** None

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

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**Discussion:**

The proposed Project would introduce impervious surfaces (hardscape, asphalt, rooftops, etc.) to a presently undeveloped (pervious) ground condition. In particular, it is expected that approximately 85 percent of the post-development project condition will consist of impervious coverage. This conversion would typically result in a site-specific increase in the rate and amount of surface runoff. To manage this on-site condition, the Project will include a proposed storm drainage design (subject to approval by the City Engineer) with surface and/or piped conveyances draining into a retention facility. The retention facility will be required to incorporate a capacity to accept and infiltrate the worst-case increase in runoff volume between the pre- and post-development condition resulting from the controlling storm event. Furthermore, the project involves frontage street improvements with curb-and-gutter facilities on Two Bunch Palms Trail to the north. Based on these conditions, the project is not expected to alter any existing drainage pattern. Less than significant impacts are expected.

**Mitigation Measures:** None

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

The undeveloped Project property does not contain any private stormwater drainage facilities, but is located within the Whitewater River Watershed Municipal Separate Storm Sewer System (MS4), of which, the City of Desert Hot Springs is a permittee. Based on the local natural topography, runoff from the developed and undeveloped portions of the property would have the propensity to sheet-flow toward the south, before reaching the Big Morongo Wash, which is a natural drainage course, located approximately 1,350 feet to the east. The proposed development will involve a stormwater drainage system incorporated into the site plan and grading design allowing on-site runoff to drain into a retention system while properly intercepting and routing off-site street frontage flows to their respective street conveyances. The grading design and improvement plans, which are subject to City review and approval, would ensure the Project's post development runoff flow rates, volumes, velocities, and durations do not exceed the pre-development condition and therefore would not result in impacts to the existing receiving drainages. Less than significant impacts relative to runoff water are expected.

**Mitigation Measures:** None

f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Discussion:**

The proposed Project includes one underground stormwater retention facility required to have a capacity to handle the site-specific Water Quality Management Plan (WQMP) design volume requirement. The storm drain system and retention structure will allow the Project to comply with the Stormwater Management and Discharge Controls stipulated in Chapter 13.08 of the Desert Hot Springs Municipal Code (Ordinance #1997-03). Adhering to this ordinance will help minimize the discharge and transport of pollutants associated with the new development through the control of volume and rate stormwater runoff. Pursuant to this ordinance, the Project is subject to various methods and standards for controlling stormwater volumes, rates, and pollutants, as deemed necessary for approval by the City's Director of Public Works.

As a standard condition, the Project proponent will be required to develop and implement a Project-Specific Water Quality Management Plan (WQMP) to comply with the most current standards of the *Whitewater River Region Water Quality Management Plan for Urban Runoff* and the *Whitewater River Watershed MS4 Permit*. The Project-Specific WQMP will identify a strategy of site design, source controls, and treatment controls with a maintenance and monitoring program that throughout the life of the Project will address post-construction runoff quality and quantity. The site plan, grading design, storm drain design, and retention features of the Project are factored in the Project-Specific WQMP development. As previously mentioned, the Project's WQMP strategy will rely primarily on an underground infiltration system designed to accept the on-site runoff.

Through this required compliance, the Project will prevent significant impacts to the local receiving

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waters and avoid Project violations of the established water quality standards and waste discharge requirements. As a standard condition for new development Projects, the Project-Specific WQMP must be submitted and approved prior to the first discretionary Project approval or permit. The Project-Specific WQMP will identify the required maintenance practices necessary to ensure that the water quality facilities remain effective during the life of the Project. These include a maintenance covenant, inspection and maintenance program, with regular monitoring for all proposed measures and devices. Less than significant impacts relative to the substantial degradation of water quality are expected.

**Mitigation Measures:** None

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate

Map or other flood hazard delineation map? ☐

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**Discussion:**

The entire property is mapped within the 100-year flood hazard area (Zone AO) by the Federal Emergency Management Agency (FEMA), but the Project does not include housing. The proposed improvement plans will be subject to agency review and approval ensure that the proposed grading and drainage conditions are acceptable to the City standards. No impacts relative to placing housing in a 100-year flood hazard area are expected.

**Mitigation Measures:** None

- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

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**Discussion:**

The Federal Emergency Management Agency (FEMA) evaluates potential flood hazards for the City. The FEMA Flood Insurance Rate Maps (FIRMs) serve as the basis for identifying those potential hazards and determining the need for and availability of federal flood insurance. According to FIRM panel 06065C0885G, effective August 28, 2008, the entire Project and its immediate surroundings are located within Zone AO and is identified as being subject to inundation by the 1-percent-annual-chance storm with shallow flooding (usually sheet flow) at an average depth of one (1) feet and an average velocity of five (5) feet per second. The average flood depths are derived from detailed hydraulic analyses. Mandatory flood insurance purchase requirements and floodplain management standards apply.

The proposed development within an existing light industrial district is not expected to considerably alter the existing flood zone characteristics identified in the FEMA maps. Stormwater runoff generated by the Project would be managed by a storm drainage system that will include an on-site infiltration system with the capacity to retain the incremental increase in runoff volume between the pre- and post-construction conditions resulting from the controlling storm event. The proposed building will be improved with flood walls on all sides and all openings (doors) will be protected with flood shields or flood doors. Offsite tributary flood flows will be conveyed and allowed to pass through the site. The proposed improvement plans, subject to agency review and approval, will ensure that the proposed grading and drainage conditions are acceptable to the City standards. Less than significant impacts are

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expected.

**Mitigation Measures:** None

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levy or dam? ☐ ☐ ☒ ☐

**Discussion:**

The project is not located near an existing levee or dam; therefore, no impacts are expected pertaining to this topic. The project is located within a 100-year flood zone based on FEMA FIRM panel 06065C0885G, effective August 28, 2008. The project is expected to provide the appropriate site improvements to protect the proposed structure without increasing the risk of flooding. Less than significant impacts are expected relative to failure of a levy or dam.

**Mitigation Measures:** None

- j) Inundation by seiche, tsunami or mudflow? ☐ ☐ ☒ ☐

**Discussion:**

The Project site is not located near a body of water that would pose potential seiche or tsunami impacts. The Project's physical setting does not have considerable slopes that would increase the likelihood of mudflows across the site. As previously mentioned, the FEMA FIRM information indicates that the base flood would result in a flood velocity of 5 feet per second at an average depth of 1 foot. These conditions apply to a majority of the flood zone area. The Project site is underlain by Hydrologic Soil Type "A", which is characterized for having a high infiltration rate (low runoff potential) when thoroughly wet. Type "A" soils consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission. Combined with the relatively shallow gradients that characterize the vicinity, the erosive nature and mudflow potential is reduced. The proposed site plan includes retention facilities sized to contain the worst-case scenario runoff volume difference between pre- and post-development conditions. Only flows in excess of the Project's retention requirements would be allowed to exit the Project area, therefore, less than significant impacts are expected.

**Mitigation Measures:** None

**X. LAND USE AND PLANNING - Would the Project:**

- a) Physically divide an established community? ☐ ☐ ☐ ☒

**Discussion:**

The project site sits on approximately 1.07 acres of vacant land located on Two Bunch Palms Trail between Little Morongo Road and Cabot Road. The site is within a Light Industrial (I-L) zoning which provides for business parks and the development of light industrial uses, as designated by the City of Desert Hot Springs. Properties immediately to the north of the project area undeveloped, vacant land with similar conditions to those found on-site. Properties immediately to the west, south, and east of the project are developed. The Project proposes to construct a medical marijuana facility specifically



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geared for cultivation with an approximate building area of 12,000 sf. The proposed Project is consistent with the City's Land Use and Zoning designations and the existing surroundings. There are no established communities in the Project vicinity and thus no communities will be divided. Therefore, no impacts relative to the division of an established community is expected.

**Mitigation Measures:** None

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

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**Discussion:**

The applicant is processing a Conditional Use Permit to construct a facility for the indoor cultivation of medical marijuana. The Project is zoned Light Industrial, this zone is intended to accommodate industrial uses operating entirely in enclosed buildings, requiring limited and screen-able outdoor storage space to include medical marijuana cultivation facilities. The Project site is largely segregated from the City's intense residential and commercial uses and is consistent with the City's General Plan land use designation.

The Project includes approval of a Conditional Use Permit (Municipal Code 17.180.090) and Regulatory Permit (Municipal Code Chapter 5.50) to thoroughly evaluate the design and operation of the proposed facility and render it in full compliance with City regulations. In addition, all medical marijuana cultivation operations and any related activities, such as transportation, manufacturing, and testing, would be subject to existing and proposed State laws including the Compassionate Use Act of 1996 (California Health and Safety Code Sections 11362.7 through 11362.83), the California Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Growth for Medical Use (issued in August, 2008), and any future state and local laws that may be adopted.

The Project's physical characteristics and internal operations will not conflict with the City's land use, zoning or other regulatory policies. Site design features will be reviewed and approved by the City relative to compliance with the City's General Plan and Zoning. Less than significant impacts are expected.

**Mitigation Measures:** None

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

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**Discussion:**

The proposed Project is not located within a Conservation Area as designated by the Coachella Valley Multi-Species Habitat Conservation Plan (CVMSHCP). Additionally, the site is not located immediately adjacent to a Conservation Area of the plan and is therefore, not subject to Plan requirements

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regarding lands adjoining Conservation Areas. Moreover, the Project specific Biological Assessment findings conclude that there are no protected biological resources on the property as recognized by the CVMSHCP. As a standard condition, all new development will pay the most current mitigation fees for the implementation of the CVMSHCP to support the acquisition of conservation lands. Therefore, the project will not conflict with any applicable habitat conservation plan and less than significant impacts are expected.

**Mitigation Measures:** None

**XI. MINERAL RESOURCES** -- Would the Project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

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**Discussion:**

In accordance with the Surface Mining and Reclamation Act of 1975 (SMARA), mineral land classification maps and reports have been developed to assist in the protection and development of mineral resources.

Local agencies, including the City of Desert Hot Springs, utilize the existing information on mineral classifications for land use plan development and decision-making. In the City of Desert Hot Springs General Plan Mineral Resource Element, and the SMARA map of Desert Hot Springs, the Project and its surroundings are located within Mineral Resource Zone 3 (MRZ-3), which applies to areas where the significance of mineral deposits cannot be evaluated from the available data. There are no specific known mineral resource deposits or facilities on or near the Project.

The nature of the Project does not involve the extraction of mineral deposits. Construction of the proposed cultivation facility would rely on existing local and regional aggregate resources from permitted facilities. The Project is not expected to result in a considerable extraction and/or loss of known mineral resources that are considered important to the Coachella Valley Region or residents of California. Less than significant impacts are expected related to the loss of availability of known mineral resources.

**Mitigation Measures:** None

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

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**Discussion:**

Mineral resources that are known to exist in the Coachella Valley region primarily consist of sand and gravel (aggregate) typically deposited along and near local drainages. Aggregate material is deemed necessary to the local building industry as a component of asphalt, concrete, road base, stucco and plaster. Local or regional construction industries tend to be dependent on readily available aggregate deposits within reasonable distance to the market region. The Project site is not recognized as a mineral resource recovery site delineated in the County of Riverside General Plan, City of Desert Hot Springs General Plan or the resource maps prepared pursuant to SMARA. The proposed Project is

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located near two regional drainages (Upper Mission Creek and Big Morongo Wash), which are located within conservation areas of the CVMSHCP and therefore will not be disturbed by the Project. Less than significant impacts are expected.

**Mitigation Measures:** None

**XII. NOISE** -- Would the Project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

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**Discussion:**

Noise is defined as unwanted sound that disrupts normal activities or that diminishes the quality of the environment. It is usually caused by human activity that adds to the existing acoustic setting of a locale. Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB). The human ear does not respond uniformly to sounds at all frequencies, being less sensitive to low and high frequencies than to medium frequencies that correspond with human speech. In response to this, the A-weighted noise level or scale has been developed to correspond better with peoples' subjective judgment of sound levels. This A-weighted sound level is called the "noise level" referenced in units of dB(A).

The City of Desert Hot Springs has the authority to establish land use noise standards and corresponding restrictions under the City's Noise Ordinance. A range of noise standards apply to different receiving land uses based on sensitivity and compatibility. In general, land uses with a higher sensitivity to noise (residential, schools, libraries, churches, hospitals, nursing homes and recreation) are assigned lower ambient noise thresholds than land uses deemed less sensitive, such as industrial and commercial. In Table V-2 of the Noise Element, the Project corresponds to the category of "industrial" based on land use designation. For this land use, the normally acceptable noise exposure ranges from 50 to 75 CNEL. The generally unacceptable noise levels range from 70 and 80 CNEL, while construction and development is discouraged where noise levels exceed 75 CNEL.

As discussed previously, the undeveloped Project property forms part of a designated light industrial district in the City of Desert Hot Springs. The Noise Element of the City's General Plan identifies vehicular traffic as the principal source of noise in the community. To understand and evaluate the impacts of land use patterns, traffic and individual developments on the noise environment, a variety of data has been collected and future buildout impacts have been modeled, as part of the General Plan preparation. Computer models and simulations were used to calculate the transportation noise environment along major roadways based upon the operating characteristics and traffic volumes. The project is not located within close proximity to a high-traffic roadway identified in the General Plan as being a primary noise generator. Table V-5 of the Noise Element identifies the projected noise contours along major roadways at General Plan Buildout. Along Two Bunch Palms Trail (west of Palm Drive), the projected exterior noise levels of 70 dBA can be detected at approximately 60 feet from the street centerline, while the 65 dBA and 60 dBA can be detected at 125 feet and 267 feet respectively from the centerline. As such, traffic noise from this roadway can be detected on-site at levels deemed to be normally acceptable (60 to 70 dBA).

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The construction activities of the Project are expected to generate short-term noise increases compared to the existing levels. A temporary incremental increase in noise levels along local roadways is expected to occur during the transport of workers and equipment to and from the site. Noise increases will also be generated by the actual on-site construction activities. As a standard requirement, the Project is expected to abide by the Municipal Code regulations on construction hours, which limit activities to the less sensitive times of the day. Construction activities are only permitted between 7:00 a.m. and 5:00 p.m. Monday through Saturday. During daylight savings time, construction is permitted between 6:00 a.m. and 6:00 p.m. Monday through Saturday. Construction is not permitted on Sundays. During construction, the Project is also expected to follow common industry standards that will help limit noise level increases. For example, all construction equipment, fixed or mobile, should be equipped with properly operating and maintained mufflers and the engines should be equipped with shrouds. Approved haul routes shall be used to minimize exposure of sensitive receptors to potential adverse levels from hauling operations. All construction equipment shall be in proper working order and maintained to reduce backfires.

Operation of the Project, including its contribution of ADT by employees and other activities to the local road system, are not expected to result in a substantial increase in traffic, such that would translate into substantial noise level increases. Access to and from the Project will occur via Two Bunch Palms Trail. During the life of the Project, all permanent operations shall be conducted in the interior of enclosed structures, facilities, and buildings, as mandated by the local zoning ordinance. All cultivation operations, including materials management, will occur indoors and within the fenced limits. Outdoor activities will be limited. These include vehicular access and circulation in the Project's parking lot and drive aisles; access to storage structures and to the trash enclosures for waste management (disposal and pick-up); access to the outdoor utilities for maintenance purposes (e.g. chillers, septic or sewer systems, storm drain system components). While the Project would result in an increase in noise levels compared to the existing undeveloped condition, the nature and intensity of operations that would occur in the proposed structures are not expected to result in the generation of noise levels that would surpass the community noise and land use compatibility standards. The Project is expected to result in an incremental increase in traffic-related noise levels on the local roadways and less than significant impacts are expected.

**Mitigation Measures:** None

- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

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**Discussion:**

Groundborne vibration also referred to as earthborne vibration, can be described as perceptible rumbling, movement, shaking or rattling of structures and items within a structure. Groundborne vibration can generate a heightened disturbance in residential areas. These vibrations can disturb residential structures and household items while creating difficulty for residential activities such as reading or other tasks. Although groundborne vibration is sometimes perceptible in an outdoor environment, it is not a problem as it is when this form of disturbance is experienced inside a building. Groundborne vibration can be measured in terms of amplitude and frequency or vibration decibels (VdB). Trains, buses, large trucks and construction activities that include pile driving, blasting, earth moving and heavy vehicle operation commonly cause these vibrations. Other factors that influence the disturbance of groundborne vibration include distance to source, foundation materials, soil and surface types.

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The Project is surrounded by vacant land and is separated from the nearest existing residential uses by a minimum distance of approximately 1,200 feet. As a result of this separation, the presence of residential uses and any other sensitive receptors in relation to the project is not a relevant factor. In the Project vicinity, existing source of groundborne vibration is attributed to the circulation of large vehicles and trucks along Two Bunch Palms Trail to the north. Construction of the Project is expected to involve the temporary use of vehicles and equipment that would result in short-term groundborne vibration increases within the permitted construction hours established by the City. During the life of the Project, all routine Project operations will occur within the proposed structure and during the permitted hours of operation, as mandated by the local ordinance and conditioned by the City. The routine operation of vehicles accessing the Project would cause an incremental increase in groundborne vibration, but not in levels that would be deemed inconsistent with the existing industrial setting or excessive in nature, such that would affect residential uses. Less than significant impacts related to excessive groundborne vibration noise levels are expected.

**Mitigation Measures:** None

- c) A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?

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**Discussion:**

The Project property is undeveloped and therefore does not represent an existing source of ambient noise. The Project site is located adjacent to existing facilities, which as part of their operations, emit ambient noise at levels that do not seem to be incompatible with the zoning district. Noise resulting from the Project operations is anticipated to be largely contained in the proposed structures, while noise resulting from traffic noise caused by the Project is not expected to substantially increase the current ambient levels in a context that would affect residents or sensitive receptors. Less than significant impacts related to permanent increase in ambient noise levels are expected.

**Mitigation Measures:** None

- d) A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?

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**Discussion:**

As discussed previously, the proposed cultivation site will produce a temporary increase in ambient noise levels during construction. During Project site preparation, grading and construction, the contractors will be expected to utilize properly maintained construction equipment consistent with the manufacturer's standards. Construction activities are required to take place within the designated hours established by the City of Desert Hot Springs. Less than significant impacts related to temporary or periodic ambient noise levels are expected.

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- e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?

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**Discussion:**

The Project is located approximately 7 miles north of the Palm Springs International Airport and is not located within its airport land use plan. No impacts are expected to result related to Projects located within an airport land use plan.

**Mitigation Measures:** None

- f) For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?

☐☐☐☒

**Discussion:**

The Project is not located within the vicinity of a private airstrip. No impacts are expected.

**Mitigation Measures:** None

**XIII. POPULATION AND HOUSING – Would the Project:**

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

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**Discussion:**

The Project applicant seeks a Conditional Use Permit (CUP) for the development of a facility for the indoor cultivation of medical marijuana. The development includes one single-story, building with space for office use, cultivation, processing, and manufacturing. The Project is compatible with operations and uses permitted in the Light Industrial (I-L) zone with the approval of the CUP. The proposed Project may encourage relocation for employment. However, the number of employees would be relatively minor considering the facility's purpose and in comparison with other light industrial uses.

The Project does not have a residential component and improvements to roads and other infrastructure will be associated with the cultivation facility and would not induce substantial growth to the area. Less than significant impacts are expected.

**Mitigation Measures:** None

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

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**Discussion:**

The entire property is currently vacant land designated by the City General Plan and zoning for light industrial activity and would not displace any existing housing or require replacement housing. No impacts are anticipated.

**Mitigation Measures:** None

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

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**Discussion:**

As mentioned above, the site has a Light Industrial (LI) land use and zoning designation and is currently undeveloped, vacant desert land. The Project does not propose any residential uses that would necessitate the construction of replacement housing. No impacts are expected.

**Mitigation Measures:** None

**XIV. PUBLIC SERVICES**

- a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

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**Discussion:**

The City of Desert Hot Springs contracts with Riverside County Fire Department/Cal Fire (RCFD) for a full range of fire protection services provided 24 hours a day 7 days a week. The RCFD is staffed with a combination of County and State of California Department of Forestry & Fire Protection employees. They operate 96 fire stations that serve 1,360,000 residents over 6,970 miles of Riverside County. The City of Desert Hot Springs has two RCFD fire stations, Battalion 10, Station 36; located at 11535 Karen Avenue is approximately 3.5 miles from the Project site. Battalion 10, Station 37 is the City's busiest fire station and is located at 65-958 Pierson Blvd, approximately 2.2 miles from the proposed Project. Both stations are staffed by 8.2 full time personnel and each shift has 3 professionals consisting of a Fire Captain/and or engineer and one or two Firefighter II / licensed paramedic on duty at all times. Each station is also equipped with a Type I, 1500 GPM fire engine.

In addition to the other RCFD facilities located in the Coachella Valley, the department maintains a cooperative mutual aid agreement with other agencies and communities to assist in suppressing fire or controlling emergency incidents. Mutual aid is an agreement among emergency responders to lend assistance across jurisdictions provided resources are available and is not to the detriment of their own

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service area. Per the City's General Plan, agreements are in place with both Palm Springs and Cathedral City. These cities provide their own fire services and do not contract with RCFD/Cal Fire.

The development includes one single-story building totaling approximately 12,000 sf of building space for the indoor cultivation of medical marijuana on a 1.07 acre site. The building also contains 1,700 sf for office use, 5,900 sf for cultivation, and 3,900 sf for processing/manufacturing.

Development of the Project increases demand on fire services, however based on the site proximity to the City's existing fire stations, the proposed Project could be adequately served without the expansion of a new fire facility and adequate response times would be met. Additionally, the Project would be required to implement all applicable and current California Fire Code Standards. This would include installation of fire hydrants as well as sprinkler systems inside the buildings. Furthermore, the Project will be reviewed by City and Fire officials to ensure adequate fire service and safety as a result of Project implementation. The Project will also be required to comply with the City's Development Impact Fees (DIF) to assist with the funding of public facilities and services, including fire, therefore, less than significant impacts are expected.

**Mitigation Measures: None**

Police protection?

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**Discussion:**

Police services are provided to the Project area by the Desert Hot Springs Police Department. The police department operates out of a single location and is located at 65-950 Pierson Blvd, approximately 2.2 miles from the Project site. Per communication with City of DHS police department, the DHSPD has 27 sworn officers and 6 support staff, totaling 33 positions. Based on the 2013 City population of 27,903 persons, the resulting officer to resident ratio is 0.96 per 1,000 population.

The proposed project includes one single-story building totaling approximately 12,000 sf of building space for the indoor cultivation of medical marijuana on a 1.07 acre site. The development includes 1,700 sf for office use, 5,900 sf for cultivation, and 3,900 sf for processing/manufacturing. The entire site is secured within a perimeter fence and construction is proposed in one phase.

Security measures have been thoroughly incorporated into the Project in addition to on-site security. The site will be entirely enclosed within perimeter security fencing and gated entry/exit drives will control vehicular access onto and off the property. Security cameras will be mounted on all exterior doors, perimeter fencing and entry gates. A more detailed, comprehensive security plan is required by the City during the regulatory permit phase. This will include specific locations and areas of coverage by security cameras; location of audible interior and exterior alarms; location of exterior lighting; name and contact information of Security Company monitoring the site and any additional information required by the City.

Although the Project may require additional demand for police services, the demand is not expected to hinder the City's ability to provide police protection services and adequate response times would be met. Furthermore, the Project will be reviewed by City and Police officials to ensure adequate fire service and safety as a result of Project implementation. The Project will also be required to comply with the City's Development Impact Fees (DIF) to assist with the funding of public facilities and services, including police, therefore, less than significant impacts are expected.



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**Mitigation Measures:** None

Schools?

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**Discussion:**

The proposed Project falls under the Palm Springs Unified School District (PSUSD). Development of the Project would not create a direct demand for school service. The Project is proposing a facility specialized for the indoor cultivation of medical marijuana; employment generated by the Project would not be expected to draw a substantial number of new residents that would generate school age children requiring public education or substantially alter school facilities or the demand for public education and no new facilities would need to be constructed. Additionally, any future development will be required to pay PSUSD, developer impact fees to assist in offsetting impacts to school facilities. At the time of writing, current development fees are \$3.48 a square foot for residential and \$.56 a square foot for commercial projects. Less than significant impacts to school services are expected.

**Mitigation Measures:** None

Parks?

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**Discussion:**

As discussed subsequently in Section XV(a) and XV(b), the proposed Project would not create additional demand for public park facilities, nor result in the need to modify existing or construct new park facilities. No impacts are expected to parks.

**Mitigation Measures:** None

Other public facilities?

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**Discussion:**

No increase in demand for government services and other public facilities is expected beyond those discussed in this section. No impacts to other public facilities are expected.

**Mitigation Measures:** None

**XV. RECREATION**

- a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

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**Discussion:**

As previously discussed the Project proposes to construct a medical marijuana facility specifically geared for indoor cultivation. Properties immediately to the north of the project are in a vacant state with

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similar conditions to those found on-site. The properties immediately to the west, south, and east have been developed. No residential land uses are proposed and employment generated by the Project would not cause a substantial increase in demand for the existing neighborhood community, regional, or pocket parks. Therefore, no impacts are expected relative to use or deterioration of existing parks.

**Mitigation Measures:** None

- b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

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**Discussion:**

The construction of the proposed cultivation facility within a light industrial zoned area will not involve a recreational facility. No construction or expansion of other recreational facilities is required for Project implementation and no impacts are anticipated.

**Mitigation Measures:** None

**XVI. TRANSPORTATION/TRAFFIC** -- Would the Project:

- a) Conflict with an applicable plan, ordinance or Policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

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**Discussion:**

The Project proposes to construct a medical marijuana facility for the purposes of indoor cultivation with supporting infrastructure improvements on approximately 1.07 acres in accordance with City Ordinance 552 and 553. The property is zoned Light Industrial; this zone is intended to provide for any and all industrial uses operating entirely in enclosed buildings, and those requiring limited and screen-able outdoor storage space. The Project site is largely segregated from the City's intense residential and commercial uses. This is consistent with the City's General Plan land use designation.

The proposed cultivation facility is located east of Little Morongo Road, south of Two Bunch Palms Trail. The Project site will have one gated point of access located on Two Bunch Palms Train. This roadway is currently a partially improved road; there are two lanes for traffic, but there is no paved shoulder or curb on either side.

The site will be entirely enclosed within perimeter security fencing. The gated entry/exit drive will control vehicular access onto and off of the property. Circulation and parking will be consistent with City parking standards as determined by City Staff.

The structure includes truck access to an internal loading area. A paved surface is proposed for the main drive aisles and parking areas. The Project will be developed in one Phase. Operations are

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anticipated to be similar to that of a standard wholesale nursery. Hours will be consistent with Ordinance 552. Medical marijuana facilities may operate between the hours of 8:00 am and 10:00 pm up to seven days per week. The cultivation of marijuana requires staff to be present on premises 24 hours per day. Only authorized staff and delivery personnel will be allowed to enter the premises.

Average Daily Trips (ADT) refers to the total number of vehicles that travel a defined segment of roadway over a twenty-four hour period. The standard most often used to evaluate the operating conditions of the transportation system is called level of service (LOS). LOS is a qualitative assessment of the quantitative effect of factors such as: speed and travel time, traffic volume, geometric features, traffic interruptions, delays, and freedom to maneuver, driver comfort and convenience, and vehicle operating costs. LOS allows operating conditions to be categorized as LOS "A" through LOS "F", where LOS "A" represents the most favorable free flow condition and LOS "F" the least favorable forced flow driving condition. The LOS categories are based on relative levels of driver acceptability of various delays. A given lane or roadway may provide a wide range of service levels, depending upon traffic volumes and speeds.

Roadway capacity has been defined as the maximum number of vehicles that can pass over a given roadway during a given time period under prevailing roadway and traffic conditions. The capacity of a roadway used for design purposes (generally defined as LOS D) is the level at which the facility is handling the maximum traffic volume that it can accommodate while maintaining an acceptable level of driver satisfaction. The City of Desert Hot Springs has defined Level of Service "D" as the minimum adequate intersection service level during peak hours for planning and design purposes.

The proposed project is anticipated to have approximately 19 employees. With an assumed 3 ADT per employee, the project is expected to contribute approximately 57 ADT to the local road system.

The facility is located on Two Bunch Palms Trail which is designated as a Minor Arterial. Minor Arterial streets include a 110ft right-of-way, with four lanes divided with no on-street parking. The General Plan roadway designations are determined based on projected traffic numbers associated with land use. The proposed Project is consistent with the General Plan Land Use Designation and therefore it can be assumed that the planned roadway capacities and design are appropriate. The proposed Project will be conditioned to improve the adjacent portion of Two Bunch Palms Trail to its ultimate condition. The improvements are identified as a half-width (55 foot) section, including paving, gutter, sidewalk and landscaped parkway. Final Street Improvement Plans will be reviewed and approved by the City.

The Circulation Element of the City's General Plan indicates that Two Bunch Palms Trail segment had an ADT of 100 in 1999.

The Coachella Valley Association of Governments (CVAG) 2015 Traffic Census Report indicated an ADT of 11,442 for Two Bunch Palms Trail along the project frontage. While the traffic census counts demonstrate that ADT has increased in the past 16 years, street improvements have been designed to accommodate those conditions. Exhibit III-3 of the General Plan, Buildout Traffic Assignments indicates that this segment of roadway will accommodate 10,100 ADT. Table III-6 of the General Plan, Road Analysis indicates that Two Bunch Palms Trail West of Palm Drive will function with an LOS of B with the proposed improvement to a Minor Arterial.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The Project's 57 ADT results in a 0.5% increase to the traffic volumes along Two Bunch Palms Trail. With the construction of the improvements along the Project frontage, this increase will not significantly impact the LOS of Two Bunch Palms Trail.

The proposed cultivation facility is proposed to function as a small-scale, specialized operation that is representative of nurseries with wholesale distribution components. Prior to approval, the proposed site circulation, including offsite street design standards and the Project's fair share portion of offsite street improvements will be reviewed by the City as part of the site and conditional use analysis. As a Standard Condition, the applicant shall complete adjacent roadway improvements as designated by the General Plan.

The Transportation Uniform Mitigation Fee (TUMF) Ordinance became effective July 1, 1989. The TUMF program is a component of the twenty year Measure A, sales tax program managed by the Coachella Valley Association of Governments (CVAG) and approved by voters in November, 1988. In 2002, a thirty year extension was approved by Riverside County voters and resulted in an expiration date of 2039.

Under the TUMF, developers of residential, industrial and commercial property pay a development fee to fund transportation Projects that will be required as a result of the growth the Projects create. TUMF will be required as a Condition of Approval.

Following implementation of Standard Conditions, the Project is not anticipated to conflict with an applicable plan, ordinance or Policy establishing measures of effectiveness for the performance of the circulation system. Less than significant impacts are expected.

**Mitigation Measures: None**

- b) Conflict with an applicable congestion Management Program, including, but but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

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**Discussion:**

The Congestion Management Program (CMP), prepared by the Riverside County Transportation Commission (RCTC), is intended to link land use, transportation, and air quality with reasonable growth management methods, strategies, and programs that effectively utilize new transportation funds to alleviate traffic congestion and related impacts. As the designated Congestion Management Agency (CMA), the RCTC prepares the CMP that designates a system of highways and roadways to include all State Highway facilities within Riverside County and a system of "principal arterials" to be included as the Congestion Management System (CMS). Program updates include consultation with local agencies, the County of Riverside, transit agencies, and sub-regional agencies like the Coachella Valley Association of Governments (CVAG).

It is the responsibility of local agencies when reviewing and approving development proposals to consider the traffic impacts to the CMS. All development proposals and circulation Projects to be included within the City of Desert Hot Springs are required to comply with the current policies and

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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procedures set forth by the RCTC's CMP. The CMA provides a uniform database of traffic impacts for use in a countywide transportation computer model. The RCTC has recognized use of the Coachella Valley Area Transportation System (CVATS) sub-regional transportation model and the Riverside Transportation Analysis Model (RIVTAM) to analyze traffic impacts associated with development proposals or land use plans. The methodology for measuring LOS must be that contained in the most recent version of the Highway Capacity Manual. Traffic standards must be set no lower than LOS E for any segment or intersection on the CMP system unless the current LOS is lower (i.e., LOS F).

The Project is located approximately 3.05 miles northeast of the Indian Canyon westbound on-ramp to the Interstate 10 Freeway (I-10). Interstate 10 is identified as a CMP corridor. Traffic resulting from the small-scale operations at the proposed cultivation facility, in compliance with the General Plan, is not anticipated to individually or cumulatively contribute to an exceedance of a level of service standard established in the CMP. Impacts are expected to be less than significant.

**Mitigation Measures:** None

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| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:**

The Project is not located within proximity to an airport and therefore would not result in impacts to air traffic patterns. No impacts are expected.

**Mitigation Measures:** None

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| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:**

The proposed medical marijuana cultivation facility is a permissible facility within the existing Light Industrial district located on and around Little Morongo Road. In its current condition, the undeveloped Project property is bordered by the largely unimproved alignment of Palomar Lane to the south.

To provide proper access to the facility, off-site design and the proposed off-site improvements include street paving on portions of Two Bunch Palms Trail along the Project's frontage. Circulation design will undergo City and Fire Department review before approval to ensure that the local development standards for roadways, in interior and exterior circulation designs, are met without resulting in traffic safety impacts including hazardous design features. The Project will not include sharp curves or dangerous intersections. No incompatible uses will result from the proposed Project. Impacts are expected to be less than significant.

**Mitigation Measures:** None

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e) Result in inadequate emergency access? ☐ ☐ ☒ ☐

**Discussion:**

The proposed Project will provide adequate access to emergency response vehicles, as required by the City of Desert Hot Springs and in accordance with the Fire Department review and requirements. Site plan review would include in-depth analysis of emergency access to the site to ensure proper access to facilities. As mentioned previously, the proposed site plan provides two vehicular access points, both on Palomar Lane. The design details of the vehicular driveways will be reviewed and approved by the Fire Department and the City.

The Project is anticipated to provide proper premises identification with legible site name, address numbers, and clear signage indicating the site access point. Security gates, controlled access key boxes, operational fire hydrants and extinguishers are also required in accordance with Chapter 15.24 of the Desert Hot Springs Municipal Code. Off-site Project improvements will involve paving on San Gorgonio Lane within the required rights-of-way and according to the City's designated street standards. Following implementation of standard conditions, the Project is anticipated to result in less than significant impact related to emergency access.

**Mitigation Measures: None**

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? ☐ ☐ ☒ ☐

**Discussion:**

SunLine Transit Agency provides bus services to the City of Desert Hot Springs through Lines 14, 15 and 20 (line 20 is available on weekdays only.) Line 14 and 20 are the nearest routes to the Project. One bus stop is found in the vicinity of the Project and located approximately 1.26 miles in driving/biking distance to the east at the intersection of Palm Drive and Two Bunch Palms Trail.

SunLine Transit Agency buses are wheelchair accessible and include bicycle racks accommodating two or three bicycles. The potential use of local bus services by future Project employees is not expected to conflict with or substantially increase the demand for this transit service. Project implementation is not anticipated to interfere with the existing service or performance at bus stop facilities. Less than significant impacts are anticipated.

If future demand warrants, expansion of available services may be appropriate. Transit services are monitored by both the City and SunLine. Additional services are periodically considered in response to anticipated increase in use.

The proposed Project would improve pedestrian mobility by incorporating pedestrian sidewalks along the frontage of Two Bunch Palms Trail (outside of the proposed property fencing), where currently none exist. The widening and improvements of the roadway does not include bicycle lanes; however improvements resulting from the Project are expected to enhance, rather than obstruct or conflict with, the City's established goals on bicycle transportation or with any existing facilities. Less than significant impacts are expected.

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**Mitigation Measures:** None

**XVII. TRIBAL CULTURAL RESOURCES** -- Would the Project:

- a) Would the project cause a substantial Adverse change in the significance of a Tribal cultural resource, defined in Public Resource Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local Register of historical resources as defined in Public Resource Code Section 5020.1(k), or: ☐ ☐ ☒ ☐

**Discussion:**

The Project is located on approximately 1.07 acres of undeveloped land within a partially developed industrial district in the City of Desert Hot Springs. This area of the City is designated as a Light Industrial (I-L) District which supports business parks and the development of industrial uses operating in enclosed buildings. This district is largely segregated from the City's residential and commercial uses, a condition which is intended to reduce land use incompatibility. Existing industrial establishments in the vicinity are mostly north of the Project site. The Project specific Historical/Archaeological Resources Survey Report prepared by CRM Tech (July 2017) found no evidence of any settlement or land development activities on or near the Project area. The research methods performed by CRM Tech as part of this assessment includes a comprehensive records search, Native American Scoping, consultation with local historical organizations, historical background research and an intensive-level field survey.

According to Eastern Information Center (EIC) records, the Project area had not been surveyed for cultural resources studies prior to this study, and no historical/archaeological sites had been recorded on or adjacent to the property. Outside of the Project area but within a one-mile radius, EIC records show at least 40 previous studies covering various tracks of linear features, including a survey on the adjacent property to the east. Despite these past survey efforts, only one historical/archaeological site has been identified within the scope of the records search. That site represented a historic period refuse scatter found approximately 0.4 mile north of the project area. No prehistoric i.e., Native American cultural remains were previously recorded within the one-mile radius.

Historical sources consulted for the Project specific study suggest that the Project area is relatively low in sensitivity for cultural resources from the historic period. No evidence of any settlement or development activities was noted within the Project boundaries throughout the 1850s-1950s eras. Little Morongo Road, lying roughly a quarter mile to west and first notes in the early 1940s, was the earliest man-made feature known to be present in the general vicinity. By the 1950s, a web of unpaved roads, including Two Bunch Palms Trail and Cabot Road, had been laid out in the surrounding area, suggesting the beginning of a planned development. As late as 1972, these roads remained little more than faint dirt track tracks across the desert landscape, and no construction had occurred anywhere in the entire neighborhood. Most of the roads were eventually paved sometime between 1972 and 1996,

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and many buildings now exist in the neighborhood, including those on the adjacent properties to west and south also date to that period. The project area itself has remained undeveloped up until the present time.

The field survey results were negative for cultural resources. The entire project area was closely inspected for any evidence of human activities dating to the prehistoric or historic period, but none was found. Large amounts of refuse and construction debris was present in areas of sparse vegetation. The field survey produced negative results for cultural resources, and no buildings, structures, objects, sites, features, or artifacts more than 50 years of age were encountered in the Project area.

Additionally, Native American input during this study did not identify any sites of traditional cultural value in the vicinity, and historic maps show no notable cultural features within the Project area throughout the historic period.

Therefore, there are no recognizable potential historic resources, as defined in as defined in Public Resource Code Section 5020.1(k) that would be adversely affected by the proposed Project. This includes any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant and no impacts are anticipated.

#### **Mitigation Measures:**

- ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

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#### **Discussion:**

As previously discussed, CRM Tech conducted a Project and site specific study on historical and archaeological resources. The assessment included a records search, Native American scoping, historical background research and an intensive-level field survey. Observations by the investigators during the field survey did not encounter onsite buildings or structures. Outside the Project area but within a one-mile radius, one historical/archaeological site has been identified and recorded. That site represented a historic period refuse scatter found approximately 0.4 mile north of the project since it is an already recorded site, it does not require further consideration during this study is needed.

Furthermore, the Native American Heritage Commission (NAHC) sacred lands record search did not indicate the presence of Native American resources with a half-mile radius of the Project. The NAHC did recommend that additional local Native American groups be contacted for further information. Upon receiving the NAHC's response, CRM Tech sent written requests for comments to 18 Tribal individuals. Three (3) Tribal representatives contacted have responded in writing, the Cabazon Band of Mission Indians and San Manuel Band of Mission Indians have no information on any Native American cultural resources in the project area.

The Soboba Band of Luiseno Indians have identified the project location to be a part of the Tribes



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Traditional Use Area (TUA). Therefore, Tribal monitoring shall be required to ensure the preservation of potential Tribal resources. The project specific Cultural Report concludes that there are no archaeological resources that would be adversely affected by the proposed project. Therefore, less than significant impacts are expected following the recommended mitigation measures.

**Mitigation Measures: CR-1**

**XVIII. UTILITIES AND SERVICE SYSTEMS -- Would the Project:**

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ☐ ☐ ☒ ☐

**Discussion:**

The Project falls under the Mission Springs Water District's (MSWD) sewer service area. Public sewer and water is provided to the Project area by the Mission Springs Water District. MSWD does not currently have infrastructure in place for sewer services. MSWD operates two wastewater treatment plants serving 7,300 parcels and a population of approximately 20,400. The Horton Wastewater Treatment Plant (Horton WWTP), located on Verbena Drive about a half mile south of Two Bunch Palms Trail, has a capacity of 2.3 million gallons per day (mgd) (2,800 AFY). The Project is proposing a 12,000 square foot facility specialized for the indoor cultivation of medical marijuana; wastewater is expected to be minimal. The Project is not expected to exceed wastewater treatment requirements of the State Regional Water Quality Control Board (SRWQCB) (Colorado River Basin). In addition, City and other local and governmental agency review will ensure compliance with all current and applicable wastewater treatment requirements. Less than significant impacts are expected.

**Mitigation Measures: None**

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☐ ☐ ☒ ☐

**Discussion:**

MSWD provides domestic water and wastewater service in the Project vicinity. The site is currently vacant and undeveloped land and currently not served by existing utilities. The Project proposes to connect to the existing 12 inch water main and 24 inch sewer main along Two Bunch Palms Trail. The project would undergo review by MSWD and City staff to ensure wastewater capacity and compliance with the current wastewater treatment requirements. Additionally, sewer installation and connection fees in place at the time of development will be collected by MSWD. No new or expanded treatment facilities are anticipated from project implementation.

**Mitigation Measures: None**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

The flood plain in the Project vicinity has a FEMA Zone AO designation, deemed subject to inundation by the 100-year (1-percent-annual-chance) flood and an average velocity of 5 feet per second. The Zone AO plane designation encompasses undeveloped and developed properties. Project implementation would involve permanent site improvements on approximately 1.07 acres, therefore introducing impervious surfaces in the form of buildings, paving, and hardscape to the previously undeveloped (pervious) land. The nature of the Project requires ample utilization of the entire property to accommodate the proposed facilities and operations (parking lot, drive aisles, structures, etc.).

To prevent changes to local drainage conditions (patterns, quantities, or velocities) and adverse erosion and sedimentation impacts, the Project is expected to incorporate storm drain and flood control facilities. The Site Plan indicates that stormwater runoff from the Project, including parking areas, hardscape and roof drainage, would be carried to an underground retention facility via surface and piped conveyances. The structure would be sized to contain the largest increase in runoff volume between the pre- and post-construction condition caused by the controlling storm event. Only runoff in excess of the storm drain system capacity would be conveyed off-site in a pattern that does not cause erosion or siltation conditions. The proposed buildings will be protected with 2-foot high flood walls, and flood shields will be installed at all openings.

The Project will be required to comply with all construction requirements and best management practices through the life of the Project. Standard engineering procedures currently in place require that all final grading and hydrology plans be submitted to the City of Desert Hot Springs for review and approval prior to the issuance of a grading permit. Less than significant impacts are expected.

**Mitigation Measures:** None

d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Discussion:**

Groundwater is the primary source of domestic water supply in the Coachella Valley; the Mission Springs Water District (MSWD) provides potable water to the City by extracting groundwater from the Mission Creek subbasin. The existing MSWD distribution system consist of three independent water distribution systems: 1) Desert Hot Springs and surrounding area system – encompasses the City of DHS, a portion of the City of Palm Springs and surrounding unincorporated area of Riverside County, 2) Palm Springs Crest System, and 3) West Palm Springs Village System.

Per the MSWD 2015 Urban Water Management Plan, the MSWD system, inclusive of all three distribution systems, has approximately 1.26 million linear feet of pipeline. The District's service area currently includes 9 active wells that supply the Desert Hot Springs System and two wells each for the

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Palm Springs Crest System and West Palm Springs Village System. The MSWD 2015 UWMP states the Mission Springs subbasin is currently in overdraft condition. MSWD, DWA, and CVWD now jointly manage the Mission Creek Subbasin under the terms of the Mission Creek Settlement Agreement (December, 2004). This agreement and the 2003 Mission Creek Groundwater Replenishment Agreement between CVWD and DWA specify that the available SWP water will be allocated between the Mission Creek and Whitewater River Subbasins in proportion to the amount of water produced or diverted from each Subbasin during the preceding year. In 2014, production from the Mission Creek Subbasin was about 7.4 percent of the combined production from these two Subbasins.

As required by the policies of the General Plan, the City will continue to cooperate with MSWD and other agencies/jurisdictions in implementing a groundwater replenishment program capable of ensuring the viability of the Mission Creek subbasin.

The proposed development will be expected to follow water conservation guidelines to mitigate impacts to public water supplies. Examples of these water conservation methods include water conserving plumbing fixtures, drought tolerant landscaping, and drip irrigation systems. The Project proposes to connect to the existing 12 inch water main along Two Bunch Palms Trail. Additional domestic water improvements necessary to serve this development will be identified by MSWD and included as conditions of approval by the City of Desert Hot Springs during the City's standard review process. Less than significant impacts to water supply are expected.

**Mitigation Measures:** None

- e) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?

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**Discussion:**

As previously discussed, MSWD operates two wastewater treatment plants serving 7,300 parcels and a population of approximately 20,400. The Horton Wastewater Treatment Plant (Horton WWTP), located on Verbena Drive about a half mile south of Two Bunch Palms Trail, has a capacity of 2.3 million gallons per day (mgd) (2,800 AFY). As part of the overall sewer improvements, MSWD has installed approximately 65,700 linear feet of sewer since 2010 and has abated approximately 1,275 septic tanks. The District is continuing to make additional sewer improvements and when complete will result in 31,300 linear feet of new sewer and service to 695 parcels; and approximately 518 additional active septic tanks will be abated.

The Proposed project is designed to connect into the existing 24" sewer main in Two Bunch Palms Trail.

Wastewater is expected to be minimal. The project's connections into sewer infrastructure will undergo review by MSWD and City Staff to ensure wastewater capacity and compliance. Additionally, sewer installation and connection fees in place at the time of development would be collected by MSWD. Less than significant impacts to wastewater treatment are expected.

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**Mitigation Measures:** None

- f) Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?

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**Discussion:**

Solid waste disposal and recycling services for the City of Desert Hot Springs are provided by Desert Valley Disposal (DVD). Solid waste generated by the project would consist of standard household/office waste. Unused plant material will be composted and reintroduced into soil composite. Commercial waste and recycling collected from the proposed Project will be hauled to the Edom Hill Transfer Station. Waste from this transfer station is then sent to a permitted landfill or recycling facility outside of the Coachella Valley. These include Badlands Disposal Site, El Sobrante Sanitary Landfill and Lamb Canyon Disposal Site. CalRecycle data indicates that these landfills have 40-50% of their remaining estimated capacity. Additionally, solid waste generated by a medical marijuana Cultivation facility would be minimal. Less than significant impacts to solid waste are expected.

**Mitigation Measures:** None

- g) Comply with federal, state, and local statutes and regulations related to solid waste?

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**Discussion:**

The City of Desert Hot Springs contracts with Desert Valley Disposal to serve the solid waste disposal needs of the city, including the Project. The Project will comply with all applicable solid waste statutes and guidelines. No impacts are expected relative to solid waste statutes and regulations.

**Mitigation Measures:** None

**XIX. MANDATORY FINDINGS  
OF SIGNIFICANCE --**

- a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

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**Discussion:**

As concluded in the Biological and Cultural Resources sections of this Initial Study, the proposed Project would result in no impacts or less than significant impacts to these resources. The project is compatible with the City of Desert Hot Springs Zoning and its surroundings. The project will not significantly degrade the overall quality of the regions environment, or substantially reduce the habitat

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of a wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California History or pre-history. Based upon the information and mitigation measures provided within this Initial Study and independent studies prepared for Biological and Cultural Resources, approval and implementation of the Project is not expected to substantially alter or degrade the quality of the environment, including biological, cultural or historical resources. Less than significant impacts are expected.

**Mitigation Measures:** None

- b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects)?

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**Discussion:**

The Project is located in a partially developed setting designated for light industrial uses. Cultivation is a conditionally permitted use with the City's Light Industrial zone with a Conditional Use Permit and Regulatory Permit. The facility would be compatible with the existing and future land uses within the Light Industrial zone. Based upon the information and mitigation measures provided within this Initial Study, approval and implementation of the proposed cultivation facility is not expected to result in impacts that, when considered in relation to other past, current or probable future Projects, would be cumulatively considerable. Less than significant impacts are expected.

**Mitigation Measures:** None

- c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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**Discussion:**

As discussed in the various sections throughout this Initial Study, the proposed Project would not include a land use that could result in substantial adverse effects on human beings. The City of Desert Hot Springs has established regulations pertaining to medical marijuana facilities to ensure these facilities do not conflict with the City's General Plan, its surrounding uses, or become detrimental to the public health, safety and welfare. The City's detailed review process of improvement plans and facility operations will ensure that the regulations are fully implemented. Based upon the findings provided in this document, and mitigation measures and standard conditions incorporated into the Project, less than significant impacts are expected.

**Mitigation Measures:** None

### Sources

City of Desert Hot Springs Comprehensive General Plan, adopted September 5, 2000

City of Desert Hot Springs Municipal Code

Riverside County General Plan (RCIP), adopted October 7, 2003

Mission Springs Water District 2015 Urban Water Management Plan, June 2016

Mission Springs Water District Wastewater System Comprehensive Master Plan, April 2007

### Special Studies

Biological Resource Assessment, prepared James W. Cornett, June 2017

Historical/Archaeological Resources Survey, prepared by CRM TECH, July 2017