## SUMMARY OF FINDINGS

At a session assembled on April 17, 2018 the City Council determined that, based on all of the evidence presented, including but not limited to the EIR, written and oral testimony given at meetings and hearings, and the submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with the Project are: (1) less than significant and do not require mitigation; or (2) potentially significant but will be avoided or reduced to a level of insignificance through the identified Mitigation Measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified Mitigation Measures.

## (1) FINDINGS REGARDING LESS THAN SIGNIFICANT IMPACTS NOT REQUIRING MITIGATION

Consistent with Public Resources Code section 21002.1 and section 15128 of the State CEQA Guidelines, the EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. State CEQA Guidelines section 15091 does not require specific findings to address environmental effects that an EIR identifies as "no impact" or a "less than significant" impact. Nonetheless, the City Council hereby finds that the Project would have either no impact or a less than significant impact to the following resource areas:

### A. AESTHETICS

### 1. Scenic Vistas

Threshold: Would the proposed Project have a substantial adverse effect on a scenic vista?

Finding: Less than significant impact. (DEIR, p. 4.1-5)

Explanation: The project site is located in the northwestern portion of the Coachella Valley and offers views of the San Gorgonio Mountains to the west, the Little San Bernardino Mountains to the north and east, the San Jacinto Mountains to the southwest and Santa Rosa Mountains to the south.

*Design Guidelines and Standards* developed for the Desert Land Ventures Specific Plan (DLVSP) and structural height provisions were acquired from the City's Zoning Ordinance (Section 17.40.160, *Height determination (structures))*, which would ensure that the proposed project is consistent with City requirements in regard to the design, placement, pad height, articulation, massing, roof treatment, spacing, and height for each building proposed within the project site. Commercial development within Planning Area 1 would allow for a building height maximum of 35 feet (2 stories), hotel development to allow for a building height maximum of 75 feet (7 stories), and Industrial development to allow for a building height maximum of 50 feet (2 stories).

Planning Area 2 would largely remain in its existing condition as undeveloped desert land and habitat within the Willow Hole Conservation Area, with the exception of permitted large-scale sustainable energy facilities (e.g., wind energy conversion systems

[WECS], solar generating facility and/or an electrical substation) for up to a maximum of 10 percent of the land coverage (approximately 3.9 acres) of the overall planning area acreage. Several alternative energy projects already exist within a one-mile radius of the project site. Due to the minimal developable area (approximately 3.9 acres) north of Varner Road, any energy development would be minimal and it would be consistent in character to other energy development within the surrounding area.

The project site borders the north side of I-10. Due to the fast moving vehicles on the freeway, the DLVSP would not significantly impact the views of the San Bernardino Mountains north of the project site. Additionally, the proposed project is not in close proximity to any mountains in the region and the project is proposed in an area with minimal development nearby. Therefore, the proposed project would maintain consistency with *Goal 2* of the City's General Plan (*Open Space and Conservation Goals*) in preserving scenic resources and impacts to scenic vistas would be less than significant.

**2. Scenic Resources within State Scenic Highways**

Threshold: Would the proposed Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway and/or local scenic road?

Finding: Less than significant impact. (DEIR, p. 4.1-6)

Explanation: The project site is currently undeveloped and consists of desert land with shrubs and scattered boulders throughout the site, remnants of a rock house with only one remaining column standing, and discarded refuse found along Varner Road. Onsite vegetation consists mainly of Sonoran creosote brush scrub in areas not disturbed by existing roads that traverse the project site. Currently, there are no State scenic highways that run through or near the DLVSP's project boundary. The nearest officially designated State scenic highway is State Highway 62 located approximately five miles northwest of the project site. The project site would not be visible from Highway 62 and no impacts to the State Scenic Highway are anticipated. Based on the analysis of Scenic Vistas, the proposed project would cause a less than significant impact to scenic resources.

**3. Existing Visual Character and Surroundings**

Threshold: Would the proposed Project substantially degrade the existing visual character or quality of the site and its surroundings?

Finding: Less than significant impact. (DEIR, p. 4.1-6)

Explanation: The proposed project would create a noticeable environment with a new development surrounded primarily by undeveloped, open space desert. Although the project site is not directly adjacent to I-10, architectural design incorporated into the construction of onsite structural buildings would be visible to motorist traffic along I-10. A Southern California Edison easement is located on the south side of the project site, with existing above-ground power lines running the length of the easement. Therefore, the landscape north of the I-10 is already impacted by above-ground power lines that would still be visible once the proposed project is developed.

Under existing conditions, the project site is undeveloped. Desert land with shrubs and scattered boulders comprise the majority of the project site. Very little developed land surrounds the project site. The only exception is an existing occupied residence southeast of the project site.

The DLVSP provides Site *Design Guidelines* and *Standards* (Section 6) that not only include Site *Design Guidelines and Standards* and *Architectural Design Guidelines and Standards* that are pertinent to distant view*,* but also include *Outdoor Common Area Design, Public Art Design* and *Landscape Design* guidelines that are pertinent to up close onsite view of the proposed project. These recommended guidelines specific to outdoor gathering areas, arcades, courtyards, public art sculptures and 'Contemporary Desert' theme landscaping, would optimize to the site's visual onsite character. Project design consistent with the *Site Design Guidelines and Standards and Architectural Design Guidelines and Standards* through implementation of Regulatory Requirement RR-1, would ensure consistency with *Policy 2* of the City's General Plan (*Commercial Goals, Policies and Programs*) to provide adequate visibility, consistency with *Policy 6* of the City's General Plan (*Industrial Goals, Policies and Programs*) to assure aesthetically acceptable industrial developments, and consistency with *Program 6A,* requiring extensive use of landscaping to enhance the appearance of industrial areas. Therefore, with implementation of Regulatory Requirement RR-1, impacts associated with degradation to visual character would be reduced to less than significant.

The following regulatory requirement has been identified to ensure impacts associated with visual character are less than significant:

> ***Regulatory Requirement RR-1*** *City Staff shall incorporate the DLVSP's Design Guidelines and Standards (Section 6) and structural height provisions from City Zoning Ordinance 17.40.160, Height determination (structures,) in the review process for all building structures proposed within the DLVSP.*

**4. Light and Glare**

Threshold: Would the proposed Project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

Finding: Less than significant impact. (DEIR, p. 4.1-7)

Explanation: Light and glare impacts would be associated with implementation of the DLVSP. Development of the site, regardless of proposed land uses (resort commercial light-industrial, cultivation) will require compliance with Zoning Ordinance Section 17.40.170, *Outdoor Lighting Standards.* Section 17.40.170.F, *Prohibited Lighting*, also lists prohibited types of outdoor lighting that are also applicable to the proposed project (i.e., illuminated awnings, outdoor building/landscaping without shielding). Not only is the City's *Outdoor Lighting Standards* applicable to developable areas within the project site, but also the requirement for outdoor lighting to be shielded from spilling glare onto the adjacent Willow Hole Conservation Area within Planning Area 2 to the north.

DLVSP Section 6.5, *Lighting Design,* includes guidelines to assist in reducing lighting and glare. The guidelines include the requirement for shielding outdoor lighting,

consideration of implementing International Dark-Sky Association (IDA) approved lighting fixtures, consideration of timer control switch or sensor lighting to dime and brighten lighting levels when necessary, and for outdoor lighting to be in accordance with the provisions of Section 17.40.170F.

Development of the proposed project in compliance with Section 17.40.170 of the Zoning Ordinance, implemented through Regulatory Requirement RR-2, and adoption of the DLVSP's outdoor lighting considerations and guidelines would maintain consistency with *Policy 10* and *Program 10A* of the City's General Plan (*Community Design Goal, Policies and Programs*) in preserving the City's night skies and in complying with lighting standards contained in the Zoning Ordinance. Therefore, with implementation of Regulatory Requirement RR-2, the new sources of light and glare associated with project development would not have a significant impact.

The following regulatory requirement has been identified to ensure impacts associated with light and glare are less than significant:

> ***Regulatory Requirement RR-2*** *During the review process for proposed development within the project site, City Staff shall ensure that project applicant(s) incorporate the following lighting standards into their design the City's Outdoor Lighting Standards (Section 17.40.170, Outdoor Lighting Standards), Table 17.40.170 of the Zoning Ordinance (Requirements for Shielding and Filtering of Outdoor Lighting) and shall incorporate guidelines from Section 6.5 of the Specific Plan (Lighting Design).*

## B. AGRICULTURE AND FORESTRY

### 1. Farmland Conversion

Threshold: Would the project result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural land use?

Finding: No Impact. (DEIR p. 4.2-4)

Explanation: According to the State Farmland Mapping and Monitoring Program (FMMP), there are no state designated farmland classifications on or adjacent to the project site. The entire project and surrounding areas are designated "other land" under the FMMP. Therefore, development of the DLVSP will not convert farmland to non-agricultural uses.

### 2. Agricultural Zoning

Threshold: Would the proposed project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Finding: No Impact. (DEIR p. 4.2-4)

Explanation: The City of Desert Hot Springs does not have any current zoning ordinances that designate land for agricultural use, nor are there any existing agricultural land use designations within the Desert Hot Springs General Plan. Additionally, according to the Riverside County Williamson Act Lands Map from the Williamson Act Program (2007), there are no sites within the project site that are under a Williamson Act Land Conservation Contract. Therefore, there are no impacts to existing zoning for agricultural use and a Williamson Act Land Conservation contract.

### 3. Forestland Zoning

Threshold: Would the proposed project conflict with existing zoning for, or cause rezoning of land, timberland, or timberland zoned Timberland Production?

Finding: No Impact. (DEIR p. 4.2-4)

Explanation: The City of Desert Hot Springs has no existing land designated as forest land, timberland, or timberland zoned Timberland zoned Timberland Production. Therefore, the implementation of the DLVSP would not conflict with existing zoning for, or cause rezoning of, forest land, timberland or timberland zoned Timberland Production resulting in no impact.

### 4. Loss of Forest Land

Threshold: Would the proposed project result in the loss of forest land or conversion of forest land to non-forest use?

Finding: No Impact. (DEIR p. 4.2-5)

Explanation: The City of Desert Hot Springs does not have a zone specifically designated for forest land, as there are no established forest lands within the City of Desert Hot Springs. Implementation of the DLVSP would not result in the loss of forest land or conversion of forest land to non-forest use. Therefore, there would be no impacts.

### 5. Conversion

Threshold: Would the proposed project 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 use?

Finding: No Impact. (DEIR p. 4.2-6)

Explanation: The City of Desert Hot Springs does not have any zones pertaining to Farmland, nor forest land because both land use types are absent within the City. The project site consists of vacant land, is void of any physical structures, and consists of desert land, with shrubs, boulders and rocks scattered throughout the site. Therefore, any changes in the existing environment which, due to their location or nature, could not result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

## C. AIR QUALITY

### 1. Create Objectionable Odors

Threshold: Would the proposed Project create objectionable odors affecting a substantial number of people?

Finding: Less than significant impact. (DEIR, p. 4.3-33)

Explanation: Potential sources of operational odors generated by implementation of the DLVSP would include plant blossom odors and disposal of miscellaneous commercial refuse. As required by the City of Desert Hot Springs's Municipal Code Chapters 5.50.150, marijuana facilities shall provide the necessary odor control, ventilation, and filtration systems such that odors are not detectable outside of the cultivation facilities, or within the common use and office areas of the facilities. Consistent with City requirements, all refuse generated on the project site would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations, thereby precluding substantial generation of odors due to temporary holding of refuse onsite. Moreover, SCAQMD Rule 402 acts to prevent occurrences of odor nuisances. Therefore, with adherence to regulations, potential objectionable operational-source odor impacts would be less than significant.

## D. BIOLOGICAL RESOURCES

### 1. Riparian and Sensitive Habitat

Threshold: Would the Project 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?

Finding: Less than significant impact. (DEIR, p. 4.4-38)

Explanation: There is no riparian habitat or other sensitive natural communities within the project site, as the area is a dune and sand field habitat. Therefore, implementation of the DLVSP project site would not cause significant impacts to riparian habitats.

In addition to the development of the project site, the project proponent is also proposing to connect to the MSWD for water and sewer/wastewater treatment service located approximately 1.0 mile northwest of the project site at the intersection of Little Morongo Road and 20th Avenue. There are two alignment options to water service to and sewer service from the project site. The project proponent is currently discussing two potential water/wastewater alignments with MSWD, which are shown on Exhibit 3-11 of the DEIR.

There are three channels, washes, or swales as defined by Section 1600 of the State of California Fish and Game Code (FGC) under jurisdiction of the CDFW, or Waters of the US as defined by Section 404 of the Clean Water Act (CWA) under the jurisdiction of the USACE within the proposed Option B water and sewer line alignment along 20th Avenue. Therefore, permits would be required if the project proponent chooses to construct Option B for water/wastewater alignment.

The 20th Avenue alignment is near Mission Creek (to the west) and Morongo Wash (to the east), which are both intermittently-flooded, intermittent streams that flow generally north to south, crossing 20th Avenue.

Although it appears on aerial photographs that drainage features may cross Varner Road, the field survey conducted for the alignment along this road did not identify any drainage features that would qualify as Waters of the US or Waters of the State as defined by Section 1600 of the FGC. Therefore, the project biologists concluded that there were no drainage features crossing Varner Road within the proposed water and sewer line alignment. Nonetheless, the project proponent must obtain a Nationwide Section 404 permit from the Army Corps of Engineers (USACE) for the jurisdictional waters that flow north to south, crossing 20th Avenue, implemented with Regulatory Requirement RR-5, to ensure that impacts to riparian habitat would be less than significant.

The following regulatory requirement has been identified to ensure impacts associated with riparian and sensitive habitat are less than significant:

> ***Regulatory Requirement RR-5*** *Prior to start of construction, the project proponent must obtain a Section 404 Permit with the USACE for Waters of the US that could be impacted by development of the proposed project.*

**2. Wetlands**

Threshold: Would the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means?

Finding: No Impact. (DEIR, p. 4.4-39)

Explanation: Neither the DLSVP project site nor the proposed water and sewer line alignments contain any federally protected wetlands as defined by Section 404 of the Clean Water Act. Therefore, implementation of the DLVSP would result in no significant impacts to federally protected wetlands.

**2. Wildlife Movement**

Threshold: Would the Project 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?

Finding: Less than significant. (DEIR, p. 4.4-39)

Explanation: The DLVSP includes the preservation of 35.6 acres of the project site north of Varner Road and approximately 3.1 acres in the northwest corner of the project site south of Varner Road, dedicated as open space conservation for species protected under the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). This portion of the project site is within the CVMSHCP Willow Hole Conservation Area. As part of the I-10 Community Annexation process, the City

adopted the CVMSHCP conservation policies and implementation measures that apply to the annexation area.

There are no existing Biological Corridors and Linkages dedicated by the CVMSHCP or the City's General Plan within the project site and surrounding area, including the proposed water and sewer line alignments. Wildlife movement is currently affected by existing barriers. The project site is bisected by two existing east to west roads (Varner Road and Mihalyo Road) that act as barriers for north to south-oriented wildlife movement across the project site. Similarly, the I-10 Freeway south of the project site acts as a barrier for wildlife movement coming from the south. East to west wildlife movement on the project site is currently prohibited by the existing barrier of the north-to-south road (Palm Drive), east of the project site. Therefore, impacts to wildlife movement from implementation of the DLVSP would be less than significant.

## E. GEOLOGY AND SOILS

### 1. Fault Rupture, Ground Shaking, Liquefaction, and Landslides

Threshold: Would the Project expose persons 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 Zone Maps issued by the State Geologist for the area or based on other substantial evidence of a known fault?

Finding: Less than significant. (DEIR, p. 4.6-4)

Explanation: The project site does not lie within a currently delineated State of California, Alquist-Priolo Earthquake Fault Zone. Although well-delineated fault lines cross through the project region as shown on California Geologic Survey (CGS) maps, no active faults are mapped in the immediate vicinity of the project site. The closest fault to the site is the Garnet Hill segment of the San Andreas Fault, approximately 0.14 miles south of the project site, south of the I-10 freeway. Therefore, the possible impacts of a fault rupture across the project site would be less than significant.

ii) Strong ground shaking?

Finding: Less than significant. (DEIR, p. 4.6-4)

Explanation: The project site has potential for severe ground shaking during an earthquake along regional faults, including the San Jacinto Fault, and the San Andreas Fault that is 0.14 miles from the project site. The underlying geologic condition for seismic design of the project site is Site Class D, which indicates the site has a high seismic vulnerability. The minimum seismic design of structures within the project site must comply with the 2016 edition of the California Building Code (CBC), consistent with Regulatory Requirement RR-7. Engineered design and earthquake-resistant construction increase safety and allow of seismic areas.

Furthermore, it should be recognized that the southern California region is an area of moderate to high seismic risk and that it is not considered feasible to make structures totally resistant to seismic related hazards. Therefore, a major earthquake

above magnitude 7 or 8 originating on the local segment of the San Andreas or nearby fault zones would be the critical seismic event to induce severe seismic ground shaking that may affect the project site within the design life of the proposed project. Therefore, compliance with regulatory requirements would ensure that potential impacts induced by strong seismic ground shaking would be less than significant.

The following regulatory requirement has been identified to ensure impacts associated with strong ground shaking are less than significant:

> ***Regulatory Requirement RR-7*** *All proposed structures shall be engineer designed and constructed to earthquake-resistant parameters in compliance with the 2016 edition of the California Building Code (CBC).*

iv) Landslides?

Finding: Less than significant. (DEIR, p. 4.6-5)

Explanation: The project site is on generally flat, level land, more than four miles away from the base and foothills of the nearest surrounding mountains, which is the Little San Bernardino Mountains. Based on review of the California Geological Survey (CGS) Information Warehouse: Regulatory Maps that identify landslide zones within greater southern California, the project site is not within a landslide susceptibility zone and consistent with the City's General Plan *Policy 8* (*Geotechnical Goals, Policies and Programs),* which requires avoidance of development in areas subject to rock fall or landslides. Therefore, potential impacts from landslides would be less than significant.

**2. Erosion of Topsoil**

Threshold: Would the Project result in substantial erosion of topsoil?

Finding: Less than significant. (DEIR, p. 4.6-5)

Explanation: According to the Geotechnical Engineering and Infiltration Updated Report prepared by Earth Systems Southwest, the project site is located within an area of moderate to high potential for wind and water erosion. During construction of the project, soils would be disrupted during grading activities, exposure of uncovered soils, thereby increasing the potential for wind or water-related erosion and sedimentation until the construction is completed. Best Available Control Measures (BACMs) consistent with SCAQMD requirements, must be implemented during grading and construction activities to reduce potential wind-related erosion on site through Regulatory Requirement RR-3. Additionally, all project applicants who disturb one acre or more must prepare a SWPPP to be implemented throughout the project construction period, consistent with Regulatory Requirement RR-8. Each SWPPP must list and prescribe appropriate Best Management Practices (BMPs) for the control and treatment of runoff from the project site. Consistency with Regulatory Requirements RR-3 and RR-8 would ensure impacts due to water and wind erosion during project development would be less than significant.

> ***Regulatory Requirement RR-3*** *All development within the project site must adhere to SCAQMD Rules 403, 403.1 and 403(e) for the control of fugitive dust during all phases of construction. The project proponents of*

*all development projects within the project site will be required to obtain and prepare a Fugitive Dust Control Plan. A copy of each Plan must be submitted to the City Engineer or his/her designer prior to issuance of grading permits. A copy of each Plan must be available at each project site.*

***Regulatory Requirement RR-6*** *Prior to issuance of building permits on vacant or undeveloped parcels within the project site, the project applicant(s) shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for all developments that disturb one acre or more. The SWPPP shall provide a list of Best Management Practices (BMPs) for the control and treatment of runoff from the project site.*

### 3. Septic Tanks or Alternative Wastewater Disposal System

Threshold: Would the Project Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Finding: Less than significant. (DEIR, p. 4.6-9)

Explanation: No wastewater infrastructure or systems exist on or in the vicinity of the project site. CVWD has neither the infrastructure nor immediate plans to provide wastewater service to the project site in the near future. One alternative considered for wastewater was to provide onsite septic tanks and leach fields. However, due to regional problems with shallow groundwater contamination, the Colorado River Basin Regional Water Quality Control Board has taken a firm stance against septic tanks and leach fields for future development in the area, including the project site. Since no septic systems are permitted within the project site, development of the wastewater system for the DLVSP will not require soils capable of supporting the use of a septic system.

The project proponent has worked with both Coachella Valley Water District (CVWD) and Mission Springs Water District (MSWD) to resolve the issue of water and wastewater service for the long-term operation of projects in the project site. MSWD has plans to serve the area for both water and wastewater.

In order for the project site to be served by MSWD, CVWD and MSWD would enter into an agreement whereby CVWD would relinquish the right to serve the project site in favor of MSWD. This agreement would only affect the project site and no other development projects in the area. CVWD staff has indicated they would support, subject to CVWD Board of Directors approval, service to be provided by MSWD for this particular project, due to its proximity to MSWD facilities and lower cost to provide infrastructure for service. The project's entitlements would assume service by MSWD subject to a future interagency agreement with CVWD or an annexation into MSWD's service area through LAFCO (following entitlement).

Therefore, impacts associated with soils incapable of adequately supporting alternative water disposal system are less than significant.

## F. HAZARDS AND HAZARDOUS MATERIALS

### 1. Reasonable Foreseeable Upset and Accident Conditions

Threshold: Would the Project 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?

Finding: Less than significant. (DEIR, p. 4.8-10)

Explanation: Operation of projects within the project site may result in the storage of hazardous materials in various quantities and type (i.e., solvents, acids, paints, refrigerant gases, etc.), dependent on the type of use that would occupy each building. Although the type and quantity of hazardous materials cannot be perceived at this time, individual project types, whether proposed for marijuana cultivation or for other industrial park or commercial related activities would require disclosure of all hazardous materials that would be handled onsite. If individual development within the DLVSP exceeds the criteria threshold quantities per HSC standards, a HMBEP must be prepared, consistent with Regulatory Requirement RR-9. An HMBEP would outline the kind of hazards associated with the materials documented in the material safety data sheets that are present, and the steps that would be taken to prevent an accidental release of hazardous materials.

Additionally, the project applicant(s) would be required to provide a Spill Prevention Control and Countermeasures Contingency Plan (SPCC), consistent with Regulatory Requirement RR-10, to address procedures and protocol in the event should an accidental spill occur onsite if the use and storage of hazardous materials is proposed on a project-by-project basis. Each SPCC would include a required Spill Prevention Containment Kit to be utilized and easily visible and accessible to employee staff in the event of an accidental spill of hazardous materials.

Furthermore, applicants applying for Conditional Use Permits (CUP) for cannabis cultivation facilities would have to adhere to the stipulations defined in SB 95 Section 140 Section 11362.775 when utilizing volatile solvents for manufacturing concentrated cannabis.

Therefore, implementation of Regulatory Requirements RR-9 and RR-10 would ensure that the necessary procedures and protocols are in place and exercised in regard to the containment and handling of hazardous materials during operation of the project, resulting in ales than significant impact.

The following regulatory requirement has been identified to ensure impacts associated with the accidental release of hazardous materials are less than significant:

> ***Regulatory Requirement RR-9*** *Prior to each Certificate of Occupancy in compliance with Chapter 6.95 of the California Health & Safety Code (HSC) and Title 19, Division 2, of the California Code of Regulations (CCR), the project applicant(s) shall prepare a Hazardous Materials Business Emergency Plan (HMBEP) for all new development projects that include the storage and use of hazardous materials at or above reporting criteria thresholds. The HMBEP shall be reviewed and approved by the County of Riverside CUPA and the Department of Environmental Health prior to operation of the business.*

***Regulatory Requirement RR-10*** *Prior to each Certificate of Occupancy, the project applicant(s) shall prepare a Spill Prevention Countermeasures Contingency Plan (SPCC) that addresses appropriate protocol measures to contain accidental spills of hazardous materials for all new development projects that include the use and storage of hazardous materials. A SPCC spill kit shall also be placed onsite at the business or facility. The SPCC shall be reviewed and approved by the County of Riverside CUPA and the Department of Environmental Health prior to operation of the business.*

**2. Existing or Proposed School**

Threshold: Would the proposed Project emit hazardous emissions or handle acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.8-13)

Explanation: There are no schools within a quarter-mile radius of the project site. The nearest school to the project site is Rio Vista Elementary School, located approximately 2.95 miles southeast of the project site. Additionally, there is a child care facility, Coyote Run Headstart located approximately 2.2 miles southwest of the project site. Nonetheless, implementation of Regulatory Requirements RR-9 and RR-10, requiring applicable individual project activities to provide an HMBEP and SPCC would ensure that an accidental release, or spill of hazardous materials onsite are contained and secured, resulting in a less than significant impact.

The following regulatory requirement has been identified to ensure impacts associated with the emission of hazardous emissions near a school are less than significant:

***Regulatory Requirement RR-9*** *Prior to each Certificate of Occupancy in compliance with Chapter 6.95 of the California Health & Safety Code (HSC) and Title 19, Division 2, of the California Code of Regulations (CCR), the project applicant(s) shall prepare a Hazardous Materials Business Emergency Plan (HMBEP) for all new development projects that include the storage and use of hazardous materials at or above reporting criteria thresholds. The HMBEP shall be reviewed and approved by the County of Riverside CUPA and the Department of Environmental Health prior to operation of the business.*

***Regulatory Requirement RR-10*** *Prior to each Certificate of Occupancy, the project applicant(s) shall prepare a Spill Prevention Countermeasures Contingency Plan (SPCC) that addresses appropriate protocol measures to contain accidental spills of hazardous materials for all new development projects that include the use and storage of hazardous materials. A SPCC spill kit shall also be placed onsite at the business or facility. The SPCC shall be reviewed and approved by the County of Riverside CUPA and the Department of Environmental Health prior to operation of the business.*

### 3. Hazardous Materials

Threshold: Would the Project 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?

Finding: Less than significant. (DEIR, p. 4.8-13)

Explanation: The project site is not located on the "Cortese" list of hazardous materials sites, as compiled and pursuant to Government Code Section 65962.5, and managed by DTSC. The closest active hazardous materials site in the region is located at the former Palm Springs Landfill located approximately 3.75 miles south of the project site. Hazardous materials at the site are associated with past construction and household debris. Therefore, new development within the project site would not be located on existing hazardous materials, resulting in a less than significant impact.

### 4. Public Airport

Threshold: 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 to people residing or working in the project site?

Finding: No impact. (DEIR, p. 4.8-14)

Explanation: The project site is located approximately 3.75 miles south of Palm Springs International Airport and is not located within the RCALUC Plan. Therefore, there would be no impact.

### 5. Private Airstrip

Threshold: For a project located within the vicinity of a private airstrip, would the project result in a safety hazard to people residing or working in the project site?

Finding: No impact. (DEIR, p. 4.8-14)

Explanation: The project site is not located within the vicinity of any private airstrips. Therefore, there would be no impact.

### 6. Emergency Response Plan

Threshold: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Finding: Less than significant. (DEIR, p. 4.8-14.)

Explanation: Service, loading, and shipping and receiving areas for future development within the project site must be designed in a manner that emergency service vehicles have clear and convenient access and do not block adjacent vehicular circulation. Furthermore, all phases of project development with regard to parking and

accessibility would be subject to review by City's Engineering Division and the County Fire Department, consistent with Regulatory Requirement RR-11. This would ensure that the development and placement of building structures provide the appropriate space and width for emergency vehicles to access each phase without obstruction. Therefore, with the City's commitment to Emergency Operations Plan and Community Emergency Response Team protocol in the project site and compliance with Regulatory Requirement RR-11, impacts with regard to an adopted emergency response plan or emergency evaluation plans would be less than significant.

The following regulatory requirement has been identified to ensure impacts associated with implementation of an emergency response plan are less than significant:

> ***Regulatory Requirement RR-11*** *As part of the City's Development Review process, the project applicant(s) shall submit plans to the Fire Department for review and conditioning for safe accessibility of fire and ambulatory services, and for appropriate evacuation routing of the project development in the event of an emergency.*

### 7. Wildland Fires

Threshold: Would the project 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?

Finding: No impact. (DEIR, p. 4.8-14)

Explanation: The wilderness areas surrounding the project site, including the adjacent Willow Hole Conservation Area, are made up of cobbly sands and sparse desert vegetation. The sparse vegetation does not provide the explosive fuels needed for wildfires. Furthermore, according to the CALFIRE Riverside County (WEST) Fire Hazard Severity Zone In State Responsibility Area Map, the area where the project is located is not listed as Fire Hazard Severity Zone. Therefore, the proposed project would have no impact with regard to wildland fires.

## G. HYDROLOGY AND WATER QUALITY

### 1. Construction-Related Water Quality Impacts

Threshold: Would the Project violate any water quality standards or waste discharge requirements during construction phases of the Project in form of increased soil erosion, sedimentation, or storm water discharges?

Finding: Less than significant. (DEIR, p.4.9-8)

Explanation: Construction activities within the project site could expose soils to erosion from rainfall, runoff, and wind. Erosion during construction is problematic because pollutants from heavy equipment or construction related materials, such as diesel, gasoline, oils, grease, solvents, lubricants, or other petroleum products could mix with the water and run offsite.

All project applicants who disturb one acre or more must prepare a SWPPP to be implemented throughout the project construction period, consistent with Regulatory Requirement RR-8. Each SWPPP must list and prescribe appropriate Best Management Practices (BMPs) for the control and treatment of runoff from the project site.

During long term operation, each project would be required to maintain the site under a post-construction Water Quality Management Plan (WQMP) to be prepared by a QSD that addresses potential runoff and ongoing maintenance of BMPs related to onsite drainage improvements, consistent with Regulatory Requirement R-12.

Therefore, through implementation of Regulatory Requirement RR-8 and RR-12, impacts associated with violation of water quality standards or wastewater discharge requirements would be less than significant.

The following regulatory requirements have been identified to ensure impacts associated with water quality are less than significant:

> ***Regulatory Requirement RR-8*** *Prior to issuance of building permits on vacant or undeveloped parcels within the project site, the project applicant(s) shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for all developments that disturb one acre or more. The SWPPP shall provide a list of Best Management Practices (BMPs) for the control and treatment of runoff from the project site.*
>
> ***Regulatory Requirement RR-12*** *Prior to issuance of building permits on vacant parcels within the DLVSP site, a WQMP for post-construction conditions shall provide a list of appropriate Best Management Practices (BMPs) for the control and treatment of runoff from the project site.*

### 2. Drainage Pattern and Erosion-Related Impacts

Threshold: Would the Project substantially alter the existing local drainage patterns of the site and substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion, siltation, or flooding on site or off site?

Finding: Less than significant. (DEIR p. 4.9-12)

Explanation: Construction of the proposed project would create potential for a short-term increase in the likelihood of erosion on the project site since surface soils will be broken up for ground disturbing activities. Preparation and implementation of the SWPPP for the project, consistent with Regulatory Requirement RR-8, would reduce impacts associated with short-term erosion during construction.

A large portion of the currently vacant project site will be developed with impervious surfaces during construction. Therefore, development will reduce the amount of area that can be impacted by erosion during storm events. Additionally, the site will be designed to direct all storm flows toward the nine proposed onsite infiltration basins via surface storm drain, catch basins and drainage swales. The infiltration basins will be designed to contain a 100-year, 24-hour storm event per Chapter 13.08 of the Desert Hot Springs Municipal Code. Furthermore, preparation and implementation of a project-

specific WQMP, consistent with Regulatory Requirement RR-12, would further reduce impacts associated with storm flows onsite. Therefore, appropriate project drainage design and compliance with Regulatory Requirements RR-8 and RR-12 would ensure that onsite stormwater runoff does not cause substantial erosion in the vicinity.

The following regulatory requirements have been identified to ensure impacts associated with increased erosion due to the alteration of existing drainage patterns are less than significant:

> ***Regulatory Requirement RR-8*** *Prior to issuance of building permits on vacant or undeveloped parcels within the project site, the project applicant(s) shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for all developments that disturb one acre or more. The SWPPP shall provide a list of Best Management Practices (BMPs) for the control and treatment of runoff from the project site.*
>
> ***Regulatory Requirement RR-12*** *Prior to issuance of building permits on vacant parcels within the DLVSP site, a WQMP for post-construction conditions shall provide a list of appropriate Best Management Practices (BMPs) for the control and treatment of runoff from the project site.*

**3. Drainage Pattern and Flooding-Related Impacts**

Threshold: Would the Project substantially alter the existing local drainage patterns of the site or area, including through the alteration of the course of a stream or river in a manner which would result in flooding on- or off-site?

Finding: Less than significant. (DEIR p. 4.9-13)

Explanation: The existing flows and anticipated onsite flows associated with the DLVSP were analyzed using the 100-year storm with 1-hour and 24-hour storm periods. The total additional runoff generated by development of the DLVSP is anticipated to be 196.6 cfs for a 100-year storm event. Nine drainage areas are proposed on the project site that would comply with the Stormwater Management and Discharge Controls outlined in Chapter 13.08 of the Desert Hot Springs Municipal Code. Each drainage area would be tributary to an infiltration basin and infiltration basins would be sized to contain the 100-year, 24-hour duration storm event. The infiltration basins would also be designed for low impact development and include water quality treatment.

Additionally, the applicant proposes to develop the building pads onsite above the flood zone line to further reduce impacts associated with flooding on the project site. Therefore, the proposed drainage plan developed for the DLVSP has been designed in accordance with the City's Municipal Code and drainage improvements developed on the project site will contain the anticipated storm flows onsite, as analyzed in the Hydrology Study, and reduce impacts associated with flooding to less than significant levels.

**4. Existing Stormwater Drainage System and Capacity-Related Impacts**

Threshold: Would the Project 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 or substantially degrade water quality?

Finding: Less than significant. (DEIR p. 4.9-14)

Explanation: The proposed stormwater drainage condition involves development of nine drainage areas with each drainage area tributary to an infiltration basin. The overall drainage path would be similar to the existing condition with all project sheet flow to the existing drainage swale along Interstate 10. The project provision of nine onsite stormwater infiltration basins would comply with the Stormwater Management and Discharge Controls stipulated in Chapter 13.08 of the Desert Hot Springs Municipal Code (Ordinance #1997-03). The provided basin capacities would be sized to contain the 100-year 24-hour duration storm event and therefore meet the City's requirements on Stormwater Management and Discharge Controls and minimize the discharge and transport of pollutants associated with new developments.

The volumes for the proposed condition 100-year 24-hour storm events are used in the infiltration basin volume design to meet the City's requirements for low impact developments (LID) and water quality treatments. The infiltration basins are all sized larger than the 100-year 24-hour storm runoff volumes as required by the City. Therefore, with implementation of the proposed stormwater drainage condition, project impacts will be less than significant.

**5. Dam or Levee Failure**

Threshold: Would the Project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of a Flood Insurance Rate Map or other flood hazard delineation map?

Finding: No impact. (DEIR p. 4.9-15)

Explanation: The project site is mapped within Zone A of FEMA FIRM panel 06065C0895G but residential development is not proposed within the DLVSP. Therefore, development of the proposed project would not place housing within a 100-year flood hazard area, resulting in no impact.

**6. Dam or Levee Failure**

Threshold: Would the proposed Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a failure of a levee or dam?

Finding: Less than significant. (DEIR p. 4.9-17)

Explanation: The project site is not located near a levee or a dam that would increase impacts associated with flooding if failure occurred. Therefore, the drainage plan developed for the DLVSP will be designed in accordance with the City's Municipal Code and drainage improvements that are developed on the project site will contain the anticipated storm flows onsite. Impacts associated with flooding will be less than significant.

### 7. Seiche, Tsunami, or Mudflow

Threshold: Would the Project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?

Finding: Less than significant. (DEIR p. 4.9-17)

Explanation: The project site is not near any large bodies of water, including above-ground storage tanks, so there will be no impact associated with seiche or tsunami. Also, the project site is not near the surround mountain and wouldn't be impacted by potential mudflows.

## H. LAND USE

### 1. Divide a Community

Threshold: Would the Project physically divide and established community?

Finding: No impact. (DEIR, p. 4.10-5)

Explanation: The project site is currently vacant land and void of any physical structures and consists of desert land, with shrubs, boulders and rocks scattered throughout the area. Very little developed land surrounds the project site. The only exception is an existing occupied residence just beyond the southeastern end of the project site. Beyond this at approximately 0.6 mile to the southeast from the project site are two gas stations, the Arco AM/PM Station and minimart and a Chevron station with minimart and a sit down, drive-thru fast-food restaurant (Jack in the Box) are all located southeast of the project area, on Palm Drive just north of the I-10/Palm Drive intersection. Therefore, implementation of the DLVSP will not physically divide an established community. There is no impact.

### 2. Conflict with Plans

Threshold: Would the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

Finding: Less than significant impact. (DEIR, p. 4.10-5)

Explanation: Implementation of the DLVSP would not conflict with any Land Use Plan, Policy or Regulation.

*City of Desert Hot Springs Comprehensive General Plan (2000)*

The DLVSP allows for greater specificity and flexibility in carrying out the General Plan, and serves as a bridge between the General Plan and development activities and improvements that would occur within the project site. The Specific Plan would be consistent with *Policy 3* of the City's General Plan (*Industrial Goals, Policies and Programs*), requiring projects with larger size industrial areas to create a Specific Plan with the inclusion of a master plan for the required infrastructure (i.e., extension of

roadways, drainage facilities and utilities). Furthermore, the DLVSP would be consistent with *Program 3A* of the City's General Plan (*Industrial Goals, Policies and Programs*) by incorporating development standards and guidelines into the document in order to assure efficient industrial development consistent with the character of the community.

*General Plan Amendment*

The project includes a General Plan Amendment (GPA 01-16) to allow for a change in the site's land use designations from Light Industrial (LI) and Rural Development (RD) (County-designated) to Light Industrial (I-L) (City-designated) and Commercial Retail (CR) (City-designated), in order to allow for the more intense development envisioned by the DLVSP. When adopted, GPA 01-16 will maintain consistency with *Policy 2* and *Policy 6* of the City's General Plan (*Industrial Goals, Policies and Programs),* maximizing all infrastructure for locations of industrial lands, and adhering to applicable development standards and guidelines.

*Zoning Map Amendment*

The project includes a Zoning Map Amendment (ZMA 01-16), to change the land use/zoning districts from Light Industrial (LI) and Rural Development (RD) (County-designated) to Specific Plan. When adopted, ZMA 01-16 will be consistent with *Policy 2* of the City's General Plan (*General Land Use Goals, Policies and Programs*) by requiring that the Zoning Ordinance to directly correspond to General Plan land use designation for the project site in question (DLVSP) and to provide appropriate zoning regulations within the project site that implement the Land Use Element.

*City of Desert Hot Springs Municipal Code, Zoning Ordinance, and City Council Ordinance*

The DLVSP general development standards and regulations incorporate the City of Desert Hot Spring's Zoning and Municipal Code ordinances pertaining to general provisions, commercial district standards, industrial district standards, property development standards, and off-street loading, art in public places, special uses, massage establishments, and motion picture production.

In regards to marijuana facilities standards and regulations, the DLVSP would incorporate the following ordinances:

- Cultivation Tax: Marijuana facilities shall comply with the provisions of Chapter 3.33 (Marijuana Cultivation Tax) and 3.35 (Medical Marijuana Cultivation Tax) of the Desert Hot Springs Municipal Code, in compliance with City Council Ordinance No.559.
- Marijuana Tax: Marijuana facilities shall comply with the provisions of Chapter 3.34 (Marijuana Tax) and 3.37 (Medical Marijuana Tax) of the Desert Hot Springs Municipal Code, in accordance with City Council Ordinance No. 560.
- Regulatory Permit: Marijuana facilities shall comply with the provisions of Chapter 5.50 (Medical Facilities Regulatory Permit) of the Desert Hot Springs Municipal Code, in accordance with City Council Ordinance No.552.

- Proposition 64: All City-adopted Proposition 64 provisions (once in effect) shall apply to nonmedical (personal/recreational) marijuana facilities proposed under the Specific Plan.
- Development Agreement: In accordance with current City direction, marijuana cultivation facilities may request the processing and approval of a Development Agreement (DA)—the DA shall be prepared and processed in accordance with the provisions of Section 17.84 (Development Agreements) of the Desert Hot Springs Municipal Code. The Desert Hot Springs Municipal Code (Section 17.84) and California State law provide that the City and a developer may enter into a DA for the purpose of providing the developer with assurances that their development entitlements will not be subject to revocation, termination or modification because of future changes in the City's zoning, planning, and land use regulations. In exchange, the City receives certain benefits in the form of revenue, improvements, etc. that the City could not otherwise legally impose on the particular project for a variety of reasons.

Therefore, the incorporation of the DLVSP's general development standards and regulations, and marijuana facilities standards and regulations within the municipal code, the proposed project will maintain consistency with *Program 3A* of the City's General Plan (*Industrial Goals, Policies, and Programs*), by developing a specific plan that will assure efficient industrial development consistent with the character and quality of the community. The implementation of the DLVSP would not conflict with any land use plan, policy or regulation.

**3. Habitat Conservation Plans**

Threshold: Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?

Finding: Less than significant impact. (DEIR, p. 4.10-8)

Explanation: The portion of the project site north of Varner Road (35.6 acres), and a smaller portion in the northwestern corner of the site south of Varner Road (3.1 acres) are within the CVMSHCP Willow Hole Conservation Area. Combined, approximately 38.7 acres of the project site are within the CVMSHCP. Under the DLVSP, Planning Area 2 would consist of two separate but contiguous areas, consistent with the Willow Hole Conservation areas within the project site, which will be preserved and designated as an Open Space/Conservation land use district. The entirety of Planning Area will be dedicated as part of the CVMSHCP Willow Hole Conservation Area.

The Coachella Valley Conservation Commission, in administering the CVMSHCP, targets 90 percent conservation within areas covered under the CVMSHCP, including the Willow Hole Conservation Area. Planning Area 2 would largely remain in its existing condition, as undeveloped desert land and habitat, with the exception of permitted solar fields proposed north of Varner Road and water/sanitary sewer facilities proposed in the small conservation area south of Varner Road, for up to a maximum of 10 percent of the land coverage (approximately 3.9 acres) of the overall planning area acreage, as provided by the CVMSHCP. Therefore, the DLVSP would maintain

consistency with CVMSHCP requirements and impacts to any habitat or natural community conservation plan would be less than significant.

## I. MINERAL RESOURCES

### 1. Known Regionally Important Resources

Threshold: Would the Project 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?

Finding: Less than significant impact. (DEIR, p. 4.11-2)

Explanation: According to the California Department of Conservation's Mineral Land Classification report, the project site is in an area that has been classified as MRZ-3. These are areas where the significance of mineral deposits cannot be evaluated from available data. No information suggests that mining operations have been conducted on or in close proximity of the site in the past. There is no evidence that suggests that the sands and gravels on or in close proximity to the project site are of suitable quality to be extracted for common construction projects including asphalt, concrete, road base, stucco, and plaster. Accordingly, there is no evidence indicating that the project site contains any mineral resource that could be of value on a regional or State level. Therefore, impacts from the development of the site would be less than significant.

### 2. Locally Important Resources

Threshold: Would the Project 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 plans?

Finding: Less than significant impact. (DEIR, p. 4-11-3)

Explanation: According to the California Department of Conservation's *Mineral Land Classification* report, the project site has not been designated as a mineral resource recovery area, known as a "Sector." In addition, no mining operations occur within the project site or vicinity; nor does information suggest that mining operations have been conducted on or in close proximity of the site in the past. In addition, the project site is not delineated as a locally important mineral resource recovery site by the City's General Plan or any other land use plan. Accordingly, there is no evidence that indicates the project site contains any mineral resource that could be of value on a regional or State level. Therefore, the development of the site is not anticipated to result in the loss of a mineral resource recovery site and impacts would be less than significant.

## J. NOISE

### 1. Generation of Excessive Groundborne Vibration

Threshold: Would the Project expose persons to or generation or excessive ground-borne vibration or groundborne noise levels?

Finding: Less than significant impact. (DEIR, p. 4.12-18)

Explanation: The City of Desert Hot Springs prohibits any land uses that generate a discernible vibration impact from 50 feet and beyond the property line or source. The nearest existing structure (residence) to the project site is located approximately 130 feet south of the project site. The threshold at which there may be a risk of architectural damage to normal houses with plastered walls and ceilings is 0.20 PPV in/second.

Primary sources of vibration during construction would be from grading equipment. Construction equipment is anticipated to be located at least 130 feet from any existing sensitive receptor. At a distance of 130 feet a large bull dozer would yield a worst-case 0.015 PPV (in/sec) and would not put the nearest existing sensitive receptors located south of the project site at risk for damage. Therefore, vibration associated with project construction would be less than significant.

**2. Public Airports**

Threshold: Would the Project be 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, which would expose people residing or working in the project area to excessive noise levels?

Finding: Less than significant impact. (DEIR, p. 4.12-23)

Explanation: The project site is approximately 3.5 miles north of the Palm Springs International Airport and it is not within the noise contours of the Riverside County Air Port Land Use Compatibility Plan. Therefore, there would be no noise impacts associated with proximity to an airport.

**3. Private Airports**

Threshold: Would the Project be located within the vicinity of a private airstrip, which would expose people residing or working in the project area to excessive noise levels?

Finding: Less than significant impact. (DEIR, p. 4.12-23)

Explanation: There are no private airstrips in the area. Therefore there would be no noise impacts associated with proximity to a private airstrip.

**K. POPULATION AND HOUSING**

**1. Population Growth**

Threshold: Would the Project induce substantial population growth in an area, either directly or indirectly?

Finding: Less than significant impact. (DEIR, p. 4.13-3)

Explanation: The proposed project consists of a General Plan Amendment, Zoning Map Amendment, Vesting Tentative Map, a Specific Plan and a Development

Agreement to allow for the development of a mixed use (industrial/commercial) development with approximately 1.5 million square feet for industrial uses and approximately 360,000 square feet of commercial use, including up to 150 hotel rooms/keys. Development of land uses within the project site has the potential to generate approximately 2,212 employees, upon buildout (2019). Using the Department of Finance estimate of 3.12 persons per household, the proposed project has the potential to generate 6,901 new residents in the City. The potential new residents would represent approximately 24 percent of the current population of Desert Hot Springs.

To accommodate the potential increase in household demand, the Desert Hot Springs 2014-2021 RHNA has allocated 4,196 housing units to accommodate the forecast population growth of the City. However, the potential number of required housing units for the proposed project's potential employees would require over half of the total RHNA allocation. Conversely, the City had a vacancy rate of 19.3 percent as of January 2017 (Department of Finance E-5 Report, 2017), which translates to approximately 2,220 vacant housing units available for potential employees.

Although the worst case scenario population increase for the proposed project is assumed to be 6,901 new residents, the majority of the employees are anticipated to be local, either from the City of Desert Hot Springs or surrounding communities close enough to commute from. Currently, the unemployment rate in the City of Desert Hot Springs is 6.7 percent, which translates to approximately 1,950 unemployed residents. It is 1.1 percent higher than the Riverside County rate, and 1.8 percent higher than the national rate. Due to the high unemployment rate within the City of Desert Hot Springs, there is sufficient labor force within the City for approximately 90 percent of the employees needed for operation of the DLVSP at build out. Hiring local employees would reduce the City's unemployment rate without a significant increase to the overall population. Thus, implementation of the DLVSP would not induce substantial population growth, and impacts would be less than significant.

**2. Displacement of Housing**

Threshold: Would the Project displace a substantial number of existing housing, necessitating the construction of replacement housing elsewhere?

Finding: No impact. (DEIR, p. 4.13-4)

Explanation: The project site is located on a vacant parcel within the City. Therefore, implementation of the DLVSP would not displace any existing houses. There would be no impact.

**3. Displacement of People**

Threshold: Would the Project displace a substantial number of people, necessitating the construction of replacement housing elsewhere?

Finding: No impact. (DEIR, p. 4.13-4)

Explanation: The project site is located on a vacant parcel within the City. Therefore, implementation of the DLVSP would not displace any people. There would be no impact.

## L. PUBLIC SERVICES

### 1. Fire Protection

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of 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, including fire protection services?

Finding: Less than significant impact. (DEIR, p. 4.14-5)

Explanation: Implementation of the DLVSP and the expected increase in additional structures, roadway congestion, and population in the project vicinity is expected to result in an increase in demand for fire protection services. Additional equipment, vehicles and staff may be needed as the project site develops with increased density of uses. Equipment and staffing needs would be determined as the DLVSP is built out. Installation of new water mains and hydrants would be required because the site is currently undeveloped. On-going monitoring and evaluation of the need for additional facilities and staff may be necessary throughout development of the DLVSP. Payment of the development impact fee, consistent with Regulatory Requirement RR-17, would ensure that funding to maintain an acceptable level of fire protection is met.

The County Fire Department evaluates development proposals based on their potential to demand additional fire department facilities, equipment and staffing. It considers existing conditions and future needs of such new development in determining whether it is appropriate to require new facilities based on the standards set forth in the 1986 Master Plan. Coordination between the City and Fire Department, consistent with Regulatory Requirements RR-18 and RR-19, would ensure that as the DLVSP builds out, new "standards of cover" developed in association with the Fire Department's Strategic Plan would be applied to the new development. This would provide consistency with *Policy 1 and Program 1A* of the City's General Plan (*Fire and Police Protection Element)*. Future development of the DLVSP would continue to be subject to Fire Department review and new facilities would be considered as-needed to ensure provision of fire protection services.

The following regulatory requirement has been identified to ensure impacts associated with fire protection are less than significant:

> ***Regulatory Requirement RR-17*** *The project applicant(s) shall participate in the Development Impact Fee Program as adopted by the City of Desert Hot Springs for applicable development projects to compensate for the costs necessary to maintain an acceptable level of service to the project site.*
>
> ***Regulatory Requirement RR-18*** *The City and Riverside County Fire Department shall continue to confer and coordinate with the City of DHS to ensure that facilities and services associated with the DLVSP are expanded in a timely manner.*

***Regulatory Requirement RR-19*** *The Riverside County Fire Department shall continue to review and evaluate new development proposals and project plans associated with the DLVSP to ensure that it can provide adequate fire protection.*

**2. Police Services**

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of 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, including police protection services?

Finding: Less than significant impact. (DEIR, p. 4.14-6)

Explanation: As indicated by the Desert Hot Springs Police Department, the desirable ratio of officers to population is 1.06 officers per 1000 persons. However, the current ratio is 0.89 officers per 1000 persons. Full build-out of the DLVSP has the potential to generate 6,901 new residents. Based on the desired officer to person ratio, the Police Department would require 1 additional officer at build out. Consistent with Regulatory Requirement RR-20, the applicant(s) would be required to pay the DIF at the rate of $4.49 per square foot of commercial and office use development and $0.70 per square foot of industrial and manufacturing development to help fund additional resources necessary for police protection services. Consistent with Regulatory Requirement RR-21, the police department would review each project proposed within the DLVSP to ensure the Department can provide adequate protection services prior to construction and operation.

In addition, pursuant to City of Desert Hot Springs Municipal Code Section 5.50.040, and consistent with Regulatory Requirement RR-22, project applicant(s) would be required to prepare a security plan and install security measures at each medical marijuana cultivation facility proposed within the City to ensure the safety of employees and patients. The required security plan would include measures such as installation of security cameras, audible interior and exterior alarm systems, and employment of a licensed security guard during all hours of operation. This would help reduce the need for police protection. Consistent with Regulatory Requirement RR-23, the City must continue monitoring the City's population to ensure that additional police protection and facilities can be provided if needed.

Implementation of Regulatory Requirements RR-20 through RR-23 would ensure that development of the DLVSP would progress responsibly, providing funding and review to assess police protection needs, prior to construction and operation of individual land uses within the project site. Impacts would be less than significant.

The following regulatory requirement has been identified to ensure impacts associated with police protection are less than significant:

***Regulatory Requirement RR-20*** *The project applicant(s) shall participate in the Development Impact Fee Program as adopted by the City of Desert Hot Springs for applicable development projects to*

*compensate for the costs necessary to maintain an acceptable level of service.*

***Regulatory Requirement RR-21*** *The project applicant(s) shall be subject to Police Department review for applicable development projects to assure that the Department can provide adequate police protection.*

***Regulatory Requirement RR-22*** *Due to the size and nature of development, the project applicant(s) shall implement around the clock security, including video cameras and security personnel, to eliminate unnecessary response to the facilities.*

***Regulatory Requirement RR-23*** *The City shall monitor population increases and Police Department staffing levels to ensure the provision of police protection services at sufficient levels.*

### 3. Education

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of 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, including schools?

Finding: Less than significant impact. (DEIR, p. 4.14-6 through 4.14-7)

Explanation: The project site and surrounding area is located within the Palm Springs Unified School District (PSUSD). The PSUSD provides kindergarten through 12$^{th}$ grade educational services and facilities and currently operates 19 elementary schools, 5 middle schools, 4 high schools, and 4 alternative schools.

Build-out of the DLVSP would occur over time, and student populations are also expected to increase gradually. PSUSD facilities planners look for new school sites or ways to increase the efficiency of existing school sites to accommodate additional students as the population increases. According to the PSUSD Commercial/Industrial Fee Justification Report (2016), a total of 46,689 dwelling units are projected to be developed within the School District through calendar year 2035, creating a need for new school facilities.

Education Code Section 17620 allows school districts to impose school impact fees against "construction" occurring within its boundaries. Under PSUSD's most current fee schedule, commercial and industrial development proposed for the DLVSP would pay the School Fee of $0.56 per square foot, consistent with Regulatory Requirement RR-24.

These measures are expected to minimize impacts to PSUSD schools. However, some schools are currently operating at or beyond capacity, and new facilities would be needed to serve the student population for the entire City, including student generation derived from potential Specific Plan-related job creation. Regulatory Requirement RR-24 would provide funding to the PSUSD to develop new facilities to

serve potential new students of employees within the DLVSP. Impacts would be less than significant.

The following regulatory requirement has been identified to ensure impacts associated with police protection are less than significant:

***Regulatory Requirement RR-24*** *The project applicant(s) shall be assessed statutory school mitigation fees, in place at the time industrial and commercial projects are proposed.*

#### 4. Other Public Facilities

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of 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 other the public services?

Finding: Less than significant impact. (DEIR, p. 4.14-7)

Explanation: The Desert Hot Springs Public Library is located at 11691 West Drive and is a branch of the Riverside County Library System. In order to meet the need for public facilities and improvements, Riverside County imposes DIFs to support projected future development. The County imposes a Library Construction DIF; however, the City and County DIF for libraries is only applicable to residential developments. Residential developments are not proposed within the project site. Therefore, the applicant(s) would not be required to pay a DIF towards library services and facilities. Impacts would be less than significant.

### M. RECREATION

#### 1. Existing Facilities

Threshold: Would the Project result in 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?

Finding: Less than significant impact. (DEIR, p. 4.15-2)

Explanation: Based on a family of 3.12 persons per household (State Department of Finance E-5 Report, 2017), the proposed mixed industrial and commercial development has the potential to increase the population of the city by approximately 6,901 residents, which would represent approximately 24 percent of the current population of Desert Hot Springs. Therefore, implementation of the DLVSP has the potential to increase demands on local recreation facilities.

In accordance with City's Final Park and Recreation Master Plan *Policy 1*, the addition of 6,901 residents to the current City population of 29,111 would require a minimum acquisition of 7 acres of parkland at the current parkland ratio of 1 acre to 1,000 residents, or 21 acres of parkland at the recommended parkland ratio of 3 acres to 1,000 residents. Developers proposing commercial and industrial use projects would not

be required under Desert Hot Springs Municipal Code Section 16.16.40A to pay the Parkland Acquisition and Improvements Fee to the City because these types of projects are exempt from this development impact fee. The current vacancy rate and the allocated 4,196 housing units for forecast population growth in the City is sufficient to accommodate the population increase resulting from implementation of the DLVSP. However, in the event that new housing is required in the City, residential developers would be required to pay the Parkland Acquisition and Improvements Fee. Therefore, the City would have funding to ensure that substantial physical deterioration of park and recreation facilities would not occur and impacts would be less than significant.

#### 2. New Recreational Facilities

Threshold: Would the Project result in construction or expansion of recreational facilities that would have an adverse physical effect on the environment?

Finding: Less than significant impact. (DEIR, p. 4.15-2)

Explanation: Full build-out of the DLVSP would not include recreational facilities or require the construction or expansion of such facilities. Therefore, no adverse physical effect on the environment would occur. Impacts would be less than significant.

### N. TRANSPORTATION AND TRAFFIC

#### 1. Air Traffic Patterns

Threshold: Would the Project 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?

Finding: No impact. (DEIR, p. 4.16-25)

Explanation: The project site is 3.75 miles from the Palm Springs International Air Port. Given the distance from the airport, the proposed project would not impact air traffic patterns.

### O. UTILITIES AND SERVCE SYSTEMS

#### 1. Wastewater

Threshold: Would the Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Finding: Less than significant impact. (DEIR, p. 4.18-4 through 4.18-5)

Explanation: Construction activities within the project site could expose soils to erosion from rainfall, runoff, and wind. Erosion from rainfall and runoff is more problematic because pollutants from heavy equipment or construction related materials, such as diesel, gasoline, oils, grease, solvents, lubricants, or other petroleum products could mix with the water and run offsite.

Consistent with Regulatory Requirement RR-8, project applicants who disturb one acre or more must prepare a Stormwater Pollution Prevention Plan (SWPPP) to be implemented throughout the project construction period Regulatory Requirement RR-8. Each SWPPP must list and prescribe appropriate BMPs for the control and treatment of runoff from the project site.

During long term operation, each project would be required to maintain the site under a post construction Water Quality Management Plan (WQMP), consistent with Regulatory Requirement RR-12. The WQMP would address potential runoff and ongoing maintenance of BMPs related to onsite drainage improvements.

The following regulatory requirement has been identified to ensure impacts associated with wastewater treatment requirements are less than significant:

> ***Regulatory Requirement RR-8*** *Prior to issuance of building permits on vacant or undeveloped parcels that will be developed within the project site, the project applicant(s) shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for all developments within the project site that disturb one acre or more. The SWPPP shall provide a list of Best Management Practices (BMPs) for the control and treatment of runoff from the project site.*
>
> ***Regulatory Requirement RR-12*** *Prior to issuance of building permits on vacant parcels within the DLVSP, the project applicant(s) shall prepare a WQMP for post construction conditions which shall include a list of appropriate Best Management Practices (BMPs) for the control and treatment of runoff from the project site.*

**2. New Infrastructure and Adequate Capacity**

Threshold: Would the Project require the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Finding: Less than significant impact. (DEIR, p. 4.17-5)

Explanation: No wastewater infrastructure or systems exist on or in the vicinity of the project site. The project site lies within CVWD's service area. CVWD has neither the infrastructure nor immediate plans to provide wastewater service to the project site in the near future. Additionally, DWA and MSWD supply the majority of wastewater treatment to Desert Hot Springs, however; the project site is not within DWA's or MSWD's service area.

The southern boundary of MSWD's service area terminates approximately 0.5 miles northwest of the project site. MSWD has a planned Regional Wastewater Treatment Plant located approximately 1.0 mile northwest of the project site. MSWD Regional Wastewater Treatment Plant is currently being designed and anticipated to be constructed by late 2019. Consequently, service by MSWD would provide the most economically viable option to supply wastewater service to development within the DLVSP subject to an interagency agreement with CVWD and/or LAFCO approval (sphere of influence extension or annexation) to permit MSWD service to the project site.

Ultimate wastewater service to the project site would be provided by the MSWD Regional Wastewater Treatment Plant, generally located at the northwest corner of Little Morongo Road and 20th Avenue. The point of connection to the Regional Wastewater Treatment Plant on the project site would be from the open space area in the1.0-acre proposed wastewater facility site located in the northwest corner of the project site, south of Varner Road. A sewer lift station would be constructed to pump wastewater from the project site to the MSWD Regional Wastewater Treatment Plant.

There are two potential alignment options to connect the project site to MSWD's Regional Wastewater Treatment Plant. The preferred option (Option A) is to connect from the proposed project's wastewater facility site north in West Drive, west in Varner Road, north from Varner Road through the Willow Hole conservation area within a public utility easement, then west within 20th Avenue right-of-way to the point of connection near the intersection of Little Morongo Road and 20th Avenue. The second option (Option B) is to connect from the proposed project's wastewater facility site north in West Drive, east in Varner Road right-of-way, north in Palm Drive right-of-way, and then west in 20th Avenue right-of-way, to the point of connection near the intersection of Little Morongo Road and 20th Avenue.

In order for the project site to be served by MSWD, CVWD and MSWD would enter into an agreement whereby CVWD relinquishes the right to serve the project site in favor of MSWD. This agreement would only affect the project site and no other development projects in the area. The project proponent has been coordinating with both CVWD and MSWD to develop water supply options and MSWD supplied a will-serve letter to the project proponent, agreeing to provide water and sewer services to the project site due to its close proximity to the MSWD service area. Therefore, development of interim wastewater facilities onsite could serve early project operations until the offsite sewer line can be constructed to connect to the proposed MSWD Regional Wastewater Treatment Plant, which would supply long-term wastewater services to the project site. Impacts would be less than significant.

### 3. Stormwater Drainage Facilities

Threshold: Would the Project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Finding: Less than significant impact. (DEIR, p. 4.18-8)

Explanation: As currently mapped by FEMA, the project site and its surrounding area are constrained by flooding and drainage conditions and the 100-year flood plain with no base flood elevations determined. The project site would be developed with nine onsite storm water infiltration basins that would comply with the Stormwater Management and Discharge Controls stipulated in Chapter 13.08 of the Desert Hot Springs Municipal Code (Ordinance 1997-02). The provided basin capacities would be sized to contain the 100-year, 24-hour duration storm event, minimizing the discharge and transport of storm flows to natural drainage facilities south of the project site where historic flows from the site are deposited. Therefore, impacts would be less than significant.

### 4. Wastewater Treatment Capacity

Threshold: Would the Project result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it lacks adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?

Finding: Less than significant impact. (DEIR, p. 4.18-12)

Explanation: Until the MSWD Regional Wastewater Treatment Plant facility is in operation, and/or during early development phases when project wastewater demands are minimal with only marijuana cultivation uses in place, interim onsite wastewater facilities may be used with periodic truck transport to a regional wastewater treatment plant or sewage receiving facility to provide wastewater treatment. The proposed interim wastewater facilities would be located at either an onsite wastewater facility or within the development areas in the parking and circulation areas. Ultimately, these interim wastewater facilities would be abandoned and connected into the MSWD regional system once it is operational.

Once the proposed MSWD Regional Wastewater Treatment Plant is operational, it would provide wastewater services to the project site. MSWD supplied a will-serve letter to the project proponent, agreeing to provide wastewater services to the project site due to its close proximity to the MSWD service area. Therefore, with connection to the proposed MSWD Regional Wastewater Treatment Plant, MSWD would have sufficient capacity to provide the project site with wastewater services. Impacts would be less than significant.

### 5. Solid Waste Facilities

Threshold: Would the Project be served by a landfill with insufficient permitted capacity to accommodate the Project's solid waste disposal needs?

Finding: Less than significant impact. (DEIR, p. 4.18-13)

Explanation: According to Jurisdiction Landfill Tonnage Reports from Department of Waste Resources, 2,037,163 total tons of solid waste was hauled to County landfills in 2015. The County currently has an annual disposal limit of 8 million tons in County landfills, so currently about 75 percent of the County landfill capacity remains.

The project site would be served by Desert Valley Disposal Inc. (DVD), the authorized waste collection hauler for the City of Desert Hot Springs. The City of desert Hot Springs does not currently have solid waste generation rates based on designated land uses in the General Plan, so the generation rates developed for the recently adopted Coachella General Plan Update were utilized, since Coachella is a similar size and nature as Desert Hot Springs. Industrial development generates approximately 0.0108 tons/sf/year of solid waste and commercial development generated approximately 0.0024 tons/sf/yr.

Based on the existing general plan designations for the project site, the project site would be anticipated to generate approximately 14,140 tons/year of solid waste.

Based on the proposed land uses within the DLVSP, development within the project site would be anticipated to generate approximately 17,480 tons/year of solid waste. Although the increase in total solid waste generated from development of the DLVSP is greater than the anticipated development under the Desert Hot Springs General Plan, the increase in waste is negligible compared to the overall capacity of the county landfills.

The total annual solid waste generation for the proposed project would account for 0.86 percent of the solid waste generation in the County of Riverside, reducing the overall landfill capacity by approximately 0.22 percent. Therefore, County landfills have sufficient capacity to serve the DLVSP, and impacts would be less than significant.

**6. Solid Waste Reduction**

Threshold: Would the Project fail to comply with applicable federal, state, and local statutes and regulations related to solid waste?

Finding: Less than significant impact. (DEIR, p. 4.18-13)

Explanation: During construction of the proposed project, contractors would be generating construction waste that should be recycled. Under the City's Municipal Code Section 8.08.040(B), the City requires that development projects do the following: (1) Meet the diversion requirement of at least 50 percent of all construction waste; (2) Submit a construction and demolition waste plan (on the required forms); (3) Submit a performance security along with the application required for a construction permit. City-owned projects would not be required to pay the performance security.

The proposed project would comply with all proper waste management procedures of the identified construction recyclable and reusable materials identified within Code Section 8.08.040 (B). Consistent with the City's Municipal Code and Regulatory Requirement RR-25, the project applicant(s) must submit a construction and demolition waste plan to ensure that construction waste is adequately handled.

During operation of future projects within the project site, operators would require solid waste services that would be provided by DVD. In an effort to reduce the amount of solid waste that would ultimately end up in a county landfill, DVD would provide each development within the DLVSP with a container for recyclable items that is separate from the solid waste container. This program is in conformance with AB 939, which requires that every city and county implement programs to recycle, reduce at the source and compost 50 percent of its solid waste by 2050.

With the project's adherence to AB 939 waste diversion goals and City programs developed to assist in achieving those goals, the project would have a less than significant impact with regard to federal, State, and local statutes pertaining to solid waste.

The following regulatory requirement has been identified to ensure impacts associated with solid waste are less than significant:

***Regulatory Requirement RR-25*** *Prior to issuance of construction permits, contractors shall prepare and implement Construction and*

*Demolition Waste Reduction/Recycling Plans, for review and approval by the City Engineer or his/her designee.*

**7. Energy Usage**

Threshold: Would the Project lead to the inefficient, wasteful and unnecessary consumption of energy resources?

Finding: Less than significant impact. (DEIR, p. 4.18-15)

Explanation: The proposed project includes construction of 1,538,757 square feet of industrial development and 359,042 square feet of commercial development on 123.4 acres of land. The proposed project also includes development of a 3-acre solar facility that would assist in meeting the overall power demand of the project.

The project site would be served by Southern California Edison for electrical energy needs. Currently, SCE has three different circuits running through the project site. A 115KV line travels from the west property line along the south side of Varner Road to the east property line. A 115KV and 12KV circuit begin at the west property line on Varner Road and continue south along the western property line and then east along the south property line paralleling the I-10 Freeway. The current available capacity on the three circuits is unknown.

Load calculations were prepared for two separate options: 100 percent cultivation within the industrial area and 60 percent cultivation within the industrial area.

Option 1

Based on these load Calculations Phase 1 would require 51. 5 Mega Volt Amps (MVA). A SCE 33KV circuit maxes out at 500 amps per circuit for new business. The 33KV circuit is 17 amps per MVA which calculates out to 484.5 amps which would be sufficient to serve Phase 1 at the 60 percent cultivation rate but would require an additional 33KV circuit to accommodate the 100 percent cultivation rate. SCE would also need to offload all existing load from the 33KV circuit to make this a viable option.

The calculated total build out load is 78.5 MVA for the 100 percent cultivation option. This option would result in 1,334 Amps on the 33KV which would equate to 3 fully loaded 33KV circuits required to serve the site.

Option 2

SCE may choose to install a 115KV distribution station on the project site to supply power to development within the DLVSP. This substation would step the voltage down from 115KV to 12KV. SCE would install eight new 12KV circuits to feed the worst case scenario, 100 percent cultivation option. This option is timelier, since the average substation takes approximately five years to develop. Nonetheless, the proponent has set aside an acre of land within the project site to allow SCE to develop a substation to meet a portion of the project demand, if necessary. Roof top solar panels and some covered areas of parking lots are proposed within the DLVSP to assist with meeting a portion of the project's energy needs. Therefore SCE is capable of providing power to

the project site and potential solar improvements would reduce the overall energy need. Impacts would be less than significant.

**(2) FINDINGS REGARDING ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT.**

The City Council hereby finds that feasible Mitigation Measures have been identified in the DEIR and this Resolution that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts, and the Mitigation Measures that will reduce them to a less than significant level, are as follows:

### A. AIR QUALITY

### 1. Sensitive Receptor Exposure to Pollutant Concentrations

Threshold: Would the Project expose sensitive receptors to substantial pollutant concentrations?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.3-28)

Explanation:

*Local Air Quality Impacts from Construction*

The project pollutant emission thresholds were calculated based on the Coachella Valley source receptor area (SRA) 30 and a disturbance of five acres per day. The nearest sensitive receptor is the existing rural residential land use located approximately 120 feet from the project site; therefore SCAQMD Look-up Tables for 23 meters was used.

Table 4.3-10 of the DEIR, *Unmitigated Local Construction Emissions at the Nearest Receptors,* shows the onsite emissions from the CalEEMod model for different construction phases and the calculated LST emissions thresholds. The data provided in Table 4.3-10 shows that none of the analyzed criteria pollutants would exceed the local emissions thresholds at the nearest sensitive receptor. Mitigation Measures AQ-1, AQ-2, AQ-12 and AQ-13 are required to reduce regional construction emissions and they reduce local impacts as well. Therefore, a less than significant local air quality impact would occur from implementation of the DLVSP.

*Local Carbon Monoxide (CO) Emission Impacts from Project-Generated Vehicular Trips*

To determine if development the DLVSP could cause emission levels in excess of the CO standards, a sensitivity analysis is typically conducted to determine the potential for CO "hot spots" at a number of intersections in the general vicinity of the project site. Analysis prepared for CO attainment in the South Coast Air Basin by SCAQMD can be used to assist the DLVSP's analysis in evaluating the potential for CO exceedances in the South Coast Air Basin.

The *Traffic Impact Analysis* prepared for the DLVSP estimated that the DLVSP development projects would generate a maximum of 26,313 trips per day. As stated above, the 1992 CO Plan showed that an intersection which has a daily traffic volume of approximately 100,000 vehicles per day would not violate the CO standard. Therefore, as both the intersection and average daily traffic volumes fall short of 100,000 vehicles per day, no CO "hot spot" modeling was performed and no significant long-term air quality impact is anticipated on local air quality due to the on-going operations of projects within the project site.

*Local Air Quality Impacts from Onsite Operations*

The local air quality emissions from onsite operations were analyzed according to the methodology described in *Localized Significance Threshold Methodology*, prepared by SCAQMD, revised July 2008. The proposed project was analyzed based on the

Coachella Valley source receptor area (SRA) 30 and used the thresholds for a five-acre project site.

Mitigation Measures AQ-3 through AQ-11 have been incorporated to reduce regional operations emissions, and those measures would also reduce $PM_{10}$ and $PM_{2.5}$ emissions at a local level. The mitigated emission are shown in Table 4.3-12 of the DEIR, *Mitigated Local Operational Emissions at the Nearest Receptors.* The data in Table 4.3-12 of the DEIR shows that even with incorporation of mitigation, emissions from the operation of the proposed project would exceed SCAQMD local operational screening thresholds for $PM_{10}$ and $PM_{2.5}$. Therefore, more detailed dispersion modeling for PM emissions was conducted to assess project specific emissions.

At the boundary closest to the nearest sensitive receptor the $PM_{10}$ concentration from onsite mobile truck sources from the light industrial uses is 0.02 $\mu g/m^3$ over a 24-hour period. The SCAQMD operational LST threshold for $PM_{10}$ (and $PM_{2.5}$) is 2.5 $\mu g/m^3$. As the $PM_{10}$ mobile source concentrations would not exceed the SCAQMD operation LST threshold at the interface between the project boundary and the sensitive receptor property line, the $PM_{2.5}$ mobile source concentrations would also not exceed thresholds. Therefore, the previously proposed mitigation measures to reduce local operational emissions would suffice, and no additional mitigation is required.

*Toxic Air Contaminants*

Industrial uses permitted within the DLVSP include, but are not limited to, medical marijuana cultivation, warehousing and distribution, light manufacturing facilities, and mixed use office/industrial. As shown in *Traffic Impact Analysis*, the industrial land uses are anticipated to generate approximately 2,295 truck trips per day. The California Air Resources Board (CARB) recommends not siting distribution centers with more than 100 truck trips per day within 1,000 feet of a sensitive receptor. A single-family detached residential dwelling unit is located approximately 130 feet to the southeastern corner of the project site. Typically, exposure to air toxics from industrial truck trips to a sensitive receptor located within 200 feet would require a Health Risk Assessment (HRA) to be prepared to analyze potential health risks to sensitive receptors. However, because the project is a Specific Plan, and the exact location and types of industrial uses are not currently determined, Mitigation Measure AQ-11 requires a HRA to be prepared if a distribution center with more than 100 daily truck trips is to be constructed within 1,000 feet from the property line of the existing detached residential unit located southeast of the project site. Additionally, in-lieu of the HRA, warehouse and/or distribution center-type uses would not be allowed in Lots 4 and 5 and the southern-most portions of Lots 2 and 3, which are located closest to the sensitive receptor. Therefore, with incorporation of mitigation, the proposed project would not expose sensitive receptors to significant levels of toxic air contaminants.

With incorporation of Mitigation Measures AQ-1 through AQ-15, the proposed project would not expose sensitive receptors to local air quality impacts from construction, local CO emissions from project-generated vehicular trips, local air quality impacts from onsite operations and toxic air contaminants and impacts would be reduced to less than significant.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

*Construction Measures*

***Mitigation Measures AQ-1*** *Architectural coatings applied to buildings within the project site are to be limited to 10 grams per liter VOC and traffic paints shall be limited to 100 grams per liter VOC content and shall be verified by the City Building Official or his/her designee, prior to application of coatings and/or traffic paint.*

***Mitigation Measures AQ-2*** *The project proponent shall require that all applicable SCAQMD Rules and Regulations (as detailed in Section 4.3.2 of the DEIR) are complied with during construction and the construction contractor use construction equipment that has Tier 4 final engines, level 3 diesel particulate filters (DPF), with oxidation catalyst that have a 20 percent reduction in emissions.*

*Operational Measures*

***Mitigation Measures AQ-3*** *The project proponent shall require the use of the onsite sustainability design features, including: solar panels on all industrial building rooftops (except cultivation buildings) and carport shade structures and a solar farm and/or wind farm; that will provide at least 10 percent of the electrical energy needs for the project site.*

***Mitigation Measures AQ-4*** *The project proponent shall require that: all faucets, toilets and showers installed in the proposed structures utilize low-flow fixtures that would reduce indoor water demand by 20 percent per CalGreen Standards, water-efficient landscaping practices are employed onsite.*

***Mitigation Measures AQ-5*** *The project proponent shall require recycling programs that reduces waste to landfills by a minimum of 75 percent (per AB 341).*

***Mitigation Measures AQ-6*** *The project proponent shall require that high-efficiency lighting (such as LED lighting that is 34 percent more efficient than fluorescent lighting) be installed onsite.*

***Mitigation Measures AQ-7*** *The project proponent shall require that employee vanpool/ride share programs shall be provided for at least 80 percent of onsite employees.*

***Mitigation Measures AQ-8*** *Re-application of architectural coatings to protect buildings will be limited to 10 grams per liter VOC and traffic paints shall be limited to 100 grams per liter VOC content.*

***Mitigation Measures AQ-9*** *The project proponent shall provide sidewalks onsite. Will maintain consistency with the City's General Plan*

*Policy 3 (Air Quality Goals, Policies and Programs) regarding development of pedestrian-oriented retail centers.*

***Mitigation Measures AQ-10*** *The project proponent shall require that all building structures meet or exceed 2016 Title 24, Part 6 Standards and meet 2016 Green Building Code Standards.*

***Mitigation Measures AQ-11*** *If a distribution center with more than 100 daily truck trips is constructed within the project site within 1,000 feet from the property lines of existing single-family detached residential dwelling units located to the southeast of the project site, then the project proponent will require that the individual applicant proposing development prepare a Health Risk Assessment (HRA) to ensure that the cancer risk to existing sensitive uses does not exceed the SCAQMD MICR TAC threshold of 10 in 1 million. If the SCAQMD MICR TAC threshold of 10 in 1 million is exceeded, then the proposed distribution center shall be redesigned to ensure MICR TAC levels are below the threshold.*

***Mitigation Measure AQ-12*** *The project applicant shall require the use of 2010 model year diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export) during construction and operation, and if the Lead Agency determines that 2010 model year or newer diesel haul trucks are not feasible, the Lead Agency shall use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum. This requirement shall be stipulated in all contract documents between the applicant and his/her contractors as applicable which shall be available upon request from City staff.*

***Mitigation Measure AQ-13*** *The project applicant shall ensure that 240-Volt electrical outlets or Level 2 chargers are installed in parking lots that would enable charging of NEVs and/or battery powered vehicles. This shall be verified prior to occupancy of each building as it is developed.*

***Mitigation Measure AQ-14*** *The project applicant shall require the use of electric or alternatively fueled sweepers with HEPA filters. This shall be verified periodically during operation by City Code Enforcement.*

***Mitigation Measure AQ-15*** *The project applicant shall require the use of electric lawn mowers and leaf blowers. This shall be verified periodically during operation by City Code Enforcement.*

## B. BIOLOGICAL RESOURCES

### 1. Candidate, Non-listed Sensitive, or Special-Status Animal and Plant Species

Threshold: Would the Project 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 Wildlife or U.S. Fish and Wildlife Service?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.4-33)

Explanation: The project site, including the proposed sewer and water line alignments, consist of flat to gently-sloped terrain within the broad alluvial plain that comprises the northern portion of the Coachella Valley. Habitat onsite and within the area surrounding the project site is best described as Sonoran creosote bush scrub.

No State- and/or federally-listed threatened or endangered species, or other sensitive species were observed onsite during the reconnaissance-level field survey. However, there is some habitat within the project site and along the water and sewer alignment that may be suitable for several sensitive species identified in the Table 4.4-1 of the DEIR and several sensitive species have been documented near the project sites.

*Special Status Plant Species*

**Coachella Valley milk-vetch** - The Coachella Valley milk-vetch is federally-listed endangered species that is an annual or short-lived perennial plant primarily found on loose Aeolian (i.e., wind transported) or alluvial (i.e., water transported) sands that are located on dunes or flats, and along disturbed margins of sandy washes in the Coachella Valley. A focused Coachella Valley milk-vetch survey was not performed, but no individuals were observed during the reconnaissance-level survey for the project site and the habitat on site is only marginally-suitable for this species. Per the United States Fish and Wildlife Service (USFWS), Coachella Valley milk-vetch Critical Habitat overlay, the project site is not within any USFWS designated Coachella Valley milk-vetch Critical Habitat.

According to the detailed literature search for the project site, the nearest documented Coachella Valley milk-vetch occurrence to the northeast is within approximately 0.3 miles. The occurrence puts it within the proposed Option B alignment of the water and sewer line along 20$^{th}$ Avenue. Therefore, the project biologist recommended that focused Coachella Valley milk-vetch surveys be conducted prior to any grading activities on the project site, particularly that portion of the project site that falls within the Willow Hole Conservation Area, and along the 20$^{th}$ Avenue water and sewer alignment per Mitigation Measure BIO-1. If any Coachella Valley milk-vetch is encountered during the pre-construction survey, it should be flagged and avoided. If avoidance is not an option, the project proponent must work with the appropriate agencies to prepare a salvage plan to be incorporated during construction within the Willow Hole Conservation Area. Any take of Coachella Valley milk-vetch during project construction outside of the conservation area would be covered with payment of the CVMSHCP mitigation fee, implemented with Regulatory Requirement RR-4. With implementation of mitigation, development of the proposed project would have a less than significant impact on Coachella Valley milk-vetch.

*Other Sensitive Plant Species*

Based on known habitat affinity and proximity of documented occurrences to the project site, the following sensitive plant species were identified in the *Biological Resources Assessment* as having a low to moderate potential to occur within the project site:

- chaparral sand-verbena (*Abronia villosa* var. *aurita*)
- pygmy lotus (*Acmispon haydonii*)
- singlewhorl burrobrush (*Ambrosia monogyra*)

- Arizona spurge (*Euphorbia arizonica*)
- flat-seeded spurge (*Euphorbia platysperma*)
- Little San Bernardino Mountains Linanthus (*Linanthus maculatus* ssp. *maculatus*)
- spiny-hair blazing star (*Mentzelia ticuspis*)
- slender cottonheads (*Nemacaulis denudata* var. *gracilis*)
- desert spikemoss (*Selaginella eremophila*)

These species are neither State- nor federally- listed as endangered or threatened, but have been identified on the CNPS Inventory of Rare and Endangered Plants. While there is some suitable habitat for these species within the project site, including the proposed water and sewer line alignments, the occurrence potential for these species is low to moderate. Also, the documented occurrences range from approximately 3 miles from the site to as far as 9 miles from the site. Because the documented occurrences are not near or within the site and these species were not seen during the site survey, project-related impacts to these species are not likely to occur.

*Special Status Animal Species*

**Desert tortoise** – The desert tortoise is a State- and federally-listed threatened species. The desert tortoise is typically found in creosote bush scrub. According to the literature review, the nearest documented desert tortoise occurrence (1997) is approximately 7 miles northwest of the project site.

There are no desert tortoise occurrences documented on the project site and the site is separated from the nearest documented desert tortoise occurrences by utilities infrastructure and California State Route 62 to the west and residential development to the north/northeast. Furthermore, the CVMSHCP has designated modeled suitable desert tortoise habitat and both project sites are completely outside any areas of modeled desert tortoise habitat. Per the USFWS, desert tortoise Critical Habitat overlay, the project sites are not within any USFWS designated desert tortoise Critical Habitat. Therefore, development of the proposed project would not have a significant impact on the desert tortoise.

**Burrowing owl** – The Burrowing Owl (BUOW) is a State-listed Species of Special Concern (SSC), and protected by the federal Migratory Bird Treaty Act (MBTA) and by State law under CFG Code 3513 and 3503.5. The BUOW is a ground dwelling owl typically found in arid prairies, fields, and open areas where vegetation is sparse and low to the ground.

The nearest documented BUOW occurrence (2003) is approximately 0.6 miles east of the project site, northeast of the intersection of Palm Drive and Varner Road. There are no BUOW occurrences documented within the project site and surrounding area; however, the project site does contain habitat that is suitable to support BUOW. Therefore, focused breeding season protocol BUOW surveys were conducted within the project site.

The result of the focused BUOW surveys is that no BUOW individuals or sign including pellets, feathers or white wash were observed. Therefore, BUOW are

considered absent from the project site and development of the proposed project would have a less than significant impact on BUOW. Regarding the proposed water and sewer alignments, field surveys showed that there is no suitable habitat within the alignment for the BUOW; therefore, protocol-level focused surveys for this species are not recommended. Project impacts on BUOW are less than significant.

**Loggerhead shrike** - The loggerhead shrike is considered a SSC by the California Department of Fish and Wildlife (CDFW) and protected by the federal MBTA. This species prefers open country for hunting, with perches for scanning and dense shrubs and brush for nesting. According to the literature review, the nearest documented loggerhead shrike occurrence (2010) was approximately 7.3 miles west of the project site. There are no loggerhead shrike occurrences documented in the project site and surrounding area, including the proposed water and sewer line alignments. However, the project site does contain habitat that is suitable to support this species. Therefore, this species has a moderate potential to occur within the project site. Per Mitigation Measure BIO-3 and BIO-4, Preconstruction Nesting Bird Surveys are recommended prior to commencement of any project activities that may occur within the nesting season (January to September), to avoid any potential project-related impacts to loggerhead shrike or other nesting birds within the project site.

*Mammals*

No other State- and/or federally-listed threatened or endangered animal species were observed onsite during the field survey. However, based on habitat preferences and proximity of documented occurrences to the project site, the followings sensitive animal species were identified as having a low to moderate potential to occur within the project site:

- red-diamond rattlesnake
- flat-tailed horned lizard
- San Diego pocket mouse
- Palm Springs pocket mouse
- Palm Springs round-tailed ground squirrel

These species are neither State- nor federally- listed as endangered or threatened, but have been designated as SSC by the CDFW. While there is some suitable habitat for these species within the study area the occurrence potential for these species is low to moderate. Also, documented occurrences range from approximately 1 mile to 6.7 miles. Because the documented occurrences are not near or within the site and these species were not seen during the site survey, project-related effects to these species are not likely to occur. Regarding the water and sewer line alignments, there is no suitable habitat on site for any of the State and/or federally listed species that have been documented in the project vicinity.

Additionally, no critical habitat for these species is present within the project sites, so payment of the CVMSHCP mitigation fee, implemented through Regulatory Requirement RR-4, would cover incidental take of the species during the development of the proposed project since it is a covered activity under the CVMSHCP.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

***Mitigation Measure BIO-1*** *Focused Coachella Valley milk-vetch surveys shall be conducted prior to any grading activities within the project site, particularly in the portion of the project site that falls within the Willow Hole Conservation Area (Planning Area 2). Likewise, focused surveys shall be conducted prior to any grading activities within the selected water and sewer line alignments (either Option A or Option B). If any Coachella Valley milk-vetch is encountered during the pre-construction survey, it should be flagged and avoided. If avoidance is not an option, the project proponent must work with the appropriate agencies to prepare a salvage plan to be incorporated during construction within the Willow Hole Conservation Area.*

***Mitigation Measure BIO-3*** *If construction activity takes place between January and September, and if said construction activity is unavoidable to schedule outside of this time frame, the applicant(s) can prepare a project-specific Nesting Bird Management Plan to determine suitable buffers.*

***Mitigation Measure BIO-4*** *Preconstruction Nesting Bird Surveys are recommended prior to commencement of any project activities that may occur within the nesting season (January to September), to avoid any potential project-related impacts to nesting birds within the project site.*

***Regulatory Requirement RR-4*** *New development projects are required to pay the most current CVMSHCP (2017) mitigation fee rate of $5,529 per acre of commercial/industrial use.*

**2. Local Policies and Ordinances**

Threshold: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.4-39)

Explanation: Preparation of the *Biological Resources Assessment* for the proposed project concluded that any suitable habitat for special status species on the project site would be mitigated through the payment of the CVMSHCP mitigation fee, under Regulatory Requirement RR-4, which is consistent with *Policy 2* and *3* of the *Biological Resources Goals, Policies, and Programs* of the City's General Plan regarding assessment and maintenance of habitat suitable for special status species within the City. This requirement also applies to the proposed water and sewer line alignments along 20$^{th}$ Avenue that traverses Coachella Valley milk-vetch critical habitat. The project applicant(s) would incorporate a "contemporary desert" theme to their landscape plan through the use of native and desert-friendly species planted in large masses and drifts, which would support existing desert habitats, further reducing impacts on the existing environment.

Since approximately 38.7 acres of the DLVSP are within the Desert Willow Conservation Area, land use adjacency guidelines adopted in the CVMSHCP must be followed during development and operation of the DLVSP, implemented through Mitigation Measure BIO-5. This requirement also applies to the proposed water and sewer line alignments. Compliance with the CVMSHCP land use adjacency guidelines would ensure consistency with *Policy 4* regarding the need for appropriate buffers between sensitive habitat and urban development. With implementation of Regulatory Requirement RR-4 and Mitigation Measure BIO-5, development of the DLVSP would not conflict with any local policies pertaining to Biological Resources and impacts would be less than significant.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

***Mitigation Measure BIO-5*** *The project proponent shall implement the following CVMSHCP Land Use Adjacency Guidelines requirements and restrictions as listed in Section 3.2.3 of the Biological Resources Assessment (Appendix C) and shall be adhered to during construction and for post construction operation for any project within the project site that lies adjacent to Conservation Areas. The project proponent shall coordinate with the Coachella Conservation Commission (CVCC) and CVCC staff shall review plans for all planning areas adjacent to the Conservation Area and determine whether the proposed improvements are consistent with the CVMSHCP.*

1) *Drainage – Proposed Development adjacent to or within a Conservation Area shall incorporate plans to ensure that the quantity and quality of runoff discharged to the adjacent Conservation Area is not altered in an adverse way when compared with existing conditions. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the adjacent Conservation Area.*
2) *Toxics –Land uses proposed adjacent to or within a Conservation Area that use chemicals or generate byproducts such as manure that are potentially toxic or may adversely affect wildlife and plant species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in any discharge to the adjacent Conservation Area.*
3) *Lighting – For proposed Development adjacent to or within a Conservation Area, lighting shall be shielded and directed toward the developed area. Landscape shielding or other appropriate methods shall be incorporated in project designs to minimize the effects of lighting adjacent to or within the adjacent Conservation Area in accordance with the guidelines to be included in the Implementation Manual.*
4) *Noise – Proposed Development adjacent to or within a Conservation Area that generates noise in excess of 75 dBA Leq hourly shall incorporate setbacks, berms, or walls, as appropriate, to minimize the effects of noise on the adjacent Conservation Area*

*in accordance with guidelines to be included in the Implementation Manual.*

5) *Invasives – Invasive, non-native plant species shall not be incorporated in the landscape for land uses adjacent to or within a Conservation Area. Landscape treatments within or adjacent to a Conservation Area shall incorporate native plant materials to the maximum extent feasible; recommended native species are listed in Table 4-112. The plants listed in Table 4-113 shall not be used within or adjacent to or within a Conservation area. The list may be amended from time to time through a Minor Amendment with Wildlife Agency Concurrence.*
6) *Barriers – Land uses adjacent to or within a Conservation Area shall incorporate barriers in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in a Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls and/or signage.*
7) *Grading/Land Development – Manufactured slopes associated with site Development shall not extend into adjacent land in a Conservation Area*

***Regulatory Requirement RR-4*** *New development projects are required to pay the most current CVMSHCP (2017) mitigation fee rate of $5,529 per acre of commercial/industrial use.*

### 3. Wildlife Movement and Nesting/Migratory Birds

Threshold: Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.4-40)

Explanation: Approximately 38.7 acres of the northern portion of the project site (mostly north of Varner Road) is within the Willow Hole Conservation Area. Likewise, portions of the proposed water and sewer line alignment, under either alignment option are also located within this conservation area. The water and sewer line alignment project falls into the "covered activity" category which includes public facility operations and maintenance such as water and sewer treatment and transmission facilities. Planning Area 2 would be dedicated to open space conservation as part of the CVMSHCP's Willow Hole Conservation Area and would largely remain in its existing condition – undeveloped desert land and habitat, with the exception of permitted sustainable energy facilities (i.e., solar farms/fields, WECs) for up to 10 percent of the overall Planning Area 2 acreage. All other DLVSP development is restricted to outside the Willow Hole Conservation Area and would not result in direct or indirect significant impacts to the conservation area.

Under the CVMSHCP, any project proposed within a Conservation Area is required to undergo Joint Project Review to ensure Plan implementation. The project proponent would submit the application to Coachella Valley Conservation Commission (CVCC) which would trigger the Joint Project Review process. CVCC and wildlife

agencies would supply comments within 30 days of receipt of the application and any impacts to covered species within the Conservation Area would be discussed, implemented through Regulatory Requirement RR-6. Since the proposed water and sewer alignment project would be considered a Covered Activity under the CVMSHCP upon project approval, Take of covered species within the Willow Hole Conservation Area would also be covered by the mitigation fee, implemented through Regulatory Requirement RR-4.

Section 4.5 of the CVMSHCP identifies guidelines to avoid or minimize indirect effects from development sharing a common boundary with a Conservation Area. With implementation of Mitigation Measure BIO-5 and BIO-6, the project proponent will be required to adhere to the CVMSHCP Land Use Adjacency Guidelines and impacts would be less than significant.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

> ***Mitigation Measure BIO-5*** *The project proponent shall implement the following CVMSHCP Land Use Adjacency Guidelines requirements and restrictions as listed in Section 3.2.3 of the Biological Resources Assessment (Appendix C) and shall be adhered to during construction and for post construction operation for any project within the project site that lies adjacent to Conservation Areas. The project proponent shall coordinate with the Coachella Conservation Commission (CVCC) and CVCC staff shall review plans for all planning areas adjacent to the Conservation Area and determine whether the proposed improvements are consistent with the CVMSHCP.*
>
> 1) *Drainage – Proposed Development adjacent to or within a Conservation Area shall incorporate plans to ensure that the quantity and quality of runoff discharged to the adjacent Conservation Area is not altered in an adverse way when compared with existing conditions. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the adjacent Conservation Area.*
> 2) *Toxics –Land uses proposed adjacent to or within a Conservation Area that use chemicals or generate byproducts such as manure that are potentially toxic or may adversely affect wildlife and plant species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in any discharge to the adjacent Conservation Area.*
> 3) *Lighting – For proposed Development adjacent to or within a Conservation Area, lighting shall be shielded and directed toward the developed area. Landscape shielding or other appropriate methods shall be incorporated in project designs to minimize the effects of lighting adjacent to or within the adjacent Conservation Area in accordance with the guidelines to be included in the Implementation Manual.*
> 4) *Noise – Proposed Development adjacent to or within a*

*Conservation Area that generates noise in excess of 75 dBA Leq hourly shall incorporate setbacks, berms, or walls, as appropriate, to minimize the effects of noise on the adjacent Conservation Area in accordance with guidelines to be included in the Implementation Manual.*

5) *Invasives – Invasive, non-native plant species shall not be incorporated in the landscape for land uses adjacent to or within a Conservation Area. Landscape treatments within or adjacent to a Conservation Area shall incorporate native plant materials to the maximum extent feasible; recommended native species are listed in Table 4-112. The plants listed in Table 4-113 shall not be used within or adjacent to or within a Conservation area. The list may be amended from time to time through a Minor Amendment with Wildlife Agency Concurrence.*
6) *Barriers – Land uses adjacent to or within a Conservation Area shall incorporate barriers in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in a Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls and/or signage.*
7) *Grading/Land Development – Manufactured slopes associated with site Development shall not extend into adjacent land in a Conservation Area*

***Mitigation Measures BIO-6*** *A site specific final acoustical analysis is required once a site specific site plan is made available in order to demonstrate compliance with the CVMSCHP noise threshold. If the results of the acoustical analysis conclude that proposed development will exceed acceptable noise levels, the proposed development project shall be redesigned to ensure consistency with the CVMSHCP Adjacency noise requirements.*

***Regulatory Requirement RR-4*** *New development projects are required to pay the most current CVMSHCP (2017) mitigation fee rate of $5,529 per acre of commercial/industrial use.*

***Regulatory Requirement RR-6*** *Per CVMSHCP, the project proponent must undergo Joint Project Review to ensure Plan implementation. The project proponent must submit the application to CVCC which would trigger the Joint Project Review process. CVCC and wildlife agencies would supply comments within 30 days of receipt of the application and any impacts to covered species within the Conservation Area would be discussed.*

## C. CULTURAL RESOURCES

### 1. Archeological Resources

Threshold: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.5-12)

Explanation: A literature and records search was conducted that included the project site and an additional 1-mile radius buffer (referred to as the project "study area"). The proposed water and sewer alignments is within the 1-mile buffer area of the records search. The records search indicated that 28 cultural resources have been identified previously within the project study area. Three of the 28 identified cultural resources were archaeological resources reported to be located within the project site. The three identified archaeological resources include: a historic-period refuse scatter (AE-3634-02H), a historic-period site consisting of a foundation and collapsed concrete and cobble walls of a building and a scatter of associated refuse (33-017842/CA-RIV-9233), and a prehistoric isolate artifact consisting of two ceramic shards. (Æ-3634-ISO-01). The results of an intensive-level cultural resource survey of the project study area provided in *Cultural Resource Assessment* (Appendix D1) concluded that the three identified archaeological resources do not meet the CRHR criteria, have been evaluated as not eligible for the CRHR.

A portion of the proposed water and sewer alignments was not surveyed due to access restrictions. The unsurveyed area must be subjected to an archaeological survey prior to construction of the proposed water and sewer alignment, implemented through Mitigation Measure CR-2. If cultural resource(s) are identified in the alignment that cannot be avoided, then the resource(s) would need to be evaluated for listing on the CRHR.

Although no archaeological resources were encountered onsite during the field survey, in the event that intact subsurface archaeological deposits are encountered during construction activities, implementation of Mitigation Measure CR-3 requires all work to halt until a qualified archaeological monitor can be called onsite, at the expense of the project proponent, to assess the significance. Adherence to Mitigation Measure CR-2 and CR-3 would reduce potential impacts to archaeological resources to less than significant levels.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

> ***Mitigation Measure CR- 2*** *Prior to construction of the proposed water/sewer alignment, the area that was not surveyed due to access restrictions (see Exhibit 4.5-1) must be surveyed for archaeological resources. If cultural resource(s) are identified in the alignment that cannot be avoided, all activity in the area of the find shall cease until the cultural resource(s) can be evaluated by a qualified archaeologist. If the qualified archaeologist determines that the resources may be significant, he or she shall notify the project proponent and shall develop an appropriate plan of action for the resources. The project proponent shall consult with appropriate Native American tribal representatives (if the find is prehistoric in nature), then the resource(s) shall be evaluated for listing on the CRHR.*
>
> ***Mitigation Measure CR-3*** *If during the course of excavation, grading or*

*construction, artifacts or other archaeological resources are discovered, all work in the immediate area of the find shall be halted and the project proponent or his/her designee shall immediately notify the City of Desert Hot Springs City Planner. A qualified archaeologist shall be called to the site by, and at the expense of, the project proponent to evaluate the significance of the find using CRHR eligibility criteria. If evaluated as eligible and the find cannot be avoided, the archaeologist must prepare and submit a data recovery plan to the City Planner. Upon approval, the data recovery plan shall be implemented. Work shall resume after consultation with the City of Desert Hot Springs and implementation of the recovery plan by the archaeologist.*

**2. Paleontological Resources**

Threshold: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.5-13)

Explanation: Implementation of the DLVSP would facilitate new development within the project site. Based on the literature review and museum records search results provided in the *Paleontological Resource Assessment for the Desert Land Ventures Project,* the Quaternary alluvium and fluvial deposits mapped at the surface of the project site have a low potential to contain intact paleontological resources because they are typically too young to contain fossilized remains.

Project excavation is expected to be relatively shallow and sensitive older geologic deposits present at the maximum excavation depth are unlikely to be impacted by project development. As a result, the potential for encountering fossil resources during project-related ground disturbance is low. However, in the event that a fossil discovery is made during the course of project development, and in accordance with the Society of Vertebrate Paleontology guidelines, a qualified professional Paleontologist must be retained in order to examine the find and determine if further paleontological resources mitigation is warranted, implemented with Mitigation Measure CR-4. Impacts would be less than significant with implementation of Mitigation Measure CR-4.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

***Mitigation Measures CR-4*** *If a paleontological resource is accidentally uncovered during grading or construction activities for the project, the project proponent shall be required to notify the City of Desert Hot Springs City Planner immediately and all excavation work within ten feet of the find shall cease immediately. A qualified paleontologist shall be consulted to determine the necessity for monitoring any excavation and to evaluate any paleontological resource exposed during construction. Construction activity shall resume upon consultation with the City and upon implementation of the recommendations of the paleontologist.*

**3. Human Remains**

Threshold: Would the Project disturb any human remains, including those interred outside of formal cemeteries?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.5-15)

Explanation: The discovery of human remains is always a possibility during ground disturbance. The State of California Health and Safety Code Section 7050.5, *State CEQA Guidelines* 15064.5(e), and California Public Resources Code (PRC) Section 5097.98 mandate the process to be followed in the unlikely event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Specifically, in accordance with PRC 5097.98, the Riverside County Coroner must be notified within 24 hours of the discovery of potential human remains. The Coroner must then determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours, in accordance with PRC 5097.98. The NAHC then designates a Most Likely Descendant (MLD) with respect to the human remains within 48 hours of notification. The MLD would then have the opportunity to recommend to the project proponent means for treating or disposing, with appropriate dignity, the human remains and associated grave goods within 24 hours of notification. This requirement is also listed as Mitigation Measure CR-5, reducing potential impacts on human remains to less than significant levels.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

> ***Mitigation Measure CR-5*** *If human remains are uncovered during excavation or grading activities on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:*
>
> *A) The Riverside County Coroner has been contacted and determined that no investigation of the cause of death is required, and*
>
> *B) If the coroner determines the remains to be Native American:*
>
> *The coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall designate the person or persons it believes to be the Most Likely Descendent (MLD) of the decreased Native American. The MLD may make recommendations to the landowner or person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. The City and developer shall work with the designated MLD to determine the final disposition of the remains.*

## D. GEOLOGY AND SOILS

### 1. Seismic-related ground failure and Liquefaction

Threshold: Would the Project expose persons or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

iii) Seismic-related ground failure or liquefaction?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.6-5)

Explanation: According to the County of Riverside General Plan Environmental Impact Report Geology and Soils Section, the project site is within an area of moderate sediment liquefaction susceptibility; However, the results of analyses done in the DLVSP *Geotechnical Engineering and Infiltration Updated Report* indicate that site soils were generally dry to damp with moisture contents less than approximately one percent and historic groundwater depth is below 50 feet, therefore liquefaction potential is low due to the deep groundwater depth. The Report concludes that other geologic hazards, including lateral spreading and seismically induced flooding are considered low. Appointment of a licensed geotechnical engineer to observe site grading, grading and the bottoms of the excavations before placing fills will be required through Mitigation Measures GEO-1 to reduce potential impacts associated with seismic ground failure to less than significant levels.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

> ***Mitigation Measure GEO-1*** *The project applicant(s) shall appoint a licensed Geotechnical Engineer to observe site clearing, grading and the bottoms of excavations before placing fill, with the additional implementation of preventative measures into the site grading plans to reduce seasonal flooding and erosion.*

### 2. Seismic-Related Ground Failure

Threshold: Would the Project 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-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.6-6)

Explanation:

*Seismic Compression of Alluvial Materials*

As part of the *Geotechnical Engineering and Infiltration Updated Report,* a dynamic seismic settlement analysis of the project site was conducted. Site soils were identified as non-uniform and generally in a medium to dense compact condition. Due to the general uniformity of the soils encountered, seismic settlement is expected to occur within the project site. Therefore, overexcavation and recompaction of site soils would

be required in accordance with specifications outlined in the *Geotechnical Engineering and Infiltration Updated Report,* implemented through Mitigation Measure GEO-2. Impacts would be less than significant with implementation of Mitigation Measure GEO-2.

*Subsidence*

Groundwater overdraft id occurring in the Coachella Valley on a regional level, resulting in areas of subsidence. The latest report for subsidence information, *Land Subsidence, Groundwater Levels, and Geology in the Coachella Valley* 2014, indicated that the project site does not lie in an area where damaging subsidence related settlement has occurred. Nonetheless, incorporation of Mitigation Measure GEO-1 would reduce potential impacts associated with subsidence on the project site to a less than significant level.

*Potential for Collapsible Soil*

The *Geotechnical Engineering and Infiltration Updated Report* indicated that the project site is located in a geologic environment where the potential for collapsible soil exists. The degree of collapse of a soil can be defined by the Collapse Potential (CP) value, which is expressed as a percent collapse of the total sample using the Collapse Potential Test (ASTM Standard Test Method D 5333). A CP value of 1 percent or higher indicates a moderate or greater potential for collapse.

Collapse testing indicated no samples showed collapse higher than one percent, therefore the project site soils have a low potential for collapse. Nonetheless, incorporation of Mitigation Measures GEO-2 through GEO-4 would reduce the potential collapsing soil impacts to a less than significant level.

*Corrosive Soils*

Two samples of the near-surface soil within the project site tested the potential for corrosion of concrete and ferrous (containing iron) metals. The corrosion values from the samples tested are considered as being “Very Mildly to Moderately Corrosive” to buried metals and as possessing a “Negligible” exposure to sulfate attack on concrete. Due to the broad results of the testing, implementation of Mitigation Measure GEO-5 is required to ensure corrosively of the soils within the project site will not cause a significant impact to structures on the site.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

> ***Mitigation Measure GEO-1*** *The project applicant(s) shall appoint a licensed Geotechnical Engineer to observe site clearing, grading and the bottoms of excavations before placing fill, with the additional implementation of preventative measures into the site grading plans to reduce seasonal flooding and erosion.*
>
> ***Mitigation Measure GEO-2*** *The project applicant(s) shall ensure that overexcavation and recompaction of site soils are performed in*

*accordance with the specifications outlined in the Geotechnical Engineering and Infiltration Update Report, or most recent geotechnical report, and the stipulations of the appointed licensed Geotechnical Engineer assigned to the Specific Plan to mitigate excessive dry seismic settlement.*

***Mitigation Measure GEO-3*** *The project applicant(s) shall ensure that the procurement and implementation of engineered fill soils are in accordance with the specifications outlined in the Geotechnical Engineering and Infiltration Update Report, or most recent geotechnical report, in order to mitigate the potential impacts of subsidence, and collapsible and expansive soils.*

***Mitigation Measure GEO-4*** *The project applicant(s) shall ensure that sufficient water is added to soils for compaction purposes, in accordance with the recommendation of the Geotechnical Engineering and Infiltration Update Report, or most recent geotechnical report.*

***Mitigation Measure GEO-5*** *The project applicant(s) shall appoint a licensed engineer competent in corrosion mitigation review of corrosive results conducted by Earth Systems South West, to design corrosion protection appropriately. Additionally, a competent engineer in corrosion analysis shall also be appointed to evaluate the corrosive results in relation to other corrosive constituents that may be of concern such as nitrates, ammonium, etc.*

***Regulatory Requirement RR-7*** *All proposed structures shall be engineer designed and constructed to earthquake-resistant parameters in compliance with the 2016 edition of the California Building Code (CBC).*

**4. Expansive Soils**

Threshold: Would the Project be located on expansive soil, as defined in Table 18-1-B 34 of the Uniform Building Code (1994), creating substantial risks to life or property?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.6-9)

Explanation: Expansive soils contain a significant amount of clay particles that have the ability to shrink and swell depending on the water content nearby. The *Geotechnical Engineering and Infiltration Updated Report* concluded that soils observed on the project site were granular, indicating that site soils have no clay content. Furthermore, the Expansion Index of the project site soils is anticipated to be “very low” as defined by ATSM D 4829. Nonetheless, Mitigation Measures GEO-1 and GEO-3 must be implemented during construction activities to ensure impacts from expansive soils are less than significant.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

***Mitigation Measure GEO-1*** *The project applicant(s) shall appoint a licensed Geotechnical Engineer to observe site clearing, grading and the bottoms of excavations before placing fill, with the additional implementation of preventative measures into the site grading plans to reduce seasonal flooding and erosion.*

***Mitigation Measure GEO-3*** *The project applicant(s) shall ensure that the procurement and implementation of engineered fill soils are in accordance with the specifications outlined in the Geotechnical Engineering and Infiltration Update Report, or most recent geotechnical report, in order to mitigate the potential impacts of subsidence, and collapsible and expansive soils.*

## E. HAZARDS AND HAZARDOUS MATERIALS

### 1. Routine Transport, Use, or Disposal of Hazardous Materials

Threshold: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Finding: Less than significant for short-term impacts. Less than significant with mitigation incorporated for long-term impacts. (DEIR, p. 4.8-10)

Explanation:

*Short Term – Construction*

BMPs specific to construction waste management as administered through the project's SWPPP (Regulatory Requirement RR-8) would be required as mandatory procedures to be exercised by each individual project developer, construction superintendent and all construction staff during construction of any project at the project site

Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, State, and local statutes and regulations. Upon completion of construction of individual projects all hazardous materials must be removed from a project site. Compliance would ensure that human health and the environment are not exposed to hazardous materials. Therefore, the risk of accidental release of hazardous substances during construction activities associated with the proposed project would be less than significant.

*Long Term – Operations*

*Mixed Use Commercial*

The proposed project includes approximately 359,042 square feet of commercial uses including hotels and related uses such as restaurants, shops and entertainment. These uses are anticipated to use some hazardous materials associated with cleaning products. This issue would be identified on a project-by-project basis within the DLVSP; however, it is not anticipated that hazardous waste would be generated in quantities that

would be significant. Therefore, implementation of commercial projects would result in less than significant impacts.

*Industrial*

The proposed project is not anticipated to generate hazardous waste. However, operation of cannabis cultivation buildings within the site would generate agricultural wastewater which contains nitrates, and other raw elements that cannot be recycled. Because it is unknown at this time the types of grow facilities and accompanying wastewater treatment systems that would be constructed, two common options are briefly described below.

1) *Reverse Osmosis*

A reverse osmosis (RO) water purification treatment system uses a semipermeable membrane and high pressure to remove ions, molecules, and larger particles from water. Irrigation water infused with fertilizers are sent through the RO system to remove fertilizers in order to be re-used again for cannabis irrigation. The bi-product result of this process is the accumulation of concentrated levels of total dissolved solids (TDS) and brine solutions in filter, which can be hazardous to the groundwater supply if not treated and disposed of properly by a third party licensed hazardous waste hauler. Additionally, if RO is utilized, and if so, Mitigation Measure HAZ-1 shall provide documentation to the City of how concentrated levels of TDS and brine solutions would be disposed of and the licensed entity that would be appointed in receiving the TDS waste.

2) *Hydroponics*

Hydroponics is a method of growing plants in a water-based, nutrient rich solution. This growing method does not utilize soil, rather the root systems of the cultivated plants are supported using an inert growing medium such as clay pellets, rockwool, or perlite. The water-based, nutrient rich solution, or hydroponic water media, is replaced periodically and recycled and reused until concentrations of the water media's total dissolved solids is so high that the media is determined as unusable. The unusable hydroponic water media would then be initially discharged into a sampling manhole with a filtration system, and conveyed to a sewer line that would ultimately discharge into the centralized package plant at the southeastern portion of the site. The sampling manhole would include testing for the exceedance in the maximum allowable threshold for dissolved solids which would be performed by a licensed wastewater testing firm.

Prior to issuance of Certificate of Occupancy, any applicant that proposed to recycle and discharge onsite wastewater involving the use of a hydroponic grow system would be required to notify the City prior to initial discharge of hydroponic water media. Testing shall be performed at the time of discharge by a licensed wastewater testing firm. If testing reveals an exceedance in the maximum allowable threshold for dissolved solids, the facility shall halt any further discharge until appropriate filtering methods have been replaced/installed and re-tested by the wastewater testing firm until discharge levels of dissolved solids fall below the maximum allowable threshold. Therefore, implementation of Mitigation Measure HAZ-2 would ensure that cultivation projects

utilizing a hydroponic grow system wastewater treatment would reduce impacts to less than significant in regard to routine transport, use, or disposal of hazardous waste.

With Implementation of Mitigation Measures HAZ-1 and HAZ-2, potential impacts from routine transport, use, or disposal of hazardous waste associated with cultivation projects would be less than significant.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

> ***Mitigation Measure HAZ-1*** *Prior to issuance of Certificate of Occupancy, the project applicant(s) that propose to recycle onsite wastewater involving the use of a reverse osmosis (RO) wastewater purification system shall provide the City with information on how concentrated levels of TDS and brine solutions will be disposed of. Proof of contract with a licensed hazardous waste hauler that will be responsible for removing all hazardous wastewater and solid waste generated at the cultivation site will be required.*
>
> ***Mitigation Measure HAZ-2*** *Prior to construction of any new building where cannabis cultivation utilizing a hydroponic growing system is proposed, the project applicant(s) shall provide the City and the Riverside County Department of Environmental Health with a detailed description of the project's proposed treatment for wastewater discharge associated with cultivation. This description shall include how the project applicant(s) will test and dispose of wastewater to the onsite centralized package treatment plant.*

## F. HYDROLOGY AND WATER QUALITY

### 1. Groundwater Supplies

Threshold: Would the Project 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 as planned uses for which permits have been granted)?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.9-9)

Explanation: A WSA was prepared for the DLVSP within the CVWD service area and the MSWD service area because the project proponent is coordinating with both water districts for potential water and wastewater service. Each WSA provides estimates of existing water demand within the service area and the projected water demands that would be generated from Implementation of the DLVSP. Ultimately, the project proponent decided it would be more cost effective and timely to work with MSWD to extend water and wastewater services to the project site due to the close proximity of MSWD infrastructure to the project site compared to CVWD.

*Proposed Water Supply Sources*

The project proponent intends to have two options for water supply sources.

Option 1, the preferred option, would require connecting to the MSWD 913 via a 24-inch proposed water pipeline extending from the project site to the existing MSWD 24-inch water main line located at the intersection of Little Morongo Road and 20th Avenue. There are two potential alignment options to connect the project site to MSWD's existing water facilities. The preferred option (Option A) is to connect from the northwest corner of the project site north from Varner Road through the Willow Hole conservation area within a public utility easement, then west within 20th Avenue right of way to the point of connection near the intersection of Little Morongo Road and 20th Avenue. The second option (Option B) is to connect from the project site east in the Varner Road right-of-way, north in the Palm Drive right-of-way and then west in the 20th Avenue right-of-way to the point of connection near the intersection of Little Morongo Road and 20th Avenue (See Exhibit 3-11 of the DEIR).

Option 2 would involve drilling an onsite groundwater well located at the northwest corner of Planning Area 1, to provide onsite treatment, a ground storage reservoir, a pump station, a hydropneumatic tank, and water pipelines. In the event that the proposed MSWD water line cannot be developed prior to proposed operation of the project site, the project proponent proposes development of Option 2 with a private well as an interim use. The private well would serve development within the project site until such a time that the MSWD water line could be constructed. All public water facilities would be shown on improvement plans and would be designed and constructed in accordance with MSWD requirements and standards.

*Water Demand*

Project water demand was estimated using the land uses proposed in the DLVSP. The total water demand for indoor commercial uses is estimated to be 58.29 acre-feet per year (AFY). The total water demand for cannabis cultivation practices on the project site is estimated to be 308.18 AFY. Total landscape irrigation and outdoor water demand is estimated to be 39.97 AFY.

At build out, the DLVSP total indoor and outdoor domestic water demand is expected to be approximately 405.44 AFY, or 0.35 percent of the total water supply (114,600 acre-feet per year) for the CVWD service area in 2020 and would represent 0.20 percent of the total water supply (194,300 AFY) for the CVWD service area in 2040 as identified in the CVWD 2015 UWMP for the period from 2020 to 2040.

Under Option 1, connecting to the MSWD water main, there is evidence based on the WSA, to support a determination that there will be sufficient water supplies to meet the demands of the project and future demands of the project plus all forecasted demands in the next 20 years.

Under Option 2, use of private wells creates a potential for overdrafting groundwater basins. A Replenishment Assessment Charge (RAC) requires entities that use a well or multiple wells that collectively pump more than 25 acre-feet of water from the aquifer annually to pay an assessment charge to contribute to groundwater replenishment efforts. Since the project is anticipated to demand greater than 25 acre-feet annually, the applicant would be required to pay the RAC to contribute to

groundwater replenishment and reduce impacts associated with overdraft of the aquifer. Mitigation Measure HWQ-1 requires the applicant to pay the RAC prior to commencement of well operation.

If either Option 1 (connecting to MSWD's supply) or Option 2 (a well) is implemented, a Replenishment Assessment would need to be processed in accordance with the State Water Code prior to development. If approved by the State Water Resources Control Board (SWRCB), would all water wells (under Option 2) would be required to be equipped with a water measuring device to be maintained by CVWD. Under Option 1, the proposed project would also require a water measuring device to be maintained by MSWD. With implementation of Mitigation Measure HWQ-1, the project would have a less than significant impact to groundwater supplies.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

> ***Mitigation Measure HWQ-1*** *Because the proposed private wells on site are anticipated to pump more than 25 acre-feet per year from the aquifer, the project applicant will be required to pay the Replenishment Assessment Charge (RAC) before issuance of a certificate of occupancy to contribute to groundwater replenishment efforts. The applicant shall provide proof of payment to the City before issuance of proof of occupancy and before start of project operations.*

**2. Water Quality**

Threshold: Would the Project otherwise substantially degrade water quality?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.9-14)

Explanation: Cannabis cultivation within the DLVSP project site will generate agricultural wastewater which may contain nitrates and other raw elements that can't be recycled. It is unknown at this time what type of grow facilities and wastewater treatment systems will be constructed for individual cannabis projects onsite, but two common options are described below:

*1) Reverse Osmosis*

A reverse osmosis (RO) water purification treatment system uses a semipermeable membrane and high pressure to remove ions, molecules, and larger particles from water. The bi-product result of this process is the accumulation of concentrated levels of total dissolved solids (TDS) and brine solutions in filter, which can be hazardous to the groundwater supply if not treated and disposed of properly. Therefore, if RO is utilized, the applicant must provide documentation to the City of how concentrated levels of TDS and brine solutions will be disposed of and the licensed entity that will be appointed in receiving the TDS waste, implemented through Mitigation Measure HAZ-1.

*2) Hydroponics*

Hydroponics is a method of growing plants in a water-based, nutrient rich solution. The water-based, nutrient rich solution, or hydroponic water media, is replaced periodically and recycled and reused until concentrations of the water media's total dissolved solids is so high that the media is determined as unusable. Prior to issuance of Certificate of Occupancy, any applicant that proposes to recycle and discharge onsite wastewater involving the use of a hydroponic grow system will be required to notify the City prior to initial discharge of hydroponic water media. Testing must be performed at the time of discharge by a licensed wastewater testing firm. If testing reveals an exceedance in the maximum allowable threshold for dissolved solids, the facility shall halt any further discharge until appropriate filtering methods have been installed and wastewater has been retested to ensure TDS concentrations are below the maximum allowable threshold. Mandatory testing for hydroponic practices will be implemented through Mitigation Measure HAZ-2.

With implementation of Mitigation Measures HAZ-1 and HAZ-2, cultivation operations would result in a less than significant impact on water quality.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

> ***Mitigation Measure HAZ-1*** *Prior to issuance of Certificate of Occupancy, the project applicant(s) that propose to recycle onsite wastewater involving the use of a reverse osmosis (RO) wastewater purification system shall provide the City with information on how concentrated levels of TDS and brine solutions will be disposed of. Proof of contract with a licensed hazardous waste hauler that will be responsible for removing all hazardous wastewater and solid waste generated at the cultivation site will be required.*
>
> ***Mitigation Measure HAZ-2*** *Prior to construction of any new building where cannabis cultivation utilizing a hydroponic growing system is proposed, the project applicant(s) shall provide the City and the Riverside County Department of Environmental Health with a detailed description of the project's proposed treatment for wastewater discharge associated with cultivation. This description shall include how the project applicant(s) will test and dispose of wastewater to the on-site centralized package treatment plant.*

### 3. Structures in Flood Hazard

Threshold: Would the Project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazards Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.9-15)

Explanation: The project site is located within FEMA Zone A on the effective FEMA FIRM panel. The Zone A designation implies that the area is subject to one percent annual chance flooding of some unspecified depth, with no specific base flood elevations calculated or shown on the map.

Based on the results of the hydraulic modeling conducted for the project site, the proposed drainage plan was created to provide flood protection to the project development areas, and to not adversely interfere with the normal course of regional drainage. Proposed project drainage would consist of multiple large development pads that will remain dry during a large runoff event, and corridors between the pads to allow impinging surface runoff to flow through the project property and thus maintain the existing regional flow patterns. In this design, a portion of the project site, on elevated pads, would be developable. The remainder of the project site would consist of roadways, parking, water quality basins, open space landscaping, and other uses that are permissible in a mapped floodplain and would remain at or near existing grade. In order for the structures developed on the project site to be protected from potential flooding, implementation of Mitigation Measure HWQ-2 would be required to ensure that building pads are elevated above the FEMA floodplain base flood elevations.

*Floodplain Mapping*

To comply with National Flood Insurance Program requirements, the project proponent would be required to obtain revisions to the effective Flood Insurance Rate Map (FIRM). The first step would be to obtain a Conditional Letter of Map Revision (CLOMR) for the project, which would be implemented with Regulatory Requirement RR-11. The City of Desert Hot Springs, and FEMA to review the proposed design, analysis, and changes to the floodplain.

After all elements of the project that would affect the floodplain, such as site grading and embankment protection, are constructed, the second step would be to obtain a Letter of Map Revision (LOMR) for the project, which would be implemented with Regulatory Requirement RR-12. This process would mirror the CLOMR process, and would allow The City of Desert Hot Springs and FEMA to review the constructed project, final analysis, and the final revised floodplain mapping.

With implementation of Mitigation Measure HWQ-2 and Regulatory Requirements RR-11 and RR-12, the proposed building pads would no longer be at risk of flooding during a 100-year storm and the corresponding FEMA FIRM panel would be revised accordingly. Therefore, impacts would be less than significant.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

***Mitigation Measure HWQ-2*** *All construction pads on the project site shall be elevated above the FEMA floodplain base flood elevations, consistent with the Regional Flood Protection Report.*

***Regulatory Requirement RR-11*** *Prior to issuance of grading permits, the project proponent must obtain a CLOMR from FEMA for the proposed development areas on the project site.*

***Regulatory Requirement RR-12*** *Prior to issuance of building permits, the project proponent must obtain a LOMR from FEMA to finalize the revised floodplain mapping.*

## G. NOISE

### 1. Noise Levels in Excess of Established Standards

Threshold: Would the Project result in 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?

Threshold: Would the project cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.12-12)

Explanation:

*Short-Term Construction Noise*

A likely worst-case construction noise scenario assuming the use of construction equipment was calculated using the Federal Highway Administration's Roadway Construction Noise Model (RCNM) assuming the use of a grader, a dozer, two excavators, two tractors, and two scrapers at 50 feet from any nearby sensitive receptors. 50 feet was selected as a very conservative estimate and the typical distance at which reference construction equipment is measured. Assuming a use factor of 40 percent for each piece of equipment, unmitigated noise levels at 50 feet would reach 90 dBA Leq and 94 $dBA_{Lmax}$.

The nearest residential structure is located 130 feet south of the project site's property line with an unimproved yard. Said residential structure has the potential to be temporarily exposed to 84 dBA as sound follows the inverse square law and has a drop-off rate of 6-dBA every doubling of distance (i.e. 90 dBA @ 50 feet, 84 dBA @ 100 feet, 78 dBA @ 200 feet). These noise levels would be temporary and would lower as equipment moved to other portions of the project site.

The City of Desert Hot Springs does not have a specific not-to-exceed construction noise limit. The City does however outline specific times when construction is allowed to occur. Construction is anticipated to occur during the allowable hours as indicated in the City's Municipal Code. The construction noise levels would be below any Occupation Safety and Health standards of 85 dBA and would be consistent with the City's Municipal Code for construction noise. Therefore, construction noise impacts would be less than significant.

*Willow Hole Conservation Area*

A 3.9-acre area within Planning Area 2 (approximately 10 percent of the conservation area onsite) is proposed for development with a solar field and electric substation to provide a portion of the electricity needed for future uses within the project

site. Development of the 3.9 acres of energy improvements would require some grading and may require creation of concrete pads. Construction of concrete pads would require concrete mixers. Maximum noise levels during construction could reach 90 dBA at 50 feet from the noise source. The area is a relatively small site at 3.9 acres, and is relatively flat, grading would be minimal and would likely be completed within one to two days. The installation of the energy improvements would require a truck mounted crane or similar piece of equipment, plus pickup trucks for workers which would generate less noise than the grading equipment. Development of the energy improvements is anticipated to be of relatively short in duration and require equipment that would generate intermittent noise levels in excess of 75 dBA at 50 feet.

If prior to commencement of construction activities adjacent to the Conservation Area, the project biologist determines that there are sensitive wildlife species in the vicinity of the proposed project, the project proponent shall erect a temporary construction barrier along the northern boundary of the project site, implemented through Mitigation Measure BIO-5. The implementation of temporary barriers can reduce noise levels between 5 to 15 dB, depending on wall heights and placement. The implementation of silencers and equipment shrouds can reduce noise levels by 10 to 15 dB. With the implementation of Mitigation Measure BIO-5 (CVMSHCP Adjacency Compliance) the noise levels during construction are anticipated to remain below the 75 dBA noise standard presented in Section 4.5 of the CVMSHCP.

Construction of Street A, and improvements to Varner Road, as well as construction of buildings in Planning Area 1, immediately east of the 3.1-acre conservation area would require site preparation (grading) and construction of buildings. The potential for noise to adversely affect wildlife in Planning Area 2 would be intermittent and of short duration (road construction and development of the buildings closest to Planning Area 2). Once the buildings closest to Street A are built, these buildings would act as noise attenuation for other construction, thus reducing the potential for construction noise to adversely affect wildlife in the Conservation Area.

Although the CVMSHCP does not have a specific not-to-exceed limit for construction noise, the proposed project has the potential to significantly impact the Conservation Area during construction due to the potential for adjacent animal species (per the CVMSHCP). To ensure that construction within the project site does not significantly impact animal species within the adjacent Conservation Area, a site specific final acoustical study is required to demonstrate compliance to CVMSHCP noise threshold for each development project proposed within the project site, implemented through Mitigation Measure BIO-6.

In addition to adherence to the City of Desert Hot Springs's policies found in the Noise Element and Municipal Code limiting the construction hours of operation, implementation of Mitigation Measures NOI-1 through NOI-1, BIO-5 and BIO-6 will ensure that short term construction noise impacts to the CVMSHCP Conservation Area are less than significant.

*Long-Term Operational Noise*

Project generated on-site operational noise may include parking lot activities, loading and unloading, heating and cooling units (HVAC), and the proposed wastewater treatment facilities.

*Parking Lot Activities*

Typical parking lot noise includes car doors slamming, engines starting-up, alarm activation and car pass-by's. A range is given to reflect the variability of noise generated by various automobile types and driving styles. A parking lot sweeper is the loudest expected noise to occur in a typical parking lot (72dBA at 50 feet). Parking lot activities are not expected to exceed 65 dBA Leq at the nearest sensitive receptor.

*Loading and Unloading Activities*

The proposed project is anticipated to operate from 7:00 AM to 7:00 PM and all deliveries are expected to occur within these hours. Assuming a conservative reference noise level 70 dB Leq at 25 feet, noise levels associated with loading and unloading activities are not expected to exceed the City's noise standard of 65 dBA Leq at the nearest sensitive receptor, which would be located approximately 270 feet away from the potential loading/unloading area. In order to avoid future land use conflicts, a measure has been included to require the use of screen walls around truck loading areas (three axel and greater) where they are exposed to adjacent properties. Screen walls have the potential to lower noise levels from 5 to 15 dB, depending on the placement locations. Loading and unloading activities are not expected to exceed the City's noise standard of 65 dBA Leq at the nearest sensitive receptor.

*Heating and Cooling Units (HVAC)*

At this time, the DLVSP does not propose specific development, but lays out a plan for the development of the project site with industrial and mixed use land uses. Therefore, the type, size and number of mechanical equipment are not known at this time. To ensure that proper noise attenuation is applied to proposed HVAC systems, each project proposes development within the project site would be required to prepare a site specific final acoustical study, implemented through Mitigation Measure BIO-6, so project specific noise can be analyzed and the facilities are designed with specific noise attenuation features to ensure that noise levels would not exceed thresholds.

*Wastewater Treatment Plant*

Until such time as CVWD extends water and sewer services to this area, or the MSWD regional wastewater facilities come on-line the project requires the installation and operation of a wastewater package treatment plant. The site of this plant is in the southeast corner of the project site approximately 300 feet from the property boundary. The treatment plant would be separated from the property boundary by a retention basin, and would be surrounded by a wall. During the planning process for the wastewater treatment plant to determine the exact location and size of the facility, through Mitigation Measure NOI-7, the project proponent would be required to prepare a noise study to address proximity to the residence and determine the optimum location of the plant, as well as the type and height of the perimeter wall around the treatment plant. This study may also identify additional attenuation requirements that meet the City's noise standards.

Implementation of Mitigation Measures NOI-1 through NOI-7 and measures BIO-5 and BIO-6 would ensure that people wouldn't be exposed to noise in exceedance of established local standards.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

***Mitigation Measure NOI-1*** *During all project site excavation and grading onsite, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.*

***Mitigation Measure NOI-2*** *Construction contractors shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.*

***Mitigation Measure NOI-3*** *Construction contractors shall ensure that equipment is shut off and not left to idle when not in use.*

***Mitigation Measure NOI-4*** *Construction contractors shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.*

***Mitigation Measure NOI-5*** *Construction contractors shall ensure that jackhammers, pneumatic equipment, and all other portable stationary noise sources are shielded and noise is directed away from sensitive receptors.*

***Mitigation Measure NOI-7*** *Prior to construction of the wastewater treatment plant, proposed to be located in the southeast corner of the project site, a site specific noise study shall be prepared to determine the amount of noise generated by the plant, and to establish attenuation requirements, to the satisfaction of the Community Development Director or his/her designee, to address proximity to the existing single family residence located approximately 200 feet south of the project site; as well as any future noise sensitive uses (hotel) that may be located on the project site in close proximity to the plant site.*

***Mitigation Measure BIO-5*** *The project proponent shall implement the following CVMSHCP Land Use Adjacency Guidelines requirements and restrictions as listed in Section 3.2.3 of the Biological Resources Assessment (Appendix C of DEIR) and shall be adhered to during construction and for post construction operation for any project within the project site that lies adjacent to Conservation Areas. The project proponent shall coordinate with the Coachella Conservation Commission*

*(CVCC) and CVCC staff shall review plans for all planning areas adjacent to the Conservation Area and determine whether the proposed improvements are consistent with the CVMSHCP.*

1) *Drainage – Proposed Development adjacent to or within a Conservation Area shall incorporate plans to ensure that the quantity and quality of runoff discharged to the adjacent Conservation Area is not altered in an adverse way when compared with existing conditions. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the adjacent Conservation Area.*
2) *Toxics –Land uses proposed adjacent to or within a Conservation Area that use chemicals or generate byproducts such as manure that are potentially toxic or may adversely affect wildlife and plant species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in any discharge to the adjacent Conservation Area.*
3) *Lighting – For proposed Development adjacent to or within a Conservation Area, lighting shall be shielded and directed toward the developed area. Landscape shielding or other appropriate methods shall be incorporated in project designs to minimize the effects of lighting adjacent to or within the adjacent Conservation Area in accordance with the guidelines to be included in the Implementation Manual.*
4) *Noise – Proposed Development adjacent to or within a Conservation Area that generates noise in excess of 75 dBA Leq hourly shall incorporate setbacks, berms, or walls, as appropriate, to minimize the effects of noise on the adjacent Conservation Area in accordance with guidelines to be included in the Implementation Manual.*
5) *Invasives – Invasive, non-native plant species shall not be incorporated in the landscape for land uses adjacent to or within a Conservation Area. Landscape treatments within or adjacent to a Conservation Area shall incorporate native plant materials to the maximum extent feasible; recommended native species are listed in Table 4-112. The plants listed in Table 4-113 shall not be used within or adjacent to or within a Conservation area. The list may be amended from time to time through a Minor Amendment with Wildlife Agency Concurrence.*
6) *Barriers – Land uses adjacent to or within a Conservation Area shall incorporate barriers in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in a Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls and/or signage.*
7) *Grading/Land Development – Manufactured slopes associated with site Development shall not extend into adjacent land in a Conservation Area*

***Mitigation Measure BIO-6*** *A site specific final acoustical analysis is required once a site specific site plan is made available in order to demonstrate compliance with the CVMSCHP noise threshold.*

**2. Long-Term Noise**

Threshold: Would the Project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.12-18)

Explanation: Table 4.12-11, *Change in Existing Noise Levels Along Roadways as a Result of the Project* in the DEIR, compares the Existing and the Existing Plus Project scenario and shows the change in traffic noise levels as a result of the proposed project. It takes a change of 3 dB or more to hear an audible difference. The project is anticipated to increase the noise nominal amount (approximately 0.3 to 2.6 dBA CNEL) with the exception of Varner Road west of Palm Drive. That section of Varner Road was evaluated to have no traffic volumes for the existing traffic condition.

*Noise Impacts to Off-Site Receptors*

Once the project is in operation, it is anticipated that the increase in noise level would be approximately 74.7 dBA CNEL at 50 feet from the centerline of Varner Road. Although the increase in noise level is significant, there are no sensitive receptors located within the confines of the 60 dBA CNEL contour of Varner Road. Furthermore, the nearest sensitive receptor is located approximately 1,800 feet from the centerline of Varner Road and would fall outside of the 55 dBA CNEL contour line of Varner Road. The impact would be considered less than significant.

The City's General Plan EIR for the CVMSHCP Conservation Area accounts for traffic noise impacts generated by existing and future conditions and therefore the project's impact would be less than significant.

*Noise Impacts to Proposed Project*

The City of Desert Hot Springs land use compatibility guidelines set forth noise/land use compatibility criteria for various land use types. The guidelines state that the proposed project would be "normally acceptable" in areas with noise levels up to 75 dBA CNEL. Acoustically significant roadways located adjacent to the project site include the I-10 Freeway and Varner Road.

The proposed project has the potential to experience noise levels approaching 78 dBA CNEL for year 2035 at 300 feet from the centerline of the I-10 Freeway. The noise level exceeds the City's "normally acceptable" 75 dBA CNEL compatibility limit and would therefore fall within the "normally unacceptable" 75 to 80 dBA CNEL range. The 75 dBA CNEL noise contour is located approximately 450 feet from the centerline of the I-10 Freeway and any development that occurs beyond 450 feet from the centerline would be within the City's "normally acceptable" 75 dBA CNEL compatibility limit for industrial use. Per the City's General Plan, the project applicant(s) within the DLVSP must provide detailed construction noise reduction measures as part of the construction design to ensure proper sound attenuation for interior spaces located within 300 feet of

the centerline of I-10. Compliance with the City's General Plan would result in a less than significant impact.

*Consistency with Applicable Standards*

Due to the proximity of the project site (within 65 dBA CNEL of freeway) as it relates the I-10 Freeway the project design (where occupants would likely be affected by exterior noise) is required to comply with 2016 CalGreen Code Section 5.507 Environmental Comfort. Prior to issuance of building permits the project proponent through Mitigation Measure NOI-6, shall submit an acoustic report that demonstrates compliance to acoustic requirements set forth by CalGreen Code. The acoustic report shall provide either a prescriptive or performance based evaluation.

With regard to the adjacency to Planning Area 2 sites that are within the Willow Hole Conservation Area, the CVMSHCP Adjacency Guidelines identify 75 dBA as the threshold whereby mitigation in the form of noise attenuation of berms or other sound barriers may be required. As the project site is developed, additional noise studies must be prepared to address adjacency to the conservation area to identify maximum noise levels generated by a project, and to identify how noise would be attenuated. Compliance with Regulatory Requirements RR-15 and RR-16, and Mitigation Measure BIO-5 and BIO-6 will ensure that noise impacts related to the conservation area would remain less than significant.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

***Mitigation Measure NOI-6*** *The project is required to comply with 2016 CalGreen Code Section 5.507, Environmental Comfort. Prior to issuance of building permits the project proponent shall submit an acoustic report that demonstrates compliance to acoustic requirements set forth by CalGreen Code, to the satisfaction of the Community Development Director or his/her designee. The acoustic report shall provide either a prescriptive or performance based evaluation.*

***Mitigation Measure BIO-5*** *The project proponent shall implement the following CVMSHCP Land Use Adjacency Guidelines requirements and restrictions as listed in Section 3.2.3 of the Biological Resources Assessment (Appendix C) and shall be adhered to during construction and for post construction operation for any project within the project site that lies adjacent to Conservation Areas. The project proponent shall coordinate with the Coachella Conservation Commission (CVCC) and CVCC staff shall review plans for all planning areas adjacent to the Conservation Area and determine whether the proposed improvements are consistent with the CVMSHCP.*

1) *Drainage – Proposed Development adjacent to or within a Conservation Area shall incorporate plans to ensure that the quantity and quality of runoff discharged to the adjacent Conservation Area is not altered in an adverse way when compared with existing conditions. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum*

*products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the adjacent Conservation Area.*

2) *Toxics –Land uses proposed adjacent to or within a Conservation Area that use chemicals or generate byproducts such as manure that are potentially toxic or may adversely affect wildlife and plant species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in any discharge to the adjacent Conservation Area.*
3) *Lighting – For proposed Development adjacent to or within a Conservation Area, lighting shall be shielded and directed toward the developed area. Landscape shielding or other appropriate methods shall be incorporated in project designs to minimize the effects of lighting adjacent to or within the adjacent Conservation Area in accordance with the guidelines to be included in the Implementation Manual.*
4) *Noise – Proposed Development adjacent to or within a Conservation Area that generates noise in excess of 75 dBA Leq hourly shall incorporate setbacks, berms, or walls, as appropriate, to minimize the effects of noise on the adjacent Conservation Area in accordance with guidelines to be included in the Implementation Manual.*
5) *Invasives – Invasive, non-native plant species shall not be incorporated in the landscape for land uses adjacent to or within a Conservation Area. Landscape treatments within or adjacent to a Conservation Area shall incorporate native plant materials to the maximum extent feasible; recommended native species are listed in Table 4-112. The plants listed in Table 4-113 shall not be used within or adjacent to or within a Conservation area. The list may be amended from time to time through a Minor Amendment with Wildlife Agency Concurrence.*
6) *Barriers – Land uses adjacent to or within a Conservation Area shall incorporate barriers in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in a Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls and/or signage.*
7) *Grading/Land Development – Manufactured slopes associated with site Development shall not extend into adjacent land in a Conservation Area*

***Mitigation Measure BIO-6*** *A site specific final acoustical analysis is required once a site specific site plan is made available in order to demonstrate compliance with the CVMSCHP noise threshold.*

***Regulatory Requirement RR-15*** *Due to the proximity of the project site (within 65 dBA CNEL of freeway) as it relates to the I-10 Freeway, the project proponent (where occupants will likely be affected by exterior noise) is required to comply with 2016 CalGreen Code Section 5.507 Environmental Comfort. Prior to issuance of building permits the project*

*proponent shall submit an acoustic report that demonstrates compliance to acoustic requirements set forth by CalGreen Code. The acoustic report shall provide either a prescriptive or performance based evaluation.*

***Regulatory Requirement RR-16*** *The project proponent will be required to adhere to 2016 Title 24 Chapter 12 – Interior Environment – Section 1207 during all construction activities, which states that interior noise levels within multiple family or habitable dwelling units generated by exterior noise sources shall not exceed 45 dBA Ldn/CNEL, with windows closed, in any habitable room for general residential uses. In order to ensure this standard is met, all exposed interior wall assembly/window combinations that face the I-10 Freeway and subject roadways need to provide an exterior to interior noise reduction of at least 33 dB.*

## H. TRANSPORTATION AND TRAFFIC

### 1. Applicable Plan, Ordinance, Policy, or Congestion Management Program

Threshold: Would the Project 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?

Threshold: Would the Project conflict with an applicable congestion management program, including, 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?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.16-9)

Explanation: The *Traffic Impact Analysis* (TIA) prepared for the proposed project considered future conditions without and with the project for an Opening Year (2019) and at build-out (2035). The TIA found that with the implementation of mitigation measures outlined in Section 4.16, *Traffic and Transportation*, of the DEIR, all intersections within the study area of the TIA are projected to operate within acceptable Levels of Service during the peak hours for both the Opening Year (2019) and build-out year (2035).

Implementation of Mitigation Measures CIR-1 through CIR-13 and adherence to applicable goals, policies and programs for all new development within the project site would ensure consistency with applicable plans and thresholds, resulting in a less than significant impact.

The following offsite mitigation measures are recommendations to achieve acceptable Levels of Service during peak hours as per the City of Desert Hot Springs's requirements for Year 2035 with Project traffic conditions. Future projects developed at the project site would be responsible for paying a fair share contribution to the intersection improvements. This would be calculated on a project by project basis as

projects are proposed and project specific traffic studies are prepared for each new project. Table 4.16-11 *Project Fair Share Contribution*, identifies the cost for intersection improvements that the DLVSP projects in the aggregate.

***Mitigation Measure CIR-1*** *Palm Drive at Two Bunch Palms Trail (#7):*
- *Install an eastbound right turn overlap traffic signal phasing*

***Mitigation Measure CIR-2*** *Palm Drive at Camino Aventura (#9):*
- *Install a traffic signal*

***Mitigation Measure CIR-3*** *Palm Drive at Camino Campanero (#8):*
- *Construct a northbound left turn lane*
- *Construct an eastbound shared left/through/right turn lane*
- *Construct a westbound through lane*

***Mitigation Measure CIR-4*** *Palm Drive at 20th Avenue (#11):*
- *Install a traffic signal*

***Mitigation Measure CIR-5*** *Palm Drive at Varner Road (#12):*
- *Construct two additional northbound left turn lanes*
- *Construct three total outbound lanes on west leg of the intersection*
- *Construct additional southbound through lane*
- *Construct additional outbound lane on southbound leg of the intersection*
- *Construct an eastbound left turn lane*
- *Construct an eastbound free right turn lane*
- *Construct a westbound left turn lane*
- *Construct westbound right turn lane*
- *Install westbound right turn overlap traffic signal phasing*

***Mitigation Measure CIR-6*** *Gene Autry Trail at Vista Chino (#15):*
- *Construct additional southbound through lane*
- *Construct additional northbound left turn lane*
- *Install a southbound right turn overlap traffic signal phasing*

**Table 4.16-11 Project Fair Share Contribution**

| Intersection | Improvement | Cost Estimate[1] | Project Fair Share of Cost Estimate[2] |
|---|---|---|---|
| Palm Drive (NS) at: | | | |
| Two Bunch Palms Drive (EW) - #7 | Install EB right turn overlap signal phasing | $ 25,000 | $ 11,450 |
| Camino Aventura (EW) - #9 | Install traffic signal | $ 400,000 | $ 212,800 |
| 20th Avenue (EW) - #10 | Install traffic signal | $ 400,000 | $ 187,200 |
| Varner Road (EW) - #12[3] | Construct additional SB through lane<br>Construct WB left turn lane<br>Construct WB right turn lane<br>Install WB right turn overlap | $ 289,720<br>$ 50,000<br>$ | $ 323,896 |

| | | | |
|---|---|---|---|
| | signal phasing | 50,000<br>$<br>25,000 | |
| Gene Autry Trail (NS) at:<br>Vista Chino (EW) - #15 | Construct additional NB left turn lane Construct additional SB through lane<br>Install SB right turn overlap signal phasing | $<br>50,000<br>$<br>289,720<br>$<br>25,000 | $ 121,087 |
| **Total** | | **$<br>1,604,440** | |

*Source: Desert Land Ventures III LLC Property TIA, Kunzman Associates, Table 10, July 13, 2017.*

Notes:

1. County of San Bernardino Congestion Management Program
2. Based on the greater of morning or evening peak hour project share of new trips.
3. The new additional NB left turn lanes, EB left turn lane, and EB free right turn lane are project specific improvements.

The proposed project provides conceptual planning areas and has been analyzed as such. Detailed site plans for each planning area have not yet been designed by the project proponent. Focused traffic analyses shall be conducted for the planning areas once detailed site plans are provided by the project proponent and/or project applicant(s) in order to analyze all potential traffic and transportation-related impacts. Therefore, as part of the site plan review for each planning area, the project proponent and/or project applicant(s) shall adhere to all applicable City Standards in order to achieve approval from the City. In addition, the following onsite mitigation measures shall be implemented to reduce potentially significant impacts to circulation and access:

***Mitigation Measure CIR-7*** *The project applicant(s) shall construct all site access related improvements, including travel lanes on Varner Road in each direction between the project site and the Palm Drive and Varner Road intersection. Timing of construction of these improvements shall be at the discretion of the City Engineer or his/her designee, as new development projects at the project site are proposed.*

***Mitigation Measure CIR-8*** *The project applicant(s) shall construct all onsite and site-adjacent improvements, including traffic signing/striping and project driveways, as approved by the City of Desert Hot Springs Public Works Department. Timing of construction of these improvements shall be at the discretion of the City Engineer or his/her designee, as new development projects at the project site are proposed.*

***Mitigation Measure CIR-9*** *Varner Road along the project boundary shall be constructed at its ultimate cross-section width, including landscaping and parkway improvements in conjunction with development, or as otherwise approved by the City of Desert Hot Springs Public Works Department. Timing of construction of these improvements will be at the discretion of the City Engineer or his/her designee, as new development projects at the project site are proposed.*

***Mitigation Measure CIR-10*** *On-site parking shall be provided to the satisfaction of the City of Desert Hot Springs Planning Department.*

***Mitigation Measure CIR-11*** *Sight distance at the project accesses shall comply with standard Caltrans and City of Desert Hot Springs sight distance standards. The final grading, landscaping, and street improvement plans shall demonstrate that sight distance standards are met. Such plans must be reviewed and approved as consistent with this measure prior to issuance of grading permits and shall be reviewed on a project by project basis.*

***Mitigation Measure CIR-12*** *All future proponents proposing projects within the project site shall participate in phased construction of off-site traffic signals through payment of traffic signal mitigation fees. At the discretion of the City Engineer or his/her designee, payment of fees sum may be required of the project proponent prior to development of the first new development project, or collected as each new development project is proposed. The traffic signals within the TIA study area at buildout should specifically include an interconnect of the traffic signals to function in a coordinated system.*

***Mitigation Measure CIR-13*** *The project proponent shall contribute on a fair share basis through the City's Development Impact Fee Circulation Systems Streets, Traffic Signals, and Bridges Program, or in dollar equivalent in lieu mitigation contributions, in the implementation of the recommended improvements.*

### 2. Design Feature Hazards and Emergency Access

Threshold: Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Threshold: Would the Project result in inadequate emergency access?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.16-25)

Explanation: The DLVSP does not include any specific projects, but instead, analyzes build-out of the DLVSP Land Use Plan based on the desired industrial and commercial development. All future projects within the project site would be required to undergo discretionary review with the City to ensure that design features are consistent with General Plan Policies, City Ordinances, and the recommendations for intersection improvements set forth in the DLVSP TIA (Mitigation Measures CIR-1 through CIR-13). The City's review of the project would analyze design features and project access to ensure that they are consistent with City guidelines and do not pose hazards to the public. Therefore, once a proposed project has been approved by the City, no hazards due to design or access would be present and impacts would be less than significant.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

With implementation of the mitigation measures outlined above, the Project

would have a less than significant impact on emergency access or result in any hazardous design features.

### 3. Transit, Bicycle, or Pedestrian Facilities Policies, Plans, or Programs

Threshold: Would the Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.16-25)

Explanation: The goal of the Desert Land Ventures Specific Plan is to establish a distinctive gateway into Desert Hot Springs through development of a well-designed, high-quality mixed use development that would foster connectivity between the mostly undeveloped southern portions of the City and the more-densely populated development areas and resource centers in the northern portion. Mitigation Measures CIR-1 through CIR-13 implemented towards the redesigning of intersections with traffic signals, turn and through lanes, and overlap traffic signal phasing is consistent with the circulation of the General Plan. Additionally, sidewalks will be developed along all project roadways to provide sufficient pedestrian circulation throughout the project site. Therefore, the proposed project will not conflict with City policies for public transit, bicycle, or pedestrian facilities.

With implementation of the mitigation measures outlined above, the Project would have a less than significant impact on City policies for public transit, bicycle, or pedestrian facilities.

## I. TRIBAL CULTURAL RESOURCES

### 1. Significant Tribal Cultural Resources

Threshold: Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is 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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 4.17-5)

Explanation: During the 30-day response period for AB 52 consultation, the City of Desert Hot Springs received two response letters from Native American Tribes.

*Agua Caliente Band of Cahuilla Indians*

Katie Croft, the Cultural Resources Manager with the Tribal Historic Preservation

Office (THPO) for the Agua Caliente Band of Cahuilla Indians, responded in a letter dated November 27, 2017. She stated that the project site is not within the Tribe's reservation but it is within the Tribes Traditional Use Area. A records check of the Tribe's registry identified previous surveys in the area that were positive for the presence of cultural resources. On behalf of the Tribe, Katie requested the following during consultation:

- A copy of the records search with associated survey reports and site records from the information center.
- A cultural resources inventory of the project area by a qualified archaeologist prior to any development activities in the area.
- Copies of any cultural resource documentation (report and site records) generated in connection with this project.

Katie stated that receipt of the requested materials does not conclude consultation and the tribe may have recommendations or require further mitigation measures based on information contained in the requested materials. Nonetheless, no TCRs were identified by the Tribe so no mitigation is necessary.

*Soboba Band of Luiseno Indians*

Joseph Ontiveros, with the Soboba Cultural Resource Department, responded in a letter dated November 28, 2017. He stated that the project site is outside of the existing reservation but the project site falls within the Tribe's Traditional Use Area. The project site is in proximity of know sites, is a shared use area that was used in ongoing trade between the tribes, and is considered culturally sensitive by the people of Soboba. On behalf of the Tribe, Joseph requested the following:

- Government to Government Consultation in accordance with SB 18 (not applicable to CEQA)
- Tribe to continue to be a consulting entity if this project
- Working in and around traditional use areas intensifies the possibility of encountering cultural resources during the construction/excavation phase. For this reason the Soboba Band of Luiseño Indians requests that Native American Monitor(s) from the Soboba Band of Luiseño Indians Cultural Resource Department to be present during any ground disturbing proceedings, including surveys and archaeological testing.

Although no Tribal Cultural Resources were identified within the project site during AB 52 consultation, the project applicant(s) proposing development within the project site must hire a Native American Monitor to be present during any ground disturbing activities, including surveys and archaeological testing (implemented with Mitigation Measure TCR-1), to ensure that no unknown subsurface TCRs are impacted during development of the proposed project.

Changes, alterations, and other measures must be implemented during project construction and/or ongoing operation, which will mitigate this impact to a less than significant level, as follows:

***Mitigation Measure TCR-1*** *Prior to commencement of any ground*

*disturbing activities, the applicant or his/her designee shall coordinate with the tribes who have requested the presence of a Native American monitor to ensure that their request has been addressed. The approved Native American Cultural Resource Monitor shall be present during ground-disturbing activities (including archaeological testing and surveys). Should buried tribal cultural resources deposits be encountered, the monitor may request that construction be halted, and the monitor shall notify a qualified archaeologist, meeting the Secretary of Interior's Standards and Guidelines for Professional Qualifications, to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer (SHPO) and the Agua Caliente Tribal Historical Preservation Office (THPO).*

## P. UTILITIES

### 1. Water Supply

Threshold: Would the Project have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?

Finding: Less than significant impact. (DEIR, p. 4.17-15)

Explanation: A Water Supply Assessment (WSA) was prepared for the DLVSP to provide the projected water demand and supply conditions associated with build out of the DLVSP with CVWD and MSWD service areas. The proposed project is located within the northwestern edge of Coachella Valley Water District's (CVWD) service area; however, CVWD does not have an existing water system in the vicinity of the project site to serve development within the DLVSP. Consequently, service by MSWD provides the most economically viable option to supply water service, subject to an interagency agreement with CVWD and/or some other form of Local Agency Formation Commission (LAFCO) approval (sphere of influence extension or annexation) to permit MSWD service in the project site.

The Project intends to have two options for water supply sources. Option 1, the preferred option, would require connecting to MSWD's existing 913 Pressure Zone via a 24-inch proposed water pipeline extending from the project site to the existing MSWD 24-inch water main line located at the intersection of Little Morongo Road and 20th Avenue. Option 2 would involve drilling an onsite groundwater well located at the northwest corner of Planning Area 1 to provide onsite treatment, a ground storage reservoir, a pump station, a hydropneumatic tank, and water pipelines.

Because the project site is in CVWD's Water Service Area, a Water Service Agreement would need to be finalized between CVWD and MSWD in order to address roles of both agencies in providing potable water to the project site.

At build out, the proposed project's total indoor and outdoor domestic water demand is expected to be approximately 405.44 acre-feet of water per year (AFY), or 0.35 percent of the total water supply (114,600 acre-feet per year) for the CVWD service area in 2020 and would represent a 0.20 percent of the total water supply (194,300 AFY) for the CVWD service area in 2040 as identified in the CVWD 2015 UWMP for the period

from 2020 to 2040. Project-specific estimates include water demand for industrial, commercial, and landscaping.

Under Option 1, connecting to the MSWD water main, there is evidence based on the WSA, to support a determination that there would be sufficient water supplies to meet the demands of the project and future demands of the project plus all forecasted demands in the next 20 years.

Under Option 2, use of private wells creates a potential for overdrafting groundwater basins. A Replenishment Assessment Charge (RAC) requires applicant(s) that use a well or multiple wells that collectively pump more than 25 acre-feet of water from the aquifer annually to pay an assessment charge to contribute to groundwater replenishment efforts. Since the project is anticipated to demand greater than 25 acre-feet annually, the applicant(s) would be required to pay the RAC to contribute to groundwater replenishment and reduce impacts associated with overdraft of the aquifer. Mitigation Measure HWQ-1 requires the applicant to pay the RAC prior to commencement of well operation, which will reduce impacts on water supply to less than significant levels.

> ***Mitigation Measure HWQ-1*** *Because the proposed private wells on site are anticipated to pump more than 25 acre-feet per year from the aquifer, the project applicant will be required to pay the Replenishment Assessment Charge (RAC) to CVWD before issuance of a certificate of occupancy to contribute to groundwater replenishment efforts. The applicant shall provide proof of payment to the City before issuance of proof of occupancy and before start of project operations.*

**(3) FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT**

The City Council hereby finds that, despite the incorporation of Mitigation Measures outlined in the DEIR and in this Resolution, the following impacts from the proposed Project and related approvals cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein:

### A. AIR QULITY

#### 1. Air Quality Management Plan Consistency

Threshold: Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Finding: Significant and unavoidable, for both short-term construction and long-term operational impacts. (DEIR, p. 4.3-19)

Explanation: The SCAQMD CEQA Handbook states that, *New or amended General Plan Elements (including land use zoning and density amendments), Specific Plans, and significant projects must be analyzed for consistency with the AQMP.* The SCAQMD CEQA Handbook identifies two key indicators of consistency: (1) whether the project would result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air

quality standards or the interim emission reductions specified in the AQMP; and (2) whether the project would exceed the assumption of the AQMP in 2016 or increments based on the year of project build-out phase.

Based on the air quality modeling analysis contained in the *Air Quality and Global Climate Change Analysis,* even with implantation of Mitigation Measures AQ-1 and AQ-2, short-term project-related construction activities would exceed SCAQMD regional thresholds of significance for $NO_x$. In addition, with implementation of Mitigation Measures AQ-3 through AQ-11, long-term project operations would also result in exceedance of SCAQMD regional thresholds of significance for $NO_x$ and ROG.

For the proposed project, the City of Desert Hot Springs Land Use Plan defines the assumptions that are represented in the AQMP. The proposed project includes a general plan amendment to change the DLVSP's current designation of RD and LI to LI and Commercial Retail (CR) and a zoning map amendment to change the current land use/zoning district from RD and LI to Specific Plan. With the General Plan and Zoning Map amendments, the DLVSP would not result in an inconsistency with the land use designation in the City's General Plan. Therefore, the DLVSP is not anticipated to exceed the AQMP assumptions for the project site and is found to be consistent with the AQMP for the Criterion 2.

However, based on the failure of Criterion 1 above, even with implementation Mitigation Measures AQ-1 through AQ-15, the DLVSP would result in an inconsistency with the SCAQMD AQMP, which is considered a significant impact.

The following measures are recommended to help reduce potential impacts regarding inconsistency with the SCAQMD AQMP.

***Mitigation Measure AQ-1*** *Architectural coatings applied to buildings within the project site are to be limited to 10 grams per liter VOC and traffic paints shall be limited to 100 grams per liter VOC content and shall be verified by the City Building Official or his/her designee, prior to application of coatings and/or traffic paint.*

***Mitigation Measure AQ-2*** *The project proponent shall require that all applicable SCAQMD Rules and Regulations (as detailed in Section 4.3.2 of the DEIR) are complied with during construction and the construction contractor use construction equipment that has Tier 4 final engines, level 3 diesel particulate filters (DPF), with oxidation catalyst that have a 20 percent reduction in emissions.*

***Mitigation Measure AQ-3*** *The project proponent shall require the use of the onsite sustainability design features, including: solar panels on all industrial building rooftops (except cultivation buildings) and carport shade structures and a solar farm and/or wind farm; that will provide at least 10 percent of the electrical energy needs for the project site.*

***Mitigation Measure AQ-4*** *The project proponent shall require that: all faucets, toilets and showers installed in the proposed structures utilize low-flow fixtures that would reduce indoor water demand by 20 percent*

*per CalGreen Standards, water-efficient landscaping practices are employed onsite.*

***Mitigation Measure AQ-5*** *The project proponent shall require recycling programs that reduces waste to landfills by a minimum of 75 percent (per AB 341).*

***Mitigation Measure AQ-6*** *The project proponent shall require that high-efficiency lighting (such as LED lighting that is 34 percent more efficient than fluorescent lighting) be installed onsite.*

***Mitigation Measure AQ-7*** *The project proponent shall require that employee vanpool/ride share programs shall be provided for at least 80 percent of onsite employees.*

***Mitigation Measure AQ-8*** *Re-application of architectural coatings to protect buildings will be limited to 10 grams per liter VOC and traffic paints shall be limited to 100 grams per liter VOC content.*

***Mitigation Measure AQ-9*** *The project proponent shall provide sidewalks onsite. Will maintain consistency with the City of Desert Hot Spring's General Plan Policy 3 (Air Quality Goals, Policies and Programs) regarding development of pedestrian-oriented retail centers.*

***Mitigation Measure AQ-10*** *The project proponent shall require that all building structures meet or exceed 2016 Title 24, Part 6 Standards and meet 2016 Green Building Code Standards.*

***Mitigation Measure AQ-11*** *If a distribution center with more than 100 daily truck trips is constructed within the project site within 1,000 feet from the property lines of existing single-family detached residential dwelling units located to the southeast of the project site, then the project proponent will require that the individual applicant proposing development prepare a Health Risk Assessment (HRA) to ensure that the cancer risk to existing sensitive uses does not exceed the SCAQMD MICR TAC threshold of 10 in 1 million. If the SCAQMD MICR TAC threshold of 10 in 1 million is exceeded, then the proposed distribution center shall be redesigned to ensure MICR TAC levels are below the threshold.*

***Mitigation Measure AQ-12*** *The project applicant shall require the use of 2010 model year diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export) during construction and operation, and if the Lead Agency determines that 2010 model year or newer diesel haul trucks are not feasible, the Lead Agency shall use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum. This requirement shall be stipulated in all contract documents between the applicant and his/her contractors as applicable which shall be available upon request from City staff.*

***Mitigation Measure AQ-13*** *The project applicant shall ensure that 240-Volt electrical outlets or Level 2 chargers are installed in parking lots that would enable charging of NEVs and/or battery powered vehicles. This shall be verified prior to occupancy of each building as it is developed.*

***Mitigation Measure AQ-14*** *The project applicant shall require the use of electric or alternatively fueled sweepers with HEPA filters. This shall be verified periodically during operation by City Code Enforcement.*

***Mitigation Measure AQ-15*** *The project applicant shall require the use of electric lawn mowers and leaf blowers. This shall be verified periodically during operation by City Code Enforcement.*

### 2. Increase in Criteria Air Pollutants

Threshold: Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Finding: Significant and unavoidable with mitigation incorporated, for both construction and operational impacts. (DEIR, p. 4.3-20)

Explanation:

*Short-Term Construction Emissions*

Construction activities associated with development of the project site would have the potential to generate air emissions, toxic air contaminant emissions, and odor impacts. According to the *Air Quality and Global Climate Change Impact Analysis* prepared for the proposed project, even with incorporation of Mitigation Measure AQ-1, AQ-2, AQ-12 and AQ-13 the proposed project would still exceed the SCAQMD regional emissions thresholds for $NO_x$.

The greatest potential for toxic air contaminant emissions would be related to diesel particulate emissions associated with heavy equipment operations during construction of development projects within the project site. Construction activities for the proposed project would be intermittent and limited to a period of approximately two years. Thus, duration of construction activities would represent a fraction of the 30-year exposure period used as the basis for assessing the significant of carcinogenic risk exposure and, therefore, would not represent a source of sustained DPM emissions. Furthermore, construction-based particulate matter (PM) emissions (including diesel exhaust emissions) do not exceed any local or regional thresholds. Therefore, no significant short-term construction-related TAC impacts would occur as a result of development of the project site.

Nonetheless, even with implementation of Mitigation Measures AQ-1 and AQ-2, project construction $NO_x$ emissions are considered significant and unavoidable.

The following measures are recommended to help reduce potential impacts regarding short-term construction emissions.

***Mitigation Measure AQ-1*** *Architectural coatings applied to buildings within the project site are to be limited to 10 grams per liter VOC and traffic paints shall be limited to 100 grams per liter VOC content and shall be verified by the City Building Official or his/her designee, prior to application of coatings and/or traffic paint.*

***Mitigation Measure AQ-2*** *The project proponent shall require that all applicable SCAQMD Rules and Regulations (as detailed in Section 4.3.2 of the DEIR) are complied with during construction and the construction contractor use construction equipment that has Tier 4 final engines, level 3 diesel particulate filters (DPF), with oxidation catalyst that have a 20 percent reduction in emissions.*

***Mitigation Measure AQ-12*** *The project applicant shall require the use of 2010 model year diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export) during construction and operation, and if the Lead Agency determines that 2010 model year or newer diesel haul trucks are not feasible, the Lead Agency shall use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum. This requirement shall be stipulated in all contract documents between the applicant and his/her contractors as applicable which shall be available upon request from City staff.*

***Mitigation Measure AQ-13*** *The project applicant shall ensure that*

*240-Volt electrical outlets or Level 2 chargers are installed in parking lots*

*that would enable charging of NEVs and/or battery powered vehicles. This shall be verified prior to occupancy of each building as it is developed.*

*Long-Term Operational Emissions*

The on-going operation of the projects within the project site would result in a long-term increase in air quality emissions due to emissions from the project-generated vehicle trips and through operational emissions during the life of the projects within the DLVSP.

The worst-case summer and winter ROG, $NO_x$, CO, $SO_2$, $PM_{10}$, and $PM_{2.5}$ emissions created from long-term operations were calculated and summarized in the DEIR. The results show that project operations at buildout would exceed SCAQMD regional thresholds for both ROG and $NO_x$. Therefore, a potentially significant regional air quality impact would occur from project operations and mitigation measures are required to be implemented to reduce ROG and $NO_x$ emissions.

Mitigation Measures AQ-3 through AQ-11 and AQ-14 through AQ-15 as noted above, are provided to reduce operational emissions. However, the data in Table 4.3-8, *Mitigated Regional Operational Pollutant Emissions*, shows that with incorporation of mitigation measures, emissions from the operations would still exceed SCAQMD operational thresholds for both ROG and $NO_x$. Therefore, even with above-mentioned mitigation measures, a potentially significant regional air quality impact would occur due to operations emissions from projects within the project site.

**3. Cumulative Criteria Air Pollutants**

Threshold: Would the Project 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?

Findings: Less than significant for cumulative short-term impacts. Significant and unavoidable with mitigation incorporated, for cumulative long-term impacts. (DEIR, p. 4.3-34)

Explanation: The region is out of attainment for ozone and $PM_{10}$. Construction and operation of cumulative projects would further degrade the local air quality, as well as the air quality of the Salton Sea Air Basin. The greatest cumulative impact on the quality of the regional air cell would be the incremental addition of pollutants from increased traffic from commercial and industrial development and the use of heavy equipment and trucks associated with construction of projects. Air quality would be temporarily degraded during construction activities that occur separately or simultaneously; however, in accordance with the SCAQMD methodology, projects that do not exceed the SCAQMD criteria or can be mitigated to less than criteria levels are not significant, and do not add to the overall cumulative impact. With respect to long-term emissions, even with incorporation of the above-mentioned long-term measures (Mitigation Measures AQ-3 through AQ-15), implementation of the DLVSP would create significant cumulative impacts to air quality.

**B. CULTURAL**

**1. Historical Resources**

Threshold: Would the Project cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?

Finding: Significant and unavoidable, with mitigation incorporated. (DEIR, p. 4.5-9)

Explanation: Potential impacts were assessed in the *Cultural Resource Assessment.).* The results of the intensive-level cultural resource survey identified four historical built-environment resources within the project site. The three historical built-environment resources consist of Mihalyo Road (33-035812/CA-RIV-12236), a pair of buried So Cal Gas pipelines (33-024722), 20th Avenue (AE-3634-03H) and Varner Road (33-008408/CA-RIV-8404).

An evaluation of Mihalyo Road suggested that the historical built-environment resource did not meet any criteria for listing on the CRHR. Therefore, Mihalyo Road is not considered a Historical Resource defined by CEQA and no further management of this resource is recommended at this time.

The pair of buried So Cal Gas Company pipelines were not evaluated as part of the *Cultural Resource Assessment* as they would be avoided during project implementation. Portions of Mihalyo Road may be improved and utility crossings may be constructed within the So Cal Gas Company easement corridor; however, ground-disturbing activities in these areas are not expected to extend to depths that would impact the buried gas pipelines. If project designs are modified in the future so that there is a potential for this built-environment resource to be impacted, then a formal evaluation of the buried pipelines should be conducted to determine if the pipelines are eligible for listing on the CRHR.

This newly identified road segment includes a 1.5-mile-long segment of 20th Avenue located between Little Morongo Road on the west and Palm Drive on the east. An evaluation of the 20th Avenue road segment was not found to be eligible for listing on the CRHR. Therefore, 20th Avenue is not considered a Historical Resource defined by CEQA and no further management of this resource is recommended at this time.

In 2007, CRM Tech evaluated Varner Road and concluded that the portion of Varner Road located within the project site is historically significant for its close association with early and mid-20th century American automobile culture which is considered as an event of recognized historical significance. As such, CRM Tech suggested that the segment of Varner Road located within the project site appears to meet Criteria 1 and 3 for listing in the CRHR and therefore qualifies as a historical resource as defined by CEQA; however, the newly identified historic refuse scatter (*Æ*-3634-02H) associated with Varner Road does not appear to contribute to the significance of the historical resource. Therefore, construction-related project disturbances to this road segment would result in significant impacts to the existing historically significant physical characteristics of Varner Road.

Implementation of Mitigation Measure CR-1, requiring preservation through documentation of the historical resource based on the requirements of the Historic American Engineering Record (HAER) is recommended to be completed prior to the start of project development. Documentation of Varner Road based on HAER

requirements was conducted on July 9, 2017. Despite implementation of Mitigation Measure CR-1, the proposed project would still result in unavoidable significant impacts.

The following mitigation measure is included to address potential impacts related to the historically significant Varner Road.

> ***Mitigation Measures CR-1*** *The portion of Varner Road located within the project site shall be documented following the guidelines of the Historical American Engineering Record (HAER) as stated in the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation (48 CFR 190: 44730-34).*

## C. GREENHOUSE GAS EMISSIONS

### 1. Greenhouse Gas Emissions

Threshold: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Finding: Significant and unavoidable on a cumulative basis with mitigation incorporated. (DEIR, p. 4.7-17)

Explanation: The DLVSP's generated unmitigated GHG emissions would be 39,533.48 $MTCO_2e$ per year. According to the SCAQMD thresholds of significance, a cumulative global climate change impact would occur if the GHG emissions created from the on-going operations would exceed the SCAQMD draft local agency tier 3 threshold of 3,000 $MTCO_2e$ per year for all land use types. Therefore, as the development projects within the project site would exceed the SCAQMD draft local agency tier 3 threshold of 3,000 $MTCO_2e$ per year and mitigation is required.

With implementation of Mitigation Measures GHG-1 through GHG-8, emissions associated with future development projects within the project site would be reduced to 30,535.24 $MTCO_2e$ per year, which would still exceed the SCAQMD draft local agency tier 3 threshold of 3,000 $MTCO_2e$ per year for all land use types. Therefore, the DLVSP's GHG emissions are considered to be significant and unavoidable.

The following mitigation measures are identified to reduce greenhouse gas related impacts to the greatest extent practical.

***Mitigation Measure GHG-1*** *The project applicant(s) shall implement onsite sustainability design features, including solar panels on all industrial building rooftops (except cultivation buildings) and carport shade structures, and a solar farm and/or wind farm that will provide at least 10 percent of the DLVSP's electrical energy needs.*

***Mitigation Measure GHG-2*** *The project applicant(s) shall ensure that all faucets, toilets and showers installed in the proposed structures utilize low-flow fixtures that would reduce indoor water demand by 20 percent per CalGreen Standards, water-efficient landscaping practices are employed onsite.*

***Mitigation Measure GHG-3*** *The project applicant(s) shall implementation of recycling programs that reduce waste to landfills by a minimum of 75 percent (per AB 341).*

***Mitigation Measure GHG-4*** *The project applicant(s) shall ensure that high-efficiency lighting (such as LED lighting that is 34 percent more efficient than fluorescent lighting) be installed onsite.*

***Mitigation Measure GHG-5*** *The project applicant(s) shall ensure that employee vanpool/ride share programs are provided for at least 80 percent of onsite employees.*

***Mitigation Measure GHG-6*** *The project applicant(s) shall ensure that the re-application of architectural coatings to protect buildings is limited to 10 grams per liter VOC, and traffic paints are limited to 100 grams per liter VOC content.*

***Mitigation Measure GHG-7*** *The project applicant(s) shall provide sidewalks onsite.*

***Mitigation Measure GHG-8*** *The project applicant(s) shall require that all building structures meet or exceed 2016 Title 24, Part 6 Standards and meet 2016 Green Building Code Standards.*

**2. Greenhouse Gas Plan, Policy, and Regulation Consistency**

Threshold: Would the Project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Finding: Significant and unavoidable on a cumulative basis with mitigation incorporated. (DEIR, p. 4.7-20)

Explanation:

*City of Desert Hot Spring Climate Action Plan (CAP)*

The City of Desert Hot Springs CAP was adopted in May of 2013. The CAP was set in place to guide the City in decisions that lead to the largest and most cost-effective emissions reductions and sets forth goals to reduce emissions to achieve the targets of Assembly Bill (AB) 32. In order to achieve these targets, the CAP presents a number of GHG emissions-reducing programs and policies that are to be implemented by the City. DLVSP consistency with applicable measures in the CAP has been assessed, and, as shown in Table 4.7-4, *City of Desert Hot Springs CAP Applicable Measures Project Comparison* of the DEIR, the DLVSP is consistent with all applicable measures.

*Senate Bill 32 (SB 32)*

SB 32 requires the State board to ensure that statewide greenhouse gas emissions are reduced by 40 percent below the 1990 level by 2030. SCAQMD's thresholds used Executive Order S-3-05 goal as the basis for deriving the screening level.

The SCAQMD uses Executive Order S-3-05 as the basis for their screening level, and Executive Order S-3-05 includes the long-term goal to reduce GHG emissions to 80 percent below 1990 levels by 2050. Therefore, projects that meet the current interim emissions targets/thresholds established by SCAQMD (as described in Section V, Air Quality Standards) would also be on track to meet the reduction targets for 2030. Furthermore, all of the post 2020 reductions in GHG emissions are addressed via regulatory requirements at the State level and the Specific Plan would be required to comply with these regulations as they come into effect.

However, as even the DLVSP's mitigated emissions exceed the SCAQMD GHG emissions thresholds of 3,000 $MTCO_2e$ per year for all land use types, the DLVSP does not meet the threshold compliance for Executive Order S-3-05 and the Specific Plan's emissions also would not comply with the goals of AB 32 and SB 32.

Therefore, as the Specific Plan would conflict with the goals of SB 32, the Specific Plan conflicts with an applicable plan, policy, or regulation of an agency adopted

for the purpose of reducing the emissions of greenhouse gases, and impacts are considered to be significant and unavoidable.

**FINDINGS REGARDING CUMULATIVE ENVIRONMENTAL IMPACTS**

Consistent with CEQA's requirements, the EIR for the Project includes an analysis of cumulative impacts. Cumulative projects include local development as well as general growth within the project area. However, as with most development, the greatest source of emissions is from mobile sources, which travel well out of the local area. Therefore, from an air quality standpoint, the cumulative analysis would extend beyond any local projects and when wind patterns are considered would cover an even larger area. Accordingly, the cumulative analysis for the project's air quality must be generic by nature.

The project area is out of attainment for ozone and in 2014 was out of attainment for PM10. Construction and operation of cumulative projects will further degrade the local air quality, as well as the air quality of the Salton Sea Air Basin. The greatest cumulative impact on the quality of the regional air cell will be the incremental addition of pollutants mainly from increased traffic from residential, commercial, and industrial development and the use of heavy equipment and trucks associated with the construction of projects. Air quality will be temporarily degraded during construction activities that occur separately or simultaneously. However, with respect to long-term emissions, even with incorporation of mitigation, this project would create a potentially significant cumulative impact.

(See EIR, page 1-9 (Summary Table); and EIR page 4.3-38.)

The City Council herby finds as follows:

**A. AESTHETICS**

The potential impacts on Aesthetics associated with development of the proposed project from an undeveloped, vacant swathe of land to a master-planned industrial and technology business park would only be applicable to the City's southern half as part of the I-10 Community Annexation Area. The northern, main hub of the City would not be affected by the implementation of the DLVSP. The analysis of the proposed project and the potential adverse and/or significant impacts associated with implementation of the DLVSP were found to be less than significant (scenic vistas, visual character) with adherence to the DLVSP's *Design Guidelines and Standards* and adherence to structural height provisions incorporated from the City's Zoning Ordinance (Section 17.40.160, *Height determination* (*structures*)). Therefore, impacts to scenic resources and the visual character or quality of the project site are considered local and do not contribute to a cumulative impact.

Light and glare produced from the project site would be cumulative towards the City's overall contribution of light and glare emitted from existing developed land use activities. However, Section 17.40.170 of the City's Zoning Ordinance (*Outdoor Lighting Standards*), provides lighting restrictions (specific shielding and filtering requirements

guidelines) to ensure that the City's dark, night-time skies are maintained. Therefore, development consistent with the City's municipal code, implemented through Regulatory Requirement RR-3, would result in a less than significant cumulative impact from new sources of light and glare. (DEIR, p. 4.1-7)

### B. AGRICULTURE AND FORESTRY

Given that the project site is not located on and would not convert important farmland, forest land, timberland, or any other related zoned land, development of the site as proposed would not cumulatively impact agricultural and forestry resources. Therefore, no significant cumulative impact would occur and no mitigation is required. (DEIR, p. 4.2-5)

### C. AIR QUALITY

From an air quality standpoint, the cumulative analysis extends beyond any local projects and when wind patterns are considered, would cover an even larger area. Accordingly, the cumulative analysis for the proposed project's air quality must be generic by nature.

The region is out of attainment for ozone and $PM_{10}$. Construction and operation of cumulative projects would further degrade the local air quality, as well as the air quality of the Salton Sea Air Basin. The greatest cumulative impact on the quality of the regional air cell would be the incremental addition of pollutants from increased traffic from residential, commercial, and industrial development and the use of heavy equipment and trucks associated with construction of projects. However, in accordance with the SCAQMD methodology, projects that do not exceed the SCAQMD criteria or can be mitigated to less than criteria levels are not significant, and do not add to the overall cumulative impact. However, with respect to the project's short term construction emissions and long-term operational emissions, even with incorporation of mitigation, implementation of the DLVSP would create significant cumulative impacts to air quality. (DEIR, p. 4.3-34)

### D. BIOLOGICAL RESOURCES

Impacts to special status species are cumulative, given other development that has or may be expected to take place in the Coachella Valley. It should be noted that these impacts are addressed in the CVMSHCP, which provides mitigation for incidental take resulting from individual development projects. Payment of per-acre mitigation fees for all new development within the CVMSHCP planning area (See Regulatory Requirement RR-4) is required for applicant(s) proposing development within the CVMSHCP project site. (DEIR, p. 4.4-42)

### E. CULTURAL RESOURCES

New development within the project site does not have the potential to create cumulative impacts regarding cultural resources. Mitigation Measures CR-1 through CR-5 ensure that the proposed project would comply with the State's provisions in CEQA, its Guidelines, and other provisions of the California Public Resources Code for the protection and preservation of significant cultural resources. Additionally, development of other projects within the surrounding area may result in impacts to

cultural resources. As such, as long as the other projects comply with CEQA standards and guidelines to reduce project impacts to cultural resources to less than significant, then the proposed project would not contribute to significant cumulative impacts to cultural resources. Therefore, implementation of the DLVSP would result in cumulative impacts that would be less than significant. (DEIR, p. 4.5-14)

### F. GEOLOGY AND SOILS

New development within the project site has the potential to create cumulative impacts if proper mitigation to address geotechnical hazards in regards to fault rupture, seismic ground shaking, liquefaction, loss of topsoil and expansive soils or corrosive soils is not implemented. Regulatory Requirement RR-7 and Mitigation Measure GEO-1 through GEO-5 would ensure that structural retrofitting, procurement and implementation of engineered soils, proper corrosion mitigation review, properly performed overexcavation and recompaction of site soils, and conformance with current CBC regulations are implemented. Therefore, with implementation of RR-1 and Mitigation Measures GEO-1 through GEO-5 and with adherence to City goals and policies as identified above, cumulative impacts to geology and soils are expected to be less than significant. (DEIR, p. 4.6-11)

### G. GREENHOUSE GAS EMISSIONS

The evaluation of greenhouse gases for a project is an evaluation of a project's cumulative contribution to global climate change. Therefore, no additional analysis is required. (DEIR, p. 4.7-21)

### H. HAZARDS AND HAZARDOUS MATERIALS

New development within the project site does not have the potential to create cumulative impacts associated with hazards and hazardous materials to the public from routine transport, use, or disposal, and in regard to conflict with emergency response and evacuation plans. Mitigation Measures HAZ-1 and HAZ-2 and all applicable regulatory requirements would ensure that all new development would comply with local, State, and federal regulations; California Health & Safety Code and Title 19; Division 2, of the California Code of Regulations by preparing a HMBEP, the preparation of a SPCC and for required plan review and conditioning by the Fire Department. Therefore, with implementation of all mitigation and regulatory requirements in Section 4.8.6, and with adherence to goals, policies and programs as identified in this Section, all new development within the project site would ensure that cumulative impacts would be less than significant. (DEIR, p. 4.8-15)

### I. HYDROLOGY AND WATER QUALITY

Development of the project site with the DLVSP has the potential to create cumulative impacts on hydrology and water quality. The WSA prepared for the proposed project concluded that CVWD would have sufficient water resources to supply the project at build out. Nonetheless, the project would contribute to a cumulative increase in groundwater demand that could result in overdraft if no countermeasures are enforced. In accordance with SWRCB regulations, either water supply option (A or B) would require the applicant to process a Replenishment Assessment prior to development because the total project water demand is estimated to be greater than 25

AFY. Once processed, a monitoring device would be installed at the water hookup (pipe or well) to measure the actual water demand on the site. Replenishment Assessment funds would contribute to groundwater replenishment programs that aim to recharge the aquifer, as outlined in the 2015 UWMP. Therefore, the applicant's payment of the RAC would contribute to aquifer replenishment efforts and reduce the overall amount of water removed from the aquifer.

Although new projects will increase runoff as a result of development of parking and building structures, the project applicant has developed a drainage plan that is compliant with Chapter 13.08 of the Desert Hot Springs Municipal Code, and capable of containing a 100-year, 24-hour storm event. The containment of onsite storm flows will reduce impacts on the natural drainage facilities south of the project site where historic flows from the site would normally be deposited. Additionally, regulatory requirements RR-8 and RR-12, requiring preparation and implementation of SWPPPs and WQMPs with best management practices (i.e., landscaped swales, porous pavers, etc.) would assure that individual projects maintain onsite permeability to a degree that does not cumulatively add to the project area's overall runoff potential. Additionally, based on hydrologic analysis conducted for the proposed project, the project site would be designed with six elevated development pads to protect buildings and the remainder of the site would be designed as flow corridors that preserve existing regional flow patterns. Therefore, the project is not expected to have a cumulative impact with regard to flooding in the vicinity.

Cannabis cultivation practices proposed within the DLVSP have potential to dispose of contaminated water in the proposed wastewater system if cultivation water is not properly managed. Implementation of Mitigation Measures HAZ- 1 and HAZ-2 will ensure that TDS from cultivation practices will not enter the sewer system and cause a cumulative impact to water quality in the area. (DEIR, p. 4.9-18)

### J. LAND USE

The Desert Land Ventures Specific Plan project area is part of a larger 4,000-acre area that was the subject of an annexation (the I-10 Community Annexation) approved by the Riverside County Local Agency Formation Commission in 2010. The Existing General Plan and Zoning Designations within the 123.4-acre project area are Light Industrial (LI) and Rural Desert (RD). However, the project includes a General Plan Amendment (GPA 01-16) to allow for a change in the area's land use designations from LI and RD (County-designated) to Light Industrial (I-L) (City-designated) and Commercial Retail (CR) (City-designated), in order to allow for the more intense development envisioned by the Specific Plan. The General Plan Amendment was undertaken in accordance with the process outlined in Chapter 17.100 (*General Plan Amendments*) of the City's Zoning Ordinance (Title 17 of the Desert Hot Springs Municipal Code). Furthermore, the project includes ZMA 01-16 to change the land use/zoning districts from LI and RD (County Designated) to Specific Plan, in order to allow for the more intense development envisioned and allowed by the DLVSP. Therefore, subject to the City's adoption of both GPA 01-16 and ZMA 01-16, and adherence to the City's Zoning and Municipal Code ordinances, implementation of the DLVSP shall not result in any potential cumulative impacts. (DEIR, p. 4.10-8)

### K. MINERAL RESOURCES

Given that the Project site is not identified as a significant mineral resource site or the site of an existing mining/mineral extraction operation, development of the site as proposed will not cumulatively decrease the local or regional availability of mineral resources. No cumulatively significant impact will occur and no mitigation is required. (DEIR, p. 4.11-3)

### L. NOISE

New development projects at the project site would contribute to an increase in noise levels in the vicinity due to on-site activities as well as off-site traffic related noise. Under Existing Plus Project scenario, changes in existing noise levels with the project would increase on project site roadways between 0.3 and 2.2 dBA within 50 feet of the centerline of a roadway. It is widely accepted that the average healthy ear can barely perceive changes of 3 dBA; that a change of 5 dBA is readily perceptible, and that an increase (decrease) of 10 dBA sounds twice (half) as loud. This definition is recommended by Caltran's in its *Traffic Noise Analysis Protocol for New Highway and Reconstruction Projects*. Therefore, the proposed project would not contribute significantly to an increase in noise associates with increased traffic volumes on roadways.

With regard specifically to Varner Road, under the Existing Plus Project scenario, the model showed that the change in traffic noise levels as a result of the proposed project along the section of Varner Road west of Palm Drive went from 0 dBA (no traffic volumes under existing conditions) to approximately 74.7 dBA CNEL at 50 feet from the centerline, once development projects at the project site are operational. Although the increase in noise level is significant, there are no sensitive receptors located within the 60 dBA CNEL contour of Varner Road. Furthermore, the nearest sensitive receptor is located approximately 1,800 feet from the centerline of Varner Road and would fall outside of the 55 dBA CNEL contour line of Varner Road. Therefore, the proposed project would not contribute to a cumulative increase in noise levels that would be significant. (DEIR, p. 4.12-23)

### M. POPULATION AND HOUSING

Although implementation of the DLVSP has the potential to create cumulative impacts in regards to population and housing because it could generate approximately 2,212 employees upon buildout, it would not substantially impact population growth in the City. Employees associated with implementation of the DLVSP would likely include some existing residents of the City of Desert Hot Springs and other nearby cities, so the housing demands would be accommodated by existing vacancies. Additionally, vacant homes within the City and future residential development towards the RHNA housing allocation would assist in accommodating the potential population growth. Therefore, the proposed project would not contribute to a cumulative impact on housing and population. (DEIR, p. 4.13-4)

### N. PUBLIC SERVICES

Although implementation of the DLVSP would increase demand for public services and facilities, impacts would primarily due to the proposed land uses. As development occurs within the project site, the new land uses would require additional police and fire protection since the project site is currently undeveloped. Additionally,

population growth spurred by new employees has potential to impact school and library services, parks and recreation facilities, and public and quasi-public utilities, including electricity, natural gas, water, sanitary sewer and solid waste management. The proposed project has potential to generate approximately 2,212 employees upon buildout, but the proposed project would not substantially impact population growth in the City because there is no residential development proposed within the DLVSP. Public services would incur proportional increases in service demands as generated by new development at the project site. Fees collected would be used to offset increased demands to public services and facilities by funding school and library expansions, roadway improvements, new police and fire services and development of new expanded public buildings. Therefore, with implementation of Regulatory Requirements RR-17 through RR-24 and adherence to goals, policies and programs as identified in this section, impacts to public services and facilities are expected to be less than significant. (DEIR, p. 4.14-7)

### O. RECREATION

Implementation of the DLVSP would not create cumulative impacts to recreational resources because there would not be impacts to these resources as a result of full build-out. Impacts would be less than significant. (DEIR, p. 4.15-3)

### P. TRANSPORTATION AND TRAFFIC

The Year 2035 with Project Level of Service analysis discussed in Section 4.16.4 a/b of the DEIR included cumulative impacts analysis, taking applicable factors into consideration, such as ambient population growth, future proposed developments and the corresponding increase in traffic volumes to the project site and vicinity. Therefore, the recommended design improvements to roadway segment and intersections infrastructure as identified in Mitigation Measures CIR-1 through 13 would ensure proper quality level of service and reduce potential cumulative impacts to less than significant. (DEIR, p. 4.16-25)

### Q. TRIBAL CULTURAL RESOURCES

New development within the DLVSP project site does not have the potential to create cumulative impacts regarding the preservation of Tribal Cultural Resources. Mitigation Measure TCR-1 ensures that any unknown TCRs uncovered during construction activities will be adequately protected and preserved. Therefore, development within the DLVSP project site will result in cumulative impacts that would be less than significant. (DEIR, p. 4.17-6)

### R. UTILITIES AND SERVICE SYSTEMS

Cumulative impacts associated with the proposed project are considered for water supply, wastewater treatment, stormwater and drainage control, landfill capacity and diversion and electrical use. The WSA for the proposed project included an assessment of the proposed project along with other projects within the service area in order to determine that there is adequate water supply for the next 20 years as required by the State. Regarding wastewater collection and treatment, MSWD has planned for the orderly growth of the 4,000-acre I-10 Annexation area that includes the project site and would have capacity to serve the project site and other future projects. Therefore,

the proposed project would not contribute to the cumulative impact to water and sewer service.

Based on the Hydrology Analysis prepared for the project, nine drainage areas are proposed on the project site that would comply with the Stormwater Management and Discharge Controls outlined in Chapter 13.08 of the Desert Hot Springs Municipal Code. Each drainage area would be tributary to an infiltration basin and infiltration basins would be sized to contain the 100-year, 24-hour duration storm event. The infiltration basins would also be designed for low impact development and include water quality treatment. Therefore, the proposed project would not contribute to the cumulative impact to the severity of a drainage issue either for erosion/siltation or flooding.

Regarding solid waste and landfill capacity, all development projects in the City of Desert Hot Springs must comply with the City's requirement to prepare and implement a construction/demolition waste reduction/recycling plan. In addition, all commercial uses are required to comply with the City's requirements for recycling. Therefore, the proposed project would not contribute to a significant cumulative impact on landfills. (DEIR, p. 4.18-16)

**FINDINGS REGARDING SIGNIFICANT IRRIVERSIBLE ENVIRONMENTAL CHANGES**

According to Sections 15126(c) and 15126.2(c) of the State CEQA Guidelines, an EIR is required to address any significant irreversible environmental changes that would occur should the Project be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

This EIR is not connected with any of the foregoing activities and as a result, no further discussion of this subject is required.

**FINDINGS REGARDING GROWTH INDUCING IMPACTS**

Section 15126.2(d) of the State CEQA Guidelines requires a DEIR to discuss the ways the Project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. Growth-inducing impacts include the removal of obstacles to population growth (e.g., the expansion of a wastewater treatment plant allowing more development in a service area) and the development and construction of new service facilities that could significantly affect the environment individually or cumulatively. In addition, growth must not be assumed as beneficial, detrimental, or of little significance to the environment.

The proposed project would be growth inducing because it will require major improvements to Varner Road which would benefit other vacant properties in the area, and ultimately will require the development of new water and sewer lines from the project site to the proposed MSWD regional wastewater treatment plant and water plant proposed to be located west of the project site. Development of new water and sewer lines between the project site and MSWD facilities would also benefit vacant properties lying between the project site and the MSWD facilities that currently do not have available service. Completion of the water and sewer lines would remove these impediments to development in the area and thus would be growth inducting.

The City of Desert Hot Springs is encouraging growth in the area as described in Chapter 3, *Project Description,* of the DEIR, with the adoption of the I-10 Community Annexation. Specifically, the City annexed approximately 4,000 acres (including the project site) of unincorporated County of Riverside territory lying between the southern boundary of the City and the I-10 freeway. The economic development principles and objectives established by the City for this 4,000-acre area state that the annexation was undertaken in order to take advantage of additional economic opportunities that can occur due to direct visibility from and convenient access to the I-10 freeway, a major regional transportation corridor in the Coachella Valley. The 4,000-acre area provides expanded opportunity for the City to increase its sales-tax base and reduce sales-tax leakage through development of additional retail uses, and to expand its job base through additional commercial and industrial development. Such economic expansion would also help to balance the City's jobs-to-housing ratio that is currently skewed to the housing side. As new jobs are created in the I-10 Community Annexation area and other areas where industrial and commercial land uses are allowed, there will be pressure for residential development to start up again creating new opportunities for employees to live and work in the City of Desert Hot Springs. Therefore, the growth-inducing aspects of the DLVSP project are considered by the City to be a beneficial/positive impact.

## FINDINGS REGARDING ALTERNATIVES

The EIR analyzed three alternatives to the Project as proposed and evaluated these alternatives for their ability to meet the project's objectives as described below. CEQA requires the evaluation of a "No Project Alternative" to assess a maximum net change in the environment as a result of implementation of the project. The No Project Alternative, referred to as the No Project-No Development Alternative, would eliminate any new development of the site and assumes the existing undeveloped desert land would remain. No ground-disturbing activities would take place, and no new structures would be built. A Buildout Under the Existing General Plan Land Use Designations with no Specific Plan Proposed Alternative and Reduced Intensity Alternative were also selected for analysis. CEQA requires the evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain most of the basic objectives of the project." Thus, in order to develop a range of reasonable alternatives, the Project objectives must be considered when this Council is evaluating the alternatives.

### A. PROJECT OBJECTIVES

The proponent has outlined the following objectives for the proposed project relative to the planning and CEQA processes:

- Implement the vision, goals and policies of the Desert Hot Springs General Plan for the Specific Plan area, as well as the objectives of City of Desert Hot Springs I-10 Community Annexation.
- Establish a distinctive gateway into Desert Hot Springs through development of a well-designed, high-quality mixed-use master plan development for this key area portion of the City.
- Accommodate a range of land uses that meet the economic, environmental, and social needs of the City, while taking advantage of emerging trends in demand for land use and economic growth.

- Encourage development that would foster connectivity between the mostly undeveloped southern portions of the City and the more densely-populated development areas and resource centers in the northern portion.
- Create an opportunity for increased property-tax revenue by not only providing mixed-used development within Specific Plan area, but also encouraging similar development within the mostly undeveloped southern portion of the City.
- Cultivate industrial and commercial growth and investment in areas adjacent to and surrounding the Specific Plan area.
- Help the City balance its jobs-to-housing ratio (which is currently skewed to the housing side) through increased economic and employment expansion and opportunities within the Specific Plan area.
- Promote businesses that complement each other and position the Specific Plan area as an additional attraction and destination in Desert Hot Springs.
- Serve as a model for the application of sustainable and green development practices throughout the City and the greater Coachella Valley region.

## B. ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/ PROJECT PLANNING PROCESS

Per the CEQA Guidelines (Section 15126.6(c)), factors that may be considered when addressing the feasibility of alternatives include failure to meet most of the stated Project objectives, infeasibility, or inability to avoid environmental effects. As outlined in the Project objectives, the underlying purpose of the Project is to establish a distinctive gateway into Desert Hot Springs through development of a well-designed, high-quality mixed-use master plan that can accommodate a range of land uses that meet the economic, environmental, and social needs of the City.

During the due diligence process for the DLVSP, the proponent considered two siting scenarios, then selected the proposed Land Use Plan configuration. Both scenarios were similar in size and concept, therefore, no alternatives were identified for consideration and rejected.

### 1. Alternative 1 – No-Project-No Development (No Project)

Description: Alternative 1 assumes that the proponent would not be proposing a General Plan Amendment, Zoning Map Amendment, Tentative Tract Map or Specific Plan, in order to redesignate the 123.4-acre project site from the County's Rural Desert (RD) and Light Industrial (LI) to the City's Light Industrial (I-L) designation for both the General Plan and Zoning designations. This alternative would have the 123.4-acre project site remain as undeveloped desert land.

Impacts: Under Alternative 1, impacts to agriculture and forestry, and mineral resources would be the same or similar to those analyzed for the Project. There would be no development within Planning Area 2 (Willow Hole Conservation Area). Additionally, there would be no improvements made to Varner Road and thus, no significant impact to a historic resource would occur. Likewise, with no development of the project site, there would be no emissions of criteria pollutants or greenhouse gases,

and thus no significant impacts would occur. With no emissions of criteria pollutants or greenhouse gases, the Project would not conflict with the SCAQMD AQMP and GHG thresholds, City of Desert Hot Springs' CAP, and SB 32. Impacts addressed in the DEIR that were either less than significant or less than significant with mitigation incorporated would be nullified from the lack of development, and result in no impacts.

Findings: All potential project-related impacts, including the Air Quality, Greenhouse Gases, and Cultural, would be nullified to no impacts as a result of Alternative 1. Implementation of the No Project-No Development Alternative, however, would not meet any of the Specific Plan goals and objectives to implement the City's vision for the I-10 Community Annexation. This vision is to develop the 4,000-acre area in which the project site is located, to increase the City's sales-tax base and reduce sales-tax leakage through development of additional retail uses, and to expand its job base through additional commercial and industrial development. Such economic expansion would also help to balance the City's jobs-to-housing ratio that is currently skewed to the housing side.

### 2. Alternative 2 – Buildout Under the Existing General Plan Land Use Designations with no Specific Plan Proposed

Description: Alternative 2 assumes that the proponent would not propose a General Plan Amendment, Zoning Map Amendment in order to redesignate the 123.4-acre project site from the County's RD and LI to the City's I-L designation for both the General Plan and Zoning designations, but rather develop under the existing land use designations. The 123.4-acre site is part of a larger 4,000-acre area that was the subject of an annexation - the I-10 Community Annexation - approved by the Riverside County Local Agency Formation Commission (LAFCO) in 2010. As discussed previously, the Existing General Plan and Zoning Designations within the project site are LI and RD which are Riverside County designations that were adopted by the City as interim designations with City Equivalent Land Uses which are Residential Estate (R-E-10) and Light Industrial (I-L). Based on the Existing General Plan designations on the project site, no GPA or Zone Change would be required, however, a Tentative Tract Map would likely be required in order to allow for up to 7 dwelling units and a separate area designated for L-I uses.

Impacts: Under this alternative the project site consists of approximately 74 gross acres of Rural Desert property, and up to 49 acres of Light Industrial property and area associated with existing roads (Varner Road, Mihalyo Road and West Street). For the purposes of this alternative, 40 acres of developable area for Light Industrial uses were considered. At a site development density of .75 (as set forth in Zoning Code Section 17.16, Table 17.16.01, *Industrial Zones Development Standards*), up to approximately 1.3 million square feet of industrial uses, including incidental commercial uses could be developed. Using a similar buildout scenario of 80 percent Light Industrial and 20 percent commercial, a reduction of approximately 600,000 square feet of industrial and commercial uses would occur as shown in Table 6-3, *Comparison Between the Proposed Project and Alternative 2* of the DEIR.

According to the City's Municipal Code Section 17.180.070, Marijuana Facilities Operation and Location - Permitted Locations, marijuana cultivation facilities involving the cultivation of more than 99 mature flowering marijuana plants may be located in any Industrial District in the City, upon issuance of a conditional use permit and a regulatory

permit. Therefore, for this alternative a similar mix of uses is proposed but at a reduced intensity as only the approximately 40 acres designated for Light Industrial use would be used for non-residential uses. This alternative assumes that only residential use would occur within the Willow Hole Conservation Area largely located north of Varner Road.

However, because project development would be reduced by approximately 40 percent (64.9 acres of industrial and commercial uses or 40 acres) impacts to air quality and greenhouse gas emissions would be less but would remain significant. Likewise, because Varner Road is an existing road that the City intends to develop into a major road, the impact to this historic resource would be significant under Alternative 2.

Findings: Although Alternative 2 – Buildout Under the General Plan would result in a 40 percent reduction in the size of the proposed project, it would not reduce the significant and unavoidable impacts to that would be caused by the proposed project. Therefore this alternative is not an Environmentally Superior Alternative. In addition, this alternative would not meet the City's goals and policies regarding development in this area that would generate jobs and increase in sales tax revenue.

### 3. Alternative 3 – Reduced Intensity

Description: Under Alternative 3, the Project would still require the same entitlements as the proposed project in order to provide a mix of light industrial mixed use and commercial mixed use development to implement the vision, goals, and policies of the Desert Hot Springs General Plan for the project site. The Reduced Intensity Alternative is an alternative specific plan with all development south of Varner Road in the following scenario:

- Project development within the area of the site outside the Willow Hole Conservation Area for a total developable area of 84.7 acres.
- Up to 19.8 acres for road and other infrastructure improvement
- A 20-acre solar farm with an electrical substation
- 40 acres of light industrial uses
- 5 acres of Commercial mixed-uses

Impacts: Alternative 3 represents approximately 57 percent of the proposed project's light industrial mixed use and approximately 60 percent of the proposed project's commercial mixed use. The increase in the acreage to be utilized for a solar farm and electrical substation would provide a significant amount of electricity to power the proposed project and would reduce the amount of greenhouse gas emissions associated with electrical generation from more traditional greenhouse gas emitting sources. Likewise, moving all development to the south side of Varner Road and out of the Willow Hole Conservation Area would remove impacts to the Conservation Area although the CVMSHCP does allow the development of 10 percent of a conservation area. Nevertheless, to be able to have all development associated with the project out of the conservation area means that all of the Willow Hole Conservation Area within the boundaries of the project site would remain in conservation. Finally, although the Water Supply Assessment showed that there was adequate water to supply the proposed project over the next 20 years without causing a significant impact on water supply, reducing the size of the proposed project by 57 to 60 percent would result in a related reduction in water consumption.

However, even with this reduced intensity alternative, significant environmental impacts would occur in Air Quality and greenhouse gas emissions due to the number of traffic trips that would be generated by the mixed use industrial and commercial elements. Although reducing the size of the project by 57 to 60 percent would result in a related reduction in air and greenhouse gas emissions associated with traffic trips and generation of electricity.

Findings: Despite the reduction in overall size, Alternative 3 still provides the same land uses as the proposed project and therefore, would maintain assisting the City in implementing the vision, goals, and policies of the General Plan, as well as the objectives of the City's I-10 Community Annexation. The inclusion of all land uses from the proposed project would still result in Alternative 3 establishing a distinctive gateway into Desert Hot Springs through development of a well-designed, high quality mixed-use master plan development with the inclusion of mixed-use industrial and commercial land uses. More importantly, the construction of infrastructure facilities in the area as a result of Alternative 3 would not only support cultivating industrial and commercial growth and investment in areas adjacent to and surrounding the project site, but also foster connectivity through opportunity creation (i.e., property investment) between the mostly undeveloped southern portions of the City and the more densely-populated development areas and resource center in the northern portion.

Alternative 3 also serves as a model for the application of sustainable and green development practices throughout the City and the greater Coachella Valley region. The increase in the size of the solar field demonstrates a practical application of renewable energy that simultaneously reduces greenhouse gas emissions through less usage of traditional energy sources, and therefore, reduces electricity costs.

A reduction in the size of the proposed project, the elimination of any development within the conservation area, and the increase in the size of the solar field, would result in the reduction in air and greenhouse gas emissions as well as a reduction in the amount of energy used, the amount of water used, and the number of vehicle trips generated. Therefore, this alternative is considered to be the environmentally superior alternative and would assist the City in implementing the vision, goals and policies of the General Plan, as well as the objectives of City's I-10 Community Annexation, to accommodate a range of land uses that meet the economic, environmental, and social needs of the City, while taking advantage of emerging trends in demand for land use and economic growth.

### C. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126.6(e)(2) of the State CEQA Guidelines indicates that an analysis of alternatives to a proposed Project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR.

Alternative 3, Reduced Intensity which is approximately 60 percent of the proposed project square footage, would be the Environmentally Superior Alternative. Development of the proposed project would be limited to the project site south of Varner Road. No development would be undertaken within Planning Area 2 (conservation area) except for the construction of the water and sewer lines between the project site and the

future MSWD water and wastewater treatment plants, and the development of a 20-acre solar field that would include the electrical substation.

Although Alternative 2 would not reduce any significant impacts to less than significant levels, a reduction in the size of the proposed project, the elimination of any development within the conservation area, and the increase in the size of the solar field, would result in the reduction in air and greenhouse gas emissions as well as a reduction in the amount of energy used, the amount of water used, and the number of vehicle trips generated while still meeting several of the project objectives.

**ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS**

The City Council hereby declares that, pursuant to the State CEQA Guidelines section 15093, the City Council has balanced the benefits of the Project against any unavoidable environmental impacts in determining whether to approve the Project. Pursuant to the State CEQA Guidelines, if the benefits of the proposed Project outweigh the proposed Project's unavoidable adverse environmental impacts, those impacts may be considered "acceptable."

Having reduced the adverse significant environmental effect of the Project to the extent feasible by adopting the Mitigation Measures contained in the DEIR, the MMRP, and this Resolution, having considered the entire administrative record on the Project, and having weighed the benefits of the Project against its unavoidable adverse impact after mitigation, the City Council has determined that each of the following social, economic and environmental benefits of the Project separately and individually outweigh the potential unavoidable adverse impact and render those potential adverse environmental impacts acceptable based upon the following overriding considerations:

A. The Project would contribute to the I-10 Community Annexation completed in 2010 to provide opportunity for the City to increase its sales-tax base and reduce sales-tax leakage through development of additional retail uses, and to expand its job base through additional commercial and industrial development;
B. The Project provides development that improves and maximizes economic viability within the City by the orderly transition of underutilized land into productive industrial and commercial uses;
C. The Project creates additional employment-generating opportunities for the City of Desert Hot springs and surrounding communities;
D. The Project provides adequate and upgraded infrastructure and public amenities, utility improvements, and contributions to public services;
E. The Project help to balance the City's jobs-to-housing ratio that is currently skewed to the housing side
F. The Project would result in development along the I-10 Freeway which would encourage new economic opportunities that occur due to direct visibility from and convenient access to I-10.

The City Council hereby declares that the foregoing benefits provided to the public through the approval and implementation of the Project outweigh the identified significant adverse environmental impact of the Project that cannot be mitigated. The City Council finds that each of the Project benefits separately and individually outweighs the unavoidable adverse environmental effects identified in the DEIR and therefore finds those impacts to be acceptable.

# Draft Summary of Findings