

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, 1) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT; 2) ADOPTING FINDINGS OF FACT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND 3) APPROVING GENERAL PLAN AMENDMENT AND LAND USE MAP NO. GPA-20-1, AMENDING THE GENERAL PLAN AND LAND USE MAP FOR SEVERAL PROPERTIES IN THE CITY**

**WHEREAS**, the City of Desert Hot Springs ("Applicant or City"), is requesting to approve a General Plan Update and an amendment to the General Plan Land Use Map to update the General Plan and re-designate several properties in the City (the "Project"); and

**WHEREAS**, pursuant to the California Environmental Quality Act ("CEQA"), Pubic Resources Code Sections 21000, *et seq.*, and its implementing regulations, 1 California Code of Regulations Section 15000, *et seq.*, ("CEQA Guidelines"), the City, acting as Lead Agency, has reviewed a draft Environmental Impact Report (State Clearinghouse number 2019080101) prepared for the proposed Project and determined that, following the implementation of certain mitigated measures, which was made available for public review and comment as required by law on February 14, 2020; and

**WHEREAS**, the City received comments concerning the Draft EIR and, pursuant to CEQA Guidelines Section 15088, the City prepared written responses to all comments received during the public comment period, which raised environmental issue; and

**WHEREAS**, CEQA Guidelines Section 15093 (Statement of Overriding Considerations) provides that (1) CEQA requires the decision-making entity to balance the economic, legal, social, technological or other benefits, including region or state-wide environmental benefits (collectively, "Project Benefits"), of a proposed project against its unavoidable environmental risks when determining whether to approve the project, and if the Project Benefits of a proposed project outweigh the unavoidable and adverse environmental effects, the adverse environmental effects may be considered "acceptable;" and (2) when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the records and that the statement of overriding considerations be supported by substantial evidence in the record; and

**WHEREAS**, on May 12, 2020, and following a duly noticed public hearing, the City's Planning Commission reviewed a staff report, environmental

documentation, draft findings and public testimony, and based thereon, adopted a recommendation to the City Council to approve the Project; and

**WHEREAS**, a duly public hearing was held on May 26, 2020, before the City Council, at which the City Council received public testimony, reviewed and considered all testimony and materials made available to the City Council regarding the proposed Project; and

**WHEREAS**, having reviewed and considered all testimony and materials made available to the City, including but not limited all environmental documents and reports, the staff reports, and all the testimony and evidence in the record of the proceedings with respect to the proposed Project, the City adopted this Resolution.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. RECITALS**

The above recitals are hereby incorporated herein.

**Section 2. ADMINISTRATIVE RECORD**

The City Council has considered all of the evidence submitted into the administrative record for the recommendations listed in this City Council Resolution, including, but not limited to, the following:

- (a) Desert Hot Springs Municipal Code and Desert Hot Springs General Plan;
- (b) All environmental documents, including but not limited to, the Draft Environmental Impact Report, public comments in response to the Draft EIR, and final EIR;
- (c) Staff Report;
- (d) Staff presentation at the public hearing conducted at the Planning Commission and City Council meetings;
- (e) Testimony and/or comments from interested parties including the Applicant and its representatives submitted to the City in both written and oral form at, or prior to, the public hearing conducted at the Planning Commission and City Council meetings;
- (f) Public comments, both written and oral, received and/or submitted at, or prior to, the public hearing conducted at the Planning

Commission meeting and the City Council meeting held on May 26, 2020, supporting and/or opposing the Project.

### **Section 3. ENVIRONMENTAL FINDINGS.**

Pursuant to the provisions of the California Environmental Quality Act (CEQA), the City Council determines:

- a. **EIR.** Based upon the draft Environmental Impact Report (State Clearinghouse number 2019080101), and taking into consideration the Mitigation Monitoring Plan, the comments received thereon, and the record before the City Council, the City Council hereby finds that the proposed Environmental Impact Report prepared for the Project represents the independent judgment of the City and that there is substantial evidence that the approval of the Project may have any significant environmental impact. The documents and other material which constitute the record on which this decision is based are located in the Department of Community Development. The City Council, therefore, certifies the Environmental Impact Report and Mitigation Monitoring Program prepared for the Project.
- b. **Significant Environmental Effect.** That the City Council finds and determines that the proposed Project will have certain significant environmental effects which would remain significant even after implementation of all feasible mitigation measures identified in the Final EIR and, therefore, the City has considered all reasonable alternatives identified in the Final EIR which could avoid or substantially lessen any of the unmitigated significant environmental effects and achieve the fundamental objectives of the proposed Project.
- c. **Adopt Statement of facts and Statement of Overriding Considerations.** That the City Council finds and determines that (1) the proposed Project is approved, despite the existence of certain significant effects identified in the Final EIR and, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the City hereby makes and adopts the findings with respect to each significant environmental effect as set forth in the Findings of Fact, attached hereto and incorporated herein by this reference as Exhibit "A," and declares that it considered the evidence described in connection with each such finding; and (2) the proposed Project is approved despite the existence of certain unavoidable significant environmental effects identified in the Final EIR, and, pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, the City hereby makes and adopts the Statement of Overriding Considerations, attached hereto and incorporated herein by this reference as Exhibit "A," and finds that such effect are

considered acceptable because the Project Benefits of the proposed Project outweigh its unavoidable adverse environmental effects.

#### **Section 4. FINDINGS FOR GENERAL PLAN AMENDMENT**

The City Council has considered all of the evidence submitted into the administrative record for the proposed General Plan Amendment and in accordance with Section 17.100.050 of the Desert Hot Springs Municipal Code, bases its approval on the following findings:

- A. That the proposed amendment is internally consistent with the General Plan;*
- B. That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;*
- C. That the proposed amendment would maintain the appropriate balance of land uses within the City; and*
- D. That in the case of an amendment to the General Plan Land Use Map, the subject parcel(s) is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation(s) and the anticipated land use development(s).*

#### **Section 5. APPROVAL OF GENERAL PLAN AMENDMENT**

The City Council hereby approves General Plan and Land Use Map No. GPA-20-1.

#### **Section 6. CERTIFICATION**

The City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which Resolution is passed and adopted.

#### **Section 7. SEVERABILITY**

That if any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

#### **Section 8. REPEAL OF CONFLICTING PROVISIONS**

That all the provisions heretofore adopted by the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

**Section 9. EFFECTIVE DATE**

That this Resolution shall take effect pursuant to State law.

[END OF PAGE]

**PASSED AND ADOPTED** by the City Council of the City of Desert Hot Springs at a regular meeting duly held on the 26<sup>th</sup> of May, 2020, by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Jerryl Soriano, City Clerk

\_\_\_\_\_  
Scott Matas, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jennifer Mizrahi, City Attorney

# **Desert Hot Springs General Plan Update & Zoning Amendment Final EIR Findings of Fact & Statement of Overriding Considerations May 6, 2020**

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## **1 OVERVIEW AND INTRODUCTION**

These Findings of Fact and this Statement of Overriding Considerations are made with respect to the Environmental Impact Report (EIR) for the Desert Hot Springs General Plan Update and Zoning Amendment (the “**Project**”), which updates the existing Desert Hot Springs General Plan, and state the findings of the City Council of the City of Desert Hot Springs (the “**City**”) relating to the potentially significant environmental effects of the Project.

The following Findings of Fact and Statement of Overriding Considerations are required by the California Environmental Quality Act (“CEQA”), California Public Resources Code Section 21081, 21081.5 and 21081.6, and Title 14, California Code of Regulations (the “CEQA Guidelines”) Sections 15091 through 15093, for the Project.

This document provides the findings required by CEQA and the CEQA Guidelines and the specific reasons for finding the Project acceptable notwithstanding that the Project results in significant adverse and unavoidable impacts that are infeasible to mitigate.

### ***Program Environmental Impact Report (EIR)***

According to Section 15168 of the CEQA Guidelines, a program EIR is an EIR that may be prepared on a series of actions that can be characterized as one large project and that are related either geographically or as logical parts in the chain of contemplated actions. Program EIRs may provide a number of advantages, including that they provide occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action, they ensure consideration of cumulative impacts that might be slighted on a case-by-case analysis, they avoid duplicative reconsideration of basic policy considerations, and they allow lead agencies to consider broad policy alternatives and program-wide mitigation measures at an early time when there is greater flexibility to deal with basic problems and cumulative impacts.

This City Council concludes that the updated Desert Hot Springs General Plan is a large project, the components of which are related both geographically and as logical parts in the chain of contemplated actions to achieve the City’s future vision and creates the framework for economic development, mobility improvements, and balancing the community’s desires regarding sustainability, City services, public improvements, and public and private amenities within the General Plan area. The City Council, therefore, further concludes that the Desert Hot Springs General Plan Update is appropriately assessed under CEQA by way of a program EIR, which the City has prepared.

## **2 PROJECT DESCRIPTION**

The City of Desert Hot Springs is updating its General Plan (General Plan Update or GPU), consistent with State requirements; the Plan for development is through the year 2040 (2040 planning horizon). The existing plan was adopted in 2000. Under California law (Government Code Section 65300 et seq.), every city and county are required to have a general plan that functions as a comprehensive, long-range policy document. For cities, the general plan guides the physical development of the incorporated city (e.g., city limit) and any land outside city

boundaries (e.g., unincorporated sphere of influence area) that has a relationship to the city's future growth and development. A sphere of influence is a planning boundary outside of a city's legal boundary (such as the city limit line) that designates the city's probable future boundary and service area. The project analyzed in this program draft Environmental Impact Report (EIR) is the adoption and long-term implementation of the General Plan Update and subsequent zoning code amendment (consistent with the Land Use and Community Design Element). The General Plan Update includes areas within the City boundaries and the Sphere of Influence.

The City of Desert Hot Springs is in the northwestern portion of the Coachella Valley, north of the City of Palm Springs and south of the unincorporated community of Morongo Valley in San Bernardino County. The City is a few miles south of the Riverside County/San Bernardino County boundary. The City is located near the interchange of the I-10 freeway and SR-62 highway. The San Bernardino and Little San Bernardino Mountains bound the City on the west and north while the San Jacinto and Santa Rosa Mountains lie further to the southwest and south. Joshua Tree National Park is located immediately to the northeast of the City and the Sand to Snow National Monument is located to the north.

The Planning Area consists of the corporate boundaries of the City of Desert Hot Springs and its Sphere of Influence (unincorporated Riverside County). The area within the City's corporate boundaries total 30.5 square miles and its Sphere of Influence totals 28.8 square miles for a total Planning Area of 59.3 square miles. Desert Hot Springs is in a desert landscape within the Coachella Valley with views of surrounding mountain ranges. Sitting approximately 1,000 feet above the rest of the valley, the City overlooks Palm Springs to the south and the rest of the Coachella Valley to the southeast. The extensive alluvial plains created by drainage from these mountains form the elevated valley. Both Mission Creek and Big Morongo Wash drainages traverse through the City diagonally from northwest to southeast and connect to the Whitewater River just south of Interstate 10. The City adjoins the Sand to Snow National Monument and Joshua Tree National Park.

Desert Hot Springs currently consists predominantly of low-density residential development, several commercial centers at key intersections, a pedestrian scale downtown, and light industrial uses on the periphery. Much of the Planning Area is currently undeveloped; there are areas on the periphery of the City where newer housing has been developed. Indoor cultivation of cannabis for commercial purposes occurs in the southern portion of the City. Since incorporation in 1963, the City has seen periods of surging population growth, particularly between 1980 and 2010. During the Great Recession of 2007 to 2009, there was minimal development growth. The population of the City, as of 2018, is just under 30,000 persons and a total of 48,550 for the entire Planning Area. The Planning Area consists of nine public schools (one high school, two middle schools, and six elementary schools).

The southern portion of the City lies north of I-10. This freeway provides regional east-west access through Desert Hot Springs; interchanges providing access for City of Desert Hot Springs are located at Indian Canyon Drive and Palm Drive. State Route 62 is a four-lane divided highway runs in a north-south direction along the western side of the City. Primary access points for City of Desert Hot Springs access along this highway are provided at Indian Canyon Drive, Pierson Boulevard, and Dillon Road. Operated by Sunline Transit Agency, the City is served by two bus lines, primarily serving Pierson Boulevard and Palm Drive. Desert Hot Springs' existing land use distribution is noted in Table 1. There are an estimated 11,562 dwelling units within the City limits and 7,538 dwelling units in the Sphere of Influence, for a total 19,100 dwellings within the Planning Area.



**Table 1**  
**Existing Land Use Distribution (2018)**

Land Use Designation	Desert Hot Springs			Sphere of Influence			Planning Area		
	Net <sup>1</sup> Acres	Dwelling Units	Non-Residential Building Square Feet	Net <sup>1</sup> Acres	Dwelling Units	Non-Residential Building Square Feet	Net <sup>1</sup> Acres	Dwelling Units	Non-Residential Building Square Feet
<b>Residential</b>									
Single-Family	1,533.4	7,487	--	1,085.6	5,301	--	2,619.0	12,788	--
Multiple-Family	203.2	3,204	--	15.6	246	--	218.8	3,450	--
Mobile Homes	145.9	871	--	333.5	1,991	--	479.4	2,862	--
<b>Sub-Total</b>	<b>1,882.5</b>	<b>11,562</b>	<b>--</b>	<b>1,434.7</b>	<b>7,538</b>	<b>--</b>	<b>3,317.20</b>	<b>19,100</b>	<b>--</b>
<b>Commercial</b>									
General Commercial	140.1	--	915,413	35.9	--	234,571	176.0	--	1,149,984
Hotel/Motel Spa	60.8	--	582,475	0.0	--	--	60.8	--	582,475
Office	10.7	--	120,183	0.4	--	4,513	11.1	--	124,696
<b>Sub-Total</b>	<b>190.0</b>	<b>--</b>	<b>1,618,071</b>	<b>36.3</b>	<b>--</b>	<b>239,084</b>	<b>247.9</b>	<b>--</b>	<b>1,857,155</b>
<b>Industrial</b>									
Light Industrial	158.7	--	1,036,945	49.0	--	320,166	207.7	--	1,357,111
Wind/Solar Farms	185.8	--	--	1,575.4	--	--	1,761.20	--	--
<b>Sub-Total</b>	<b>344.5</b>	<b>--</b>	<b>1,036,945</b>	<b>1,624.4</b>	<b>--</b>	<b>320,166</b>	<b>1,968.90</b>	<b>--</b>	<b>1,357,111</b>
<b>Public and Institutional</b>									
Public Facility	37.3	--	--	214.1	--	--	251.4	--	--
School – Public	111.3	--	--	14.9	--	--	126.2	--	--
Museum	4.8	--	--	--	--	--	<b>4.8</b>	--	--
Utility/Infrastructure	140.6	--	--	--	--	--	140.6	--	--
<b>Sub-Total</b>	<b>294.0</b>	<b>--</b>	<b>--</b>	<b>229.0</b>	<b>--</b>	<b>--</b>	<b>523</b>	<b>--</b>	<b>--</b>
<b>Open Space</b>									
Parks and Recreation	53.7	--	--	--	--	--	53.7	--	--
Golf Course	--	--	--	362.3	--	--	362.3	--	--
Open Space	4,508.3	--	--	5,613.0	--	--	10,121.3	--	--
<b>Sub-Total</b>	<b>4,562.0</b>	<b>--</b>	<b>--</b>	<b>5,975.3</b>	<b>--</b>	<b>--</b>	<b>10,537.3</b>	<b>--</b>	<b>--</b>
<b>Undeveloped Land</b>									
Vacant	10,764.3	--	--	8,179.7	--	--	18,962.3	--	--
<b>Sub-Total</b>	<b>10,764.3</b>	<b>--</b>	<b>--</b>	<b>8,179.7</b>	<b>--</b>	<b>--</b>	<b>18,962.3</b>	<b>--</b>	<b>--</b>
<b>TOTAL</b>	<b>18,058.9</b>	<b>11,562</b>	<b>2,655,016</b>	<b>17,497.7</b>	<b>7,538</b>	<b>559,250</b>	<b>35,556.6</b>	<b>19,100</b>	<b>3,214,266</b>
<b>Source:</b> City of Desert Hot Springs, Riverside County Assessor's Data, and General Plan Update GIS data, 2018.									
<b>Note:</b> 1) Net acres excludes streets and other public rights of way.									

**General Plan Projected Growth**

The General Plan Update is intended to achieve the land use, transportation, housing, and other goals of the City that reflect the community's growth over the long-term. Table 3 through 5 show a more detailed breakdown of the 2040 GPU land uses, population, and employment within the city boundaries, for the Sphere of Influence and for the entire Planning Area. The 2040 planning horizon for the Planning Area is estimated at approximately 53,664 dwelling units, 136,402 residents, 20,349,704 square feet of non-residential uses, and 20,531 jobs. This table shows existing conditions as of 2018 and the projected growth based on the proposed land use plan for a future horizon year of 2040.

**Table 2**  
**General Plan Update: Comparison of 2018 and 2040**

Area		Dwelling Units			Population	Non-Residential Building Sq. Ft. <sup>3</sup>	Employees	Hotel/Motel Rooms	Students
		SF <sup>1</sup>	MF <sup>2</sup>	Total					
City	2018	8,358	3,204	11,562	29,390	2,655,016	4,162	755	6,326
	2040	22,214	12,594	34,808	88,476	13,140,605	14,611	1,652	12,900
	Change	+13,856	+9,390	+23,246	+59,086	+10,485,589	+10,449	+897	+6,574
SOI	2018	7,292	246	7,538	19,160	559,250	1,020	--	763
	2040	18,025	831	18,856	47,926	7,209,099	5,920	--	7,100
	Change	+10,733	+585	+11,318	+28,766	+6,649,849	+4,900	--	+6,337
Planning Area	2018	15,650	3,450	19,100	48,550	3,214,266	5,182	755	7,089
	2040	40,239	13,425	53,664	136,402	20,349,704	20,531	1,652	20,000
	Change	+24,589	+9,975	+34,564	+87,852	+17,135,438	+15,349	+897	+12,911
<sup>1</sup> Single Family <sup>2</sup> Multi-Family									

**Table 3**  
**Desert Hot Springs (City) General Plan Update (2040) Land Use**

Land Use Designation	Net Acres	Max. DU/AC FAR	Units	Pop.	Commercial, Office, and Industrial Building Square Feet	Employment
<b>Residential</b>						
Residential -Rural Desert	2,212.7	0.20 DU/AC	230	585	--	--
Residential -Low	2,656.2	6.0 DU/AC	11,168	28,388	--	--
Residential -Medium	677.6	20.0 DU/AC	6,568	16,695	--	--
Residential -High	269.5	30.0 DU/AC	5,176	13,156	--	--
<b>Sub-Total</b>	<b>5,816.0</b>	<b>N/A</b>	<b>23,142</b>	<b>58,824</b>	<b>--</b>	<b>--</b>
<b>Commercial</b>						
General Commercial	984.8	0.30 FAR	--	--	5,581,081 SF	5,390
Visitor-Serving/ Residential	557.5	1.00 FAR	--	--	--	630
<b>Sub-Total</b>	<b>1,542.3</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>5,581,081 SF</b>	<b>6,020</b>
<b>Mixed Use</b>						
Mixed-Use Corridor	223.3	30.0 DU/AC	2,679	6,810	340,397 SF	467
Mixed-Use Neighborhood	188.7	15.0 DU/AC	1,132	2,877	287,631 SF	395
<b>Sub-Total</b>	<b>412.0</b>	<b>--</b>	<b>3,811</b>	<b>9,687</b>	<b>628,028 SF</b>	<b>862</b>
<b>Industrial</b>						
Industrial/Employment	1,302.8	0.60 FAR	--	--	6,809,996 SF	5,566
<b>Sub-Total</b>	<b>1,302.8</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>6,809,996 SF</b>	<b>5,566</b>
<b>Public Uses</b>						
Public Facilities	622.6	--	--	--	(12,900 students)	1,277
<b>Sub-Total</b>	<b>622.6</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>1,277</b>
<b>Open Space/Recreation</b>						
Open Space	4,796.4	--	--	--	--	--
<b>Sub-Total</b>	<b>4,796.4</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>
<b>Other</b>						
Specific Plans	3,566.8	varies	7,855	19,965	121,500 SF	886
<b>Sub-Total</b>	<b>3,566.8</b>	<b>--</b>	<b>7,855</b>	<b>19,965</b>	<b>121,500 SF</b>	<b>886</b>
<b>TOTAL</b>	<b>18,058.9</b>		<b>34,808</b>	<b>88,476</b>	<b>13,140,605 SF</b>	<b>14,611</b>
<b>Source:</b> City of Desert Hot Springs and General Plan Update GIS data.						
<b>Note:</b> Project area acreage excludes ROWs within Planning Area.						

**Table 4**  
**SOI General Plan Land Uses (2040)**

Land Use Designation	Net Acres	Max. DU/AC FAR	Units	Pop.	Commercial, Office, and Industrial Building Square Feet	Employment
<b>Residential</b>						
Residential -Rural Desert	2,229.4	0.20 DU/AC	232	589	--	--
Residential -Low	4,289.4	6.0 DU/AC	15,208	38,655	--	--
Residential -Medium	326.0	20.0 DU/AC	2,585	6,570	--	--
<b>Sub-Total</b>	<b>6,844.8</b>	<b>N/A</b>	<b>18,025</b>	<b>45,814</b>	<b>--</b>	<b>--</b>
<b>Commercial</b>						
General Commercial	244.8	0.30 FAR	--	--	1,226,251	1,340
<b>Sub-Total</b>	<b>244.8</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>1,226,251</b>	<b>1,340</b>
<b>Mixed Use</b>						
Mixed-Use Corridor	9.7	30.0 DU/AC	116	295	14,728	20
Mixed-Use Neighborhood	119.1	15.0 DU/AC	715	1,817	181,610	249
<b>Sub-Total</b>	<b>128.8</b>	<b>--</b>	<b>831</b>	<b>2,112</b>	<b>196,338</b>	<b>269</b>
<b>Industrial</b>						
Industrial/Employment	3,008.5	0.60 FAR	--	--	5,786,510	3,845
<b>Sub-Total</b>	<b>3,008.5</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>5,786,510</b>	<b>3,845</b>
<b>Public Uses</b>						
Public Facilities	250.3	--	--	--	(7,100 students)	466
<b>Sub-Total</b>	<b>250.3</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>466</b>
<b>Open Space/Recreation</b>						
Open Space	7,020.5	--	--	--	--	--
<b>Sub-Total</b>	<b>7,020.5</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>
<b>TOTAL</b>	<b>17,497.7</b>	<b>--</b>	<b>18,856</b>	<b>47,926</b>	<b>7,209,099</b>	<b>5,920</b>
<b>Source:</b> City of Desert Hot Springs and General Plan Update GIS data. <b>Note:</b> Project area acreage excludes ROWs within Planning Area.						

**Table 5**  
**Planning Area General Plan Land Uses (2040)**

Land Use Designation	Net Acres	Max. DU/AC FAR	Units	Pop.	Commercial, Office, and Industrial Building Square Feet	Employment
<b>Residential</b>						
Residential -Rural Desert	4,442.1	0.20 DU/AC	462	1,174	--	--
Residential -Low	6,945.6	6.0 DU/AC	26,376	67,043	--	--
Residential -Medium	1,003.6	20.0 DU/AC	9,153	23,265	--	--
Residential -High	269.5	30.0 DU/AC	5,176	13,156	--	--
<b>Sub-Total</b>	<b>12,660.8</b>	<b>N/A</b>	<b>41,167</b>	<b>104,638</b>	<b>--</b>	<b>--</b>
<b>Commercial</b>						
General Commercial	1,229.6	0.30 FAR	--	--	6,807,332	6,730
Visitor-Serving/ Residential	557.5	1.00 FAR	--	--	-	630
<b>Sub-Total</b>	<b>1,787.1</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>6,807,332</b>	<b>7,360</b>
<b>Mixed Use</b>						
Mixed-Use Corridor	233.0	30.0 DU/AC	2,795	7,105	355,125	487
Mixed-Use Neighborhood	307.8	15.0 DU/AC	1,847	4,694	469,241	644
<b>Sub-Total</b>	<b>540.8</b>	<b>--</b>	<b>4,642</b>	<b>11,799</b>	<b>824,366</b>	<b>1,131</b>
<b>Industrial</b>						
Industrial/Employment	4,311.3	0.60 FAR	--	--	12,596,506	9,411
<b>Sub-Total</b>	<b>4,311.3</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>12,596,506</b>	<b>9,411</b>
<b>Public Uses</b>						
Public Facilities	872.9	--	--	--	(12,900 students)	1,743
<b>Sub-Total</b>	<b>872.9</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>1,743</b>
<b>Open Space/Recreation</b>						
Open Space	11,816.9	--	--	--	--	--
<b>Sub-Total</b>	<b>11,816.9</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>
<b>Other</b>						
Specific Plans	3,566.8	Varies	7,855	19,965	121,500	886
<b>Sub-Total</b>	<b>3,566.8</b>	<b>-</b>	<b>7,855</b>	<b>19,965</b>	<b>121,500</b>	<b>886</b>
<b>TOTAL</b>	<b>35,556.6</b>	<b>-</b>	<b>53,664</b>	<b>136,402</b>	<b>20,349,704</b>	<b>20,531</b>
<b>Source:</b> City of Desert Hot Springs and General Plan Update GIS data.						
<b>Note:</b> Project area acreage excludes ROWs within Planning Area.						

### **General Plan Elements**

The General Plan Update addresses the seven State mandated general plan elements (land use, circulation, housing, safety, conservation, open space, and noise), and also includes two optional elements the Economic Development Element and the Health and Wellness Element. The updated General Plan establishes an overall development capacity and serves as a policy guide for determining the appropriate physical development, community services, and character of the entire Planning Area. The General Plan Update includes the following chapters:

- Introduction
- Land Use and Community Design Element
- Housing Element
- Economic Development Element
- Mobility and Infrastructure Element
- Open Space and Community Resources Element
- Health and Wellness Element
- Safety and Noise Element

Each of the elements contains goals and policies consistent with the implementation of the GPU. Many of these goals and policies are intended to maintain various potential environmental effects of the Project at levels that are less than significant. Therefore, these goals and policies, in particular, are considered when evaluating the potential environmental impacts of implementing the GPU. The policies that are applicable to various environmental impact issue areas are shown in the Introduction of Section 4. The entire list of goals and policies from the GPU are also provided in Appendix C of this DEIR.

### **Land Use and Community Design Element**

The Land Use and Community Design Element provides the framework for establishing the patterns of development activity and land uses that support the visual character and built physical environment of a desert community. This Element serves as a guide for decision-makers, residents, stakeholders, business owners, and property owners as it identifies and describes the type, intensity, and general distribution of land for housing, businesses, industries, and public facilities. Land use designations identify the general categories of land-based activities permitted throughout the Planning Area. The land use overlays identify special study areas for which specific land use policies have been developed to better shape growth in these areas as shown in Exhibit 3-4. The goals and policies contained in the chapter provide guidance to plan for orderly growth, promote economic development, and protect natural resources.

The Land Use and Community Design Element includes a Land Use Plan that establishes 12 land use designations intended to provide a rational and orderly approach to land use development. The land use designations and acreages for the City are noted in Table 3, for the City's Sphere of Influence (SOI) in Table 4 and Table 5 shows the land use information for the Planning Area (the City and the SOI combined).

### **Housing Element**

This Housing Element provides a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all community residents. The Housing Element specifically intends to: 1) provide direction for future planning programs to ensure that

sufficient consideration is given to housing goals and policies; 2) establish community goals and policies relative to housing through the identification of existing, stated, and implicit goals, and the identification of housing needs and challenges; 3) and establish and identify programs to implement and attain the community's goals and policies, taking into consideration the feasibility of those programs, and act as a meaningful guide to decision-makers considering housing-related issues.

### **Economic Development Element**

The Economic Development Element guides the City in expanding, maintaining, and enhancing the local economy that provide jobs, attract and retain businesses, support diverse and vibrant commercial areas, and provide sufficient revenue to local government. The Economic Development Element provides the central organizational unit to establish the goals and policies focused specifically on economic development related to strengthening established industries, business attraction and retention, and capturing local dollars.

### **Mobility and Infrastructure Element**

The Mobility and Infrastructure Element focuses on mobility and transportation, addressing complete streets, pedestrian and bicycle networks, transit access, and the roadway network. It also addresses street infrastructure, roadway design, and management. The infrastructure component addresses utilities related to water and wastewater, drainage and flood control, energy utilities, and solid waste and recycling.

### **Open Space and Community Resources Element**

The Open Space and Community Resources Element addresses open space and habitat conservation, resource conservation, aesthetic resources, and cultural resources. The Element sets forth goals and policies that address preservation of open space and natural habitat, natural resource conservation, preservation of scenic resources, protecting water resources, managing energy resources, reducing greenhouse gas emissions, protecting historic preservation and cultural resources, and promoting sustainable building practices.

### **Health and Wellness Element**

The Health and Wellness Element consists of three subjects: Health and Wellness; Parks, Recreation, and Trails; and Life-Long Learning. Health and Wellness includes goals and policies addressing health and human services, homelessness, access to healthy foods, and environmental justice. Parks, Recreation, and Trails includes goals and policies addressing park facilities, recreational programming and classes, trails connectivity and trailheads. Life-Long Learning includes goals and policies addressing schools, library services, and other life-long learning services.

### **Safety and Noise Element**

The Safety and Noise Element addresses hazards and safety concerns that could adversely affect property and threaten lives in the City, including noise. The Safety and Noise Element is categorized into four topic areas: public safety, resilience and emergency preparedness, natural hazards, and noise. Public safety addresses fire and police protection service capabilities and needs. Resilience and emergency preparedness include policies to prevent or minimize potential loss of life or property damage and to respond effectively to safety hazards, accidents, and natural disasters. Natural hazards address seismic hazards, high winds and dust, wildland fires, and flooding. Noise identifies noise sources in the community, establishes acceptable levels of noise, projects future noise conditions, and identifies abatement strategies.

### **Zoning Code Amendment**

The Zoning Code Amendment, which is being completed in concert with the GPU, includes an updated Zoning Map with revised and new Zoning Districts that are consistent with the Land Use Policy Plan map and corresponding land use designations proposed under the Draft Land Use Element. The revised and new Zoning Districts will include development standards and tables identifying permitted, conditional, and prohibited uses. This Zoning Code Amendment implements the General Plan Update.

### **Project Objectives**

The Desert Hot Springs GPU serves as the blueprint for the City's future growth and development. As such, the General Plan must contain goals, policies, and programs that will provide City staff and discretionary bodies with a foundation for decisions for long-range planning related to physical development and public services. The General Plan Update establishes the following objectives for the long-term growth and enhancement of the community:

- 1) Allow for clear and flexible developments to allow for a range of residential, commercial, and industrial opportunities.
- 2) Create complete neighborhoods for new and established residential areas with connections to retail and commercial services, public amenities and services, transportation services, and parks and recreation facilities.
- 3) Expand and diversify housing opportunities throughout the community.
- 4) Foster growth of the economic base of the community and the provision of commercial services and amenities, as well as pursue more sustainable revenue sources for government services.
- 5) Strengthen the community's resilience and preparedness against natural and human-induced hazards, climate change, and other potential disasters.
- 6) Protect the natural habitat, open spaces, and desert washes within the community.
- 7) Plan and provide a transportation system that meets the needs of the community, while providing mobility options, complete street approaches, and safer streets for pedestrians.
- 8) Expand park facilities and recreational programming opportunities throughout the community
- 9) Promote the community's role as a health and wellness destination.

### **City of Desert Hot Springs Discretionary Approvals**

Implementation of the General Plan update would require, but is not limited to, the following discretionary approvals by the City of Desert Hot Springs:

- Certification of the Final EIR
- Adoption of a Mitigation Monitoring and Reporting Program
- Adoption of the General Plan update
- Adoption of General Plan amendments, zoning changes, and zoning code amendments as necessary to ensure consistency between the Specific Plan and the City's General Plan and current zoning code
- Discretionary review as necessary, including CEQA review, for future individual public and private development proposals in the Plan Area



***Other Government Agency Approvals***

Future individual public and private development proposals in the General Plan area would be expected to also require review or approvals from other jurisdictional agencies, including, but not limited to:

- Riverside County Local Agency Formation Commission (LAFCO)
- County of Riverside
- Riverside County Flood Control and Water Conservation District
- Riverside County Transportation Commission
- California Department of Fish and Wildlife
- California Department of Conservation
- California Department of Housing and Community Development (HCD)
- California Department of Transportation (Caltrans)
- Santa Ana Regional Water Quality Control Board
- South Coast Air Quality Management District
- U.S. Fish and Wildlife Services
- National Park Service (Joshua Tree National Park)
- Bureau of Land Management (Sand to Snow National Monument)

**3 RECORD OF PROCEEDINGS**

For purposes of CEQA and these Findings of Fact and Statement of Overriding Considerations, the Record of Proceedings for the Project consists, without limitation, of the following documents:

- The Notice of Preparation (“NOP”) and all other public notices issued by the City in conjunction with the Project; dated August 5, 2019;
- All comments submitted by public agencies or member of the public during the 30-day public comment period for the NOP that began on August 5, 2019 and ended on September 5, 2019;
- The Desert Hot Springs General Plan Update Draft Environmental Impact Report (sometimes referred to herein as the “DEIR,”) dated February 14, 2020;
- All comments submitted by public agencies or members of the public during the 48-day public comment period for the DEIR that began on February 14, 2020 and ended on April 1, 2020;
- The Desert Hot Springs General Plan Update Final Environmental Impact Report (including Response to Comments), dated May 1, 2020;
- All comments and correspondence submitted to the City with respect to the Project, in addition to timely comments on the DEIR;
- The Mitigation Monitoring and Reporting Program (MMRP) for the Project;
- All findings and resolutions adopted by City decision makers in connection with the Project, and all documents cited or referred to therein;

- All reports, studies, memoranda, staff reports, maps, exhibits, illustrations, diagrams or other planning materials relating to the Project prepared by the City or by consultants to the City, or responsible or trustee agencies and submitted to the City or responsible or trustee agencies, with respect to the City's compliance with the requirements of CEQA and with respect to the City's actions on the Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project;
- Minutes, as available, of all public meetings and public hearings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;
- Matters of common knowledge within the City, including, but not limited to those cited above; and
- Any other materials required to be in the record of proceedings by Public Resources Code Section 21167.6, subdivision (e).

The Draft EIR, Final EIR, and administrative record for the Desert Hot Springs General Plan update project are available for review upon request at:

City of Desert Hot Springs  
Community Development Department  
65950 Pierson Boulevard  
Desert Hot Springs, California 92240

The City Council has relied on all of the documents listed above in reaching its decision on the Project.

#### **4 FINDINGS OF FACT**

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, no public agency shall approve or carry out a project where an Environmental Impact Report ("EIR") has been certified that identifies one or more significant impacts on the environment that would occur if the project is approved or carried out, unless the public agency makes one or more findings for each of those significant impacts, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.<sup>3</sup> Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR

With respect to significant effects which were subject to finding (3) above, the public agency must find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

References for discussion of environmental impacts within the Final EIR are noted with each finding. Impact numbers refer to the section number and the threshold letter referenced in the Draft EIR where the full discussion of impacts is included. The Findings of Fact are presented on the following pages.

## **A. Effects Determined to Have No Impact or a Less than Significant Impact**

The evaluation prepared in the Desert Hot Springs General Plan Update EIR found and provided substantial evidence that certain impacts of the Desert Hot Springs Plan Update would have no impact or have impacts that are less than significant. The City Council agrees with the characterization of the FEIR with respect to all of the Desert Hot Springs General Plan Update impacts identified as “resulting in no impact” or “less than significant” impacts and finds that those impacts have been described and analyzed accurately and are supported by substantial evidence as described in the FEIR, including the Draft EIR. Reference should be made to the DEIR and FEIR for a more complete description of the findings regarding these impacts.

This finding applies to the evaluation of the potential impacts for the following items as further described in the DEIR, that the project will not:

### ***Aesthetics***

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- In an urbanized area, substantially degrade the existing visual character or quality of public views of the site/planning area or its surroundings.
- Create a new source of substantial light or glare which would adversely affect day or nighttime.
- Cause substantial adverse cumulative impacts with respect to Aesthetics.

### ***Agricultural Resources***

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- Conflict with existing zoning for agricultural use, or a Williamson act contract.
- Conflict with existing zoning for, or cause rezoning of, forest (as defined in Public Resources Code Section 12220 (g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104 (g)).
- Result in loss of forest land or conversion of forest land to non-forest use.
- 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.
- Cause substantial adverse cumulative impacts with respect to Agricultural Resources and Forest Resources.

### ***Air Quality***

- Exposure of sensitive receptors to substantial pollutant concentrations and Toxic Air Contaminants.

- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

### ***Biological Resources***

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

### ***Cultural Resources***

- Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.
- Disturb any human remains, including those interred outside of dedicated cemeteries.
- Cause substantial adverse cumulative impacts with respect to Cultural and Tribal Cultural Resources.

### ***Energy***

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.
- Cause substantial adverse cumulative impacts with respect to Energy.

### ***Geology and Soils***

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. (Division of Mines and Geology Special Publication 42)
  - Strong seismic ground shaking.
  - Seismic-related ground failure, including liquefaction.
  - Landslides.
- Result in substantial soil erosion or the loss of topsoil.
- Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

- Be located on expansive soil, as defined by Table 18-1-B of the Uniform Building Code creating substantial direct or indirect risks to life or property.
- 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.
- Cause substantial adverse cumulative impacts with respect to Geology and Soils.

### ***Greenhouse Gases***

- All of the impacts related to Greenhouse Gases result in significant and unavoidable impacts even after incorporation of mitigation measures (see discussion under Section C, below).

### ***Hazardous and Hazardous Materials***

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- 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.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- 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, create a significant hazard to the public or the environment.
- 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, result in a safety hazard or excessive noise for people residing or working in or outside the Planning Area.
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- 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.
- Cause substantial adverse cumulative impacts with respect to Hazards and Hazardous Materials.

### ***Hydrology and Water Quality***

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would; (i) result in substantial erosion or siltation on-or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or offsite; (iii) 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 (iv) impede or redirect flood flows.

- In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

### ***Land Use and Planning***

- Physically divide an established community.
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
- Cause substantial adverse cumulative impacts with respect to Land Use and Planning.

### ***Mineral Resources***

- 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.
- Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.
- Cause substantial adverse cumulative impacts with respect to Mineral Resources.

### ***Noise***

- Generation of excessive groundborne vibration or groundborne noise levels.
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

### ***Population and Housing***

- Induce substantial unplanned population growth either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure).
- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.
- Cause substantial adverse cumulative impacts with respect to Population and Housing.

### ***Public Services***

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:
  - Police protection

- Schools
- Parks
- Other public facilities.

### ***Recreation***

- 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.
- Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.
- Cause substantial adverse cumulative impacts with respect to Recreation.

### ***Transportation***

- Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency access.

### ***Tribal Cultural Resources***

- 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:
  - i) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or
  - ii) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.
- Cause substantial adverse cumulative impacts with respect to Tribal Cultural Resources.

### ***Utilities and Service Systems***

- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- Comply with federal, state, and local statutes and regulations related to solid waste.



**Wildfire**

- Substantially impair an adopted emergency response plan or emergency evacuation plan.
- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.
- Cause substantial adverse cumulative impacts with respect to Wildfire.

## **B. Impacts Determined to Be Less than Significant with Mitigation Incorporated**

The Final EIR (including the Draft EIR) identifies one or more significant environmental impacts associated with the Project in the following issue areas: Air Quality, Biological Resources, Geology and Soils, Hydrology and Water Quality, Noise, Public Services, and Utilities and Service Systems. Based on the environmental analysis of the Project and the identification of feasible mitigation measures, potentially significant impacts have been determined by the City to be reduced to a level of less than significant, and the City has found in accordance with Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1) that *“changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment”* for the impacts listed below. The descriptions of the impacts in these findings are summary statements. Mitigation Measures are numbered to correspond to listings in the Draft EIR and Final EIR. Reference should be made to the Draft EIR and Final EIR for a more complete description.

### ***Air Quality***

Section 4.3 (Air Quality) of the EIR identifies potential significant impacts pertaining to criteria air pollutants but concludes that impacts can be mitigated to less than significant levels.

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**IMPACT AQ-B: (CONSTRUCTION EMISSIONS) 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?**

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### ***Substantial Evidence***

Implementation of the proposed General Plan Update could result in a cumulatively considerable net increase of criteria pollutants from construction activities. The South Coast Air Quality Management District (SCAQMD) considers projects that result in emissions that exceed its CEQA significance thresholds to result in individual impacts that are cumulatively considerable and significant. The worst-case maximum daily construction emissions associated with Project implementation could have the potential for Reactive Organic Gases (ROG) and Nitrogen Oxides (NO<sub>x</sub>) emissions (ozone precursors) to exceed SCAQMD regional thresholds. The modeled ROG emissions exceed regional thresholds due to the architectural coating phase associated with the modeled construction activities, which would account for most of the estimated ROG emissions. The modeled NO<sub>x</sub> emissions exceed regional thresholds due to the magnitude of potential equipment operations. Without mitigation, potentially adverse impacts could occur as a result of construction activities. Implementation of the following mitigation measures would reduce these potential impacts to less than significant because they require the use of SCAQMD Rule 1113 “super compliant” architectural coatings and use of electric or other alternatively-powered non-diesel equipment where feasible, and the use of diesel engines that meet Tier IV final emission standards. As stated in section 4.3.4 of the DEIR, impacts will be less than significant with mitigation incorporated.

With regard to construction-related air quality impacts, the following mitigation measures are required by the Desert Hot Springs General Plan Update EIR:

**MM AQ-2A Super Compliant Architectural Coatings.** The City shall require development projects to:

- 1) Submit evidence, such as emissions estimates, coating use estimates and manufacturers specifications for VOC content, or other evidence that indicates VOC emissions during architectural coating activities would not exceed SCAQMD CEQA significance thresholds.
- 2) Prepare a Coating Restriction Plan (CRP), consistent with SCAQMD guidelines. The project applicant/developer shall include in any construction contracts and/or subcontracts a requirement that Project contractors adhere to the requirements of the CRP. The CRP shall include a requirement that all interior and exterior residential and non-residential architectural coatings used in Project construction meet the SCAQMD “super compliant” coating VOC content standard of less than 10 grams of VOC per liter of coating. The CRP shall also specify the use of high-volume, low-pressure spray guns during coating applications to reduce coating waste.

MM AQ-2B **Tier IV Construction Equipment.** To reduce construction equipment emissions of NO<sub>x</sub>, diesel particulate matter, and other pollutants, the City shall require development projects to:

- 1) Use electric-powered and liquefied or compressed natural gas equipment instead of diesel-powered equipment to the maximum extent feasible.
- 2) All construction equipment with a rated power-output of 50 horsepower or greater shall meet U.S. EPA and CARB Tier IV Final Emission Standards for NO<sub>x</sub>. This may be achieved via the use of equipment with engines that have been certified to meet Tier IV emission standards, or through the use of equipment that has been retrofitted with a CARB-verified emission control strategy (e.g., selective catalytic reduction) capable of reducing exhaust NO<sub>x</sub> emission to levels that meet Tier IV standards.
- 3) The City may grant an exemption from these requirements in the event an applicant can factually document that the specific equipment needed to construct a project is not reasonably available (e.g., the specific Tier IV equipment needed is not available within Riverside County within the scheduled construction period).

### ***Finding***

This mitigation measure will ensure that construction-related criteria pollutant impacts will be less than significant. It will ensure that SCAQMD-compliant architectural coatings and Tier IV construction equipment will be used during construction. Based on substantial evidence in the EIR and the public record regarding criteria pollutant emissions, the City hereby finds that *changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.* Further evidence supporting the fact that the environmental effects related to criteria pollutants will be reduced to a less than significant level for construction emissions is provided in Chapter 4.3 of the EIR.

Please note that long term operational emissions will remain significant and unavoidable and are addressed in Section C of this document.

### ***Biological Resources***

Section 4.4 (Biological Resources) of the EIR identifies potential significant impacts pertaining to protected species, riparian habitat or sensitive natural communities, federally protected waters,

wildlife movement, and adverse cumulative impacts but concludes that impacts can be mitigated to less than significant levels.

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**IMPACT BIO-A: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.**

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***Substantial Evidence***

Implementation of the proposed General Plan Update could result in impacts to biological resources including special status plant and wildlife species. Impacts to nesting birds protected by the MBTA and the California Fish and Game Code could also occur if tree removal, trimming, or construction activities permitted within the plan area in association with a development project include the removal or trimming of trees with bird nests, or disturbance near nests leading to nest abandonment during the nesting season. Impacts to special status species and migratory birds would be considered significant if development under the proposed General Plan Update results in the “take” of special status species. The Planning Area contains suitable habitat for twenty-five special status plant species and thirty-five special status wildlife species, as described in section 4.4.1 and listed in Table 4.4.2 of the DEIR. This list may change over time as the USFWS and CDFW alter their special-status species designations. Implementation of the proposed General Plan Update could result in significant impacts to these species. Implementation of Mitigation Measures BIO-1, BIO-2, and BIO-3 would reduce these potential impacts to less than significant because they would ensure biological resource assessments are performed for development projects and will require focused protocol surveys for sensitive plant and wildlife species. They would also ensure that, if nesting birds that are covered by the MBTA and/or the Fish and Game Code are found on a construction site, protective measures would be implemented. As stated in section 4.4.4 of the DEIR, impacts will be less than significant with mitigation incorporated.

With regard to impacts to special status plant and wildlife species and nesting birds, the following mitigation measures are required by the Desert Hot Springs Plan Update EIR:

**MM BIO-1      Biological Resource Assessment:** Consistent with GPU Policy OS-1.5: Biological Resources Assessment, resource assessments will be prepared for all discretionary development projects that contain undeveloped lands subject to CEQA. The biological resource assessment will catalog all habitat types with the Project area (and offsite impact areas), based on alliances and/or associations defined in The Manual of California Vegetation, second edition. The assessment will include an inventory of all special-status species (USFWS- and CDFW-listed threatened and endangered species, California Species of Special Concern, California Fully Protected Species, CRPR-listed species, and CVMSHCP Covered Species) with the potential to occur within each onsite habitat type. The assessment will address seasonal variation in use of the Planning Area and not be limited to resident species. It will include a discussion of both direct and indirect impacts to wildlife movement and connectivity, as well as a full accounting of all mitigation/conservation lands within and adjacent to the Project area.

The biological resource assessment will examine both onsite and offsite impact areas and will include a discussion of potential direct and indirect impacts from lighting, noise, human activity, defensible space, and exotic/invasive species. Defensible spaces should be accounted for within proposed development land use designated areas, and not transferred to adjacent open space or conservations lands.

- MM BIO-2     **Special Status Plant and Wildlife Protection:** Consistent with GPU Policy OS-1.2 Threatened and Endangered Species, protocol focused surveys for sensitive plant and wildlife species will be carried out by a qualified biologist when suitable habitat for any such species is present on a proposed project site and has a potential for impact. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought. Project permitting and approval requires compliance USFWS, CDFW, and CVMSHCP regulations for any impacts to special status plant or animal species.
- MM BIO-3     **Nesting Bird Avoidance:** If vegetation removal is scheduled during nesting season (February 1 - September 1), focused surveys for active nests shall be conducted by a qualified biologist no more than three days prior to the beginning of project-related activities (e.g., excavation, grading and vegetation removal). Surveys shall be conducted in proposed work areas, staging and storage areas, and soil, equipment, and material stockpile areas. For passerines and small raptors, surveys shall be conducted within a 250-foot radius surrounding the work area (in non-developed areas and where access is feasible). For larger raptors, such as those from the genus Buteo, the survey area shall encompass a 500-foot radius. Surveys shall be conducted during weather conditions suited to maximize the observation of active nests and shall concentrate on areas of suitable habitat. If nests are encountered during any preconstruction survey, a qualified biologist shall determine if it is feasible for construction to continue as planned without impacting the success of the nest, depending on conditions specific to each nest and the relative location and rate of construction activities. Any active nest(s) within a Project Site shall be monitored by a qualified biologist during construction if work occurs directly adjacent to the pre-determined nest avoidance buffer. If the qualified biologist determines construction activities have potential to adversely affect a nest, construction activities will be halted within the minimum nest avoidance buffer, depending on species and location. Construction activities within the nest avoidance buffer may proceed after a qualified biologist determines the nest is no longer active due to natural causes.

**Finding**

This mitigation measure will ensure that impacts to special status plant and wildlife species and nesting birds will be less than significant. It will ensure that focused protocol surveys will be performed to identify the existence of plant and wildlife species and ensure preventive/protective measures will be taken if nesting birds that are covered by the MBTA and/or the Fish and Game Code are found on a construction site. Based on substantial evidence in the EIR and the public record regarding impacts to special status plant and wildlife species and nesting birds, the City hereby finds that *changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment*. Further evidence supporting the fact that the environmental effects related to special status plant and wildlife species and nesting birds will be reduced to a less than significant level is provided in Chapter 4.4 of the EIR.

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**IMPACT BIO-B: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS.**

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**Substantial Evidence**

Implementation of the proposed General Plan Update could impact riparian habitats and other sensitive natural communities that have the potential to occur within Planning Area. Although the majority of the sensitive communities that have the potential or are known to occur in the Planning Area occur in areas where no major development is planned, projects associated with the General Plan Update could result in adverse impacts to sensitive communities. Without mitigation, potentially adverse impacts could occur to riparian habitat or other sensitive natural communities. Implementation of Mitigation Measure BIO-4 would reduce these potential impacts to less than significant because they would ensure that, if riparian habitat or other sensitive natural communities are impacted by project-related activities, a habitat restoration and revegetation plan will be developed pursuant to U.S. Army Corps of Engineers and/or California Department Fish & Wildlife guidelines. As stated in section 4.4.4 of the DEIR, impacts will be less than significant with mitigation incorporated.

With regard to impacts to riparian habitat and other sensitive natural communities, the following mitigation measure is required by the Desert Hot Springs General Plan Update EIR:

**MM BIO-4      Habitat Revegetation, Restoration, and/or Conservation:** If riparian habitat or other sensitive natural communities are impacted by project-related activities, a habitat restoration and revegetation plan will be developed pursuant to U.S. Army Corps of Engineers and/or California Department Fish & Wildlife guidelines. Habitat restoration and revegetation plans will include, at a minimum: a) the location of restoration sites and assessment of appropriate reference sites; b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

For Projects with CVMSHCP Conservation Areas, habitat revegetation, restoration, and conservation will be vetted via coordination with the appropriate resource agencies and the Coachella Valley Conservation Commission (CVCC) through the Joint Project Review (JPR) processes to ensure the Project aligns with the goals and policies of the CVMSHCP.

**Finding**

This mitigation measure will ensure that impacts to riparian habitat and other sensitive natural communities will be less than significant. It will ensure appropriate habitat revegetation, restoration, and/or conservation during construction of projects in the planning area. Based on substantial evidence in the EIR and the public record regarding impacts to riparian habitat or other sensitive natural communities, the City hereby finds that *changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment*. Further evidence supporting the fact that the environmental effects related to

riparian habitat or other sensitive natural communities will be reduced to a less than significant level is provided in Chapter 4.4 of the EIR.

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**IMPACT BIO-C: Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.**

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**Substantial Evidence**

Implementation of the proposed General Plan Update could result in impacts to state or federally protected wetlands through direct removal, filling, hydrological interruption or other means of construction activities permitted within the plan area in association with a development project. Impacts to wetlands would be considered significant if development under the proposed General Plan Update results in the physical changes to these features. State and federally protected wetlands are present within the Planning Area. Without mitigation, potentially adverse impacts could occur to state or federally protected wetlands as a result of construction activities permitted within the plan area. Implementation of Mitigation Measures BIO-3 and BIO-4 would reduce these potential impacts to less than significant because they would ensure that a CDFW section 1602 Lake and Streambed Alteration Agreement (LSAA) would be required for all activities resulting in impacts to streambeds and their associated riparian habitats, and ensure that no net loss of functions or values occurs, and impacts to Federally protected wetlands, as defined by section 404 of the Clean Water Act, would be less than significant. As stated in section 4.4.4 of the DEIR, impacts will be less than significant with mitigation incorporated.

With regard to impacts to state or federally protected wetlands, the following mitigation measures are required by the Desert Hot Springs General Plan Update EIR:

**MM BIO-3 Nesting Bird Avoidance:** If vegetation removal is scheduled during nesting season (February 1 - September 1), focused surveys for active nests shall be conducted by a qualified biologist no more than three days prior to the beginning of project-related activities (e.g., excavation, grading and vegetation removal). Surveys shall be conducted in proposed work areas, staging and storage areas, and soil, equipment, and material stockpile areas. For passerines and small raptors, surveys shall be conducted within a 250-foot radius surrounding the work area (in non-developed areas and where access is feasible). For larger raptors, such as those from the genus *Buteo*, the survey area shall encompass a 500-foot radius. Surveys shall be conducted during weather conditions suited to maximize the observation of active nests and shall concentrate on areas of suitable habitat. If nests are encountered during any preconstruction survey, a qualified biologist shall determine if it is feasible for construction to continue as planned without impacting the success of the nest, depending on conditions specific to each nest and the relative location and rate of construction activities. Any active nest(s) within a Project Site shall be monitored by a qualified biologist during construction if work occurs directly adjacent to the pre-determined nest avoidance buffer. If the qualified biologist determines construction activities have potential to adversely affect a nest, construction activities will be halted within the minimum nest avoidance buffer, depending on species and location. Construction activities within the nest avoidance buffer may proceed after a qualified biologist determines the nest is no longer active due to natural causes.

**MM BIO-4 Habitat Revegetation, Restoration, and/or Conservation:** If riparian habitat or other sensitive natural communities are impacted by project-related activities, a

habitat restoration and revegetation plan will be developed pursuant to U.S. Army Corps of Engineers and/or California Department Fish & Wildlife guidelines. Habitat restoration and revegetation plans will include, at a minimum: a) the location of restoration sites and assessment of appropriate reference sites; b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

For Projects with CVMSHCP Conservation Areas, habitat revegetation, restoration, and conservation will be vetted via coordination with the appropriate resource agencies and the Coachella Valley Conservation Commission (CVCC) through the Joint Project Review (JPR) processes to ensure the Project aligns with the goals and policies of the CVMSHCP (section 6.6.1.1 and 6.6.1.2).

### ***Finding***

This mitigation measure will ensure that impacts to state and federally protected wetlands will be less than significant. It will ensure that preventive/protective measures will be taken if nesting birds that are covered by the MBTA and/or the Fish and Game Code are found on a construction site and will ensure appropriate habitat revegetation, restoration, and/or conservation during construction of projects in the planning area. Based on substantial evidence in the EIR and the public record regarding impacts to state or federally protected wetlands, the City hereby finds that *changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment*. Further evidence supporting the fact that the environmental effects related to state or federally protected wetlands will be reduced to a less than significant level is provided in Chapter 4.4 of the EIR.

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**IMPACT BIO-D: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.**

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### ***Substantial Evidence***

Implementation of the proposed General Plan Update could result in impacts to resident or migratory fish or wildlife species, established resident or migratory wildlife corridors, or native wildlife nursery sites if tree removal, trimming, or construction activities permitted within the plan area in association with a development project interferes substantially with the movement of such species or impedes the use of such sites. Impedance of migratory routes or wildlife corridors can have a substantial impact on a species. Migratory routes are important for foraging and breeding; the hindrance of migration can affect these important activities in a species. The Planning Area includes large areas of open space, some of which are defined as biological corridors and linkages by the CVMSHCP and/or Natural Landscape Blocks by the CEHC (Exhibit 4.4.3). Without mitigation, implementation of the proposed General Plan Update could result in significant impacts to these features. Implementation of Mitigation measures BIO-1 and BIO-2 would reduce these potential impacts to less than significant because they would ensure biological resource assessments are performed for development projects and will require focused protocol surveys



for sensitive plant and wildlife species. As stated in section 4.4.4 of the DEIR, impacts will be less than significant with mitigation incorporated.

With regard to impacts to migratory wildlife, the following mitigation measures are required by the Desert Hot Springs General Plan Update EIR:

**MM BIO-1      Biological Resource Assessment:** Consistent with GPU Policy OS-1.5: Biological Resources Assessment, resource assessments will be prepared for all discretionary development projects that contain undeveloped lands subject to CEQA. The biological resource assessment will catalog all habitat types with the Project area (and offsite impact areas), based on alliances and/or associations defined in The Manual of California Vegetation, second edition. The assessment will include an inventory of all special-status species (USFWS- and CDFW-listed threatened and endangered species, California Species of Special Concern, California Fully Protected Species, CRPR-listed species, and CVMSHCP Covered Species) with the potential to occur within each onsite habitat type. The assessment will address seasonal variation in use of the Planning Area and not be limited to resident species. It will include a discussion of both direct and indirect impacts to wildlife movement and connectivity, as well as a full accounting of all mitigation/conservation lands within and adjacent to the Project area.

The biological resource assessment will examine both onsite and offsite impact areas and will include a discussion of potential direct and indirect impacts from lighting, noise, human activity, defensible space, and exotic/invasive species. Defensible spaces should be accounted for within proposed development land use designated areas, and not transferred to adjacent open space or conservations lands.

**MM BIO-2      Special Status Plant and Wildlife Protection:** Consistent with GPU Policy OS-1.2 Threatened and Endangered Species, protocol focused surveys for sensitive plant and wildlife species will be carried out by a qualified biologist when suitable habitat for any such species is present on a proposed project site and has a potential for impact. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought. Project permitting and approval requires compliance USFWS, CDFW, and CVMSHCP regulations for any impacts to special status plant or animal species.

### ***Finding***

These mitigations measures will ensure that impacts to migratory fish or wildlife species will be less than significant and will ensure compliance with Federal and State regulations related to the protection of migratory fish and wildlife species. Based on substantial evidence in the EIR and the public record regarding impacts to nesting birds, the City hereby finds that *changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment*. Further evidence supporting the fact that the environmental effects related to migratory fish or wildlife species will be reduced to a less than significant level is provided in Chapter 4.4 of the EIR.

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**IMPACT BIO-G: Cause substantial adverse cumulative impacts with respect to biological resources?**

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**Substantial Evidence**

Development with the Planning Area along with additional development in nearby areas may lead to cumulative impacts to biological resources. Without mitigation, the Project could cause substantial adverse cumulative impacts with respect to Biological Resources. Implementation of Mitigation Measures BIO-1 through BIO-4 would reduce these potential impacts to less than significant because it requires a biological resources assessment for development proposals or infrastructure projects located on undeveloped/ undisturbed land. The biological resource assessment will include a cumulative effects analysis developed as described under CEQA Guidelines §15130. It will analyze the cumulative effects of the Project's land use designations, policies and programs on the environment, including an assessment of all potential direct and indirect Project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. With mitigation, impacts would be less than significant. As stated in section 4.4.4 of the DEIR, impacts will be less than significant with mitigation incorporated.

With regard to substantial adverse cumulative Biological Resources impacts, the following mitigation measure is required by the Desert Hot Springs General Plan Update EIR:

**MM BIO-1      Biological Resource Assessment:** Consistent with GPU Policy OS-1.5: Biological Resources Assessment, resource assessments will be prepared for all discretionary development projects that contain undeveloped lands subject to CEQA. The biological resource assessment will catalog all habitat types with the Project area (and offsite impact areas), based on alliances and/or associations defined in The Manual of California Vegetation, second edition. The assessment will include an inventory of all special-status species (USFWS- and CDFW-listed threatened and endangered species, California Species of Special Concern, California Fully Protected Species, CRPR-listed species, and CVMSHCP Covered Species) with the potential to occur within each onsite habitat type. The assessment will address seasonal variation in use of the Planning Area and not be limited to resident species. It will include a discussion of both direct and indirect impacts to wildlife movement and connectivity, as well as a full accounting of all mitigation/conservation lands within and adjacent to the Project area.

The biological resource assessment will examine both onsite and offsite impact areas and will include a discussion of potential direct and indirect impacts from lighting, noise, human activity, defensible space, and exotic/invasive species. Defensible spaces should be accounted for within proposed development land use designated areas, and not transferred to adjacent open space or conservations lands.

**MM BIO-2      Special Status Plant and Wildlife Protection:** Consistent with GPU Policy OS-1.2 Threatened and Endangered Species, protocol focused surveys for sensitive plant and wildlife species will be carried out by a qualified biologist when suitable habitat for any such species is present on a proposed project site and has a potential for impact. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during

periods of drought. Project permitting and approval requires compliance USFWS, CDFW, and CVMSHCP regulations for any impacts to special status plant or animal species.

**MM BIO-3 Nesting Bird Avoidance:** If vegetation removal is scheduled during nesting season (February 1 - September 1), focused surveys for active nests shall be conducted by a qualified biologist no more than three days prior to the beginning of project-related activities (e.g., excavation, grading and vegetation removal). Surveys shall be conducted in proposed work areas, staging and storage areas, and soil, equipment, and material stockpile areas. For passerines and small raptors, surveys shall be conducted within a 250-foot radius surrounding the work area (in non-developed areas and where access is feasible). For larger raptors, such as those from the genus *Buteo*, the survey area shall encompass a 500-foot radius. Surveys shall be conducted during weather conditions suited to maximize the observation of active nests and shall concentrate on areas of suitable habitat. If nests are encountered during any preconstruction survey, a qualified biologist shall determine if it is feasible for construction to continue as planned without impacting the success of the nest, depending on conditions specific to each nest and the relative location and rate of construction activities. Any active nest(s) within a Project Site shall be monitored by a qualified biologist during construction if work occurs directly adjacent to the pre-determined nest avoidance buffer. If the qualified biologist determines construction activities have potential to adversely affect a nest, construction activities will be halted within the minimum nest avoidance buffer, depending on species and location. Construction activities within the nest avoidance buffer may proceed after a qualified biologist determines the nest is no longer active due to natural causes.

**MM BIO-4 Habitat Revegetation, Restoration, and/or Conservation:** If riparian habitat or other sensitive natural communities are impacted by project-related activities, a habitat restoration and revegetation plan will be developed pursuant to U.S. Army Corps of Engineers and/or California Department Fish & Wildlife guidelines. Habitat restoration and revegetation plans will include, at a minimum: a) the location of restoration sites and assessment of appropriate reference sites; b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

For Projects with CVMSHCP Conservation Areas, habitat revegetation, restoration, and conservation will be vetted via coordination with the appropriate resource agencies and the Coachella Valley Conservation Commission (CVCC) through the Joint Project Review (JPR) process to ensure the Project aligns with the goals and policies of the CVMSHCP.

### **Finding**

These mitigation measures will ensure that adverse cumulative Biological Resources impacts will be less than significant. They will ensure that Biological Resources Assessments are performed for projects on undeveloped land, will ensure focused survey protocols for sensitive plant and animal species are performed, will ensure avoidance of nesting birds, and will ensure revegetation, restoration and/or conservation of riparian and other sensitive natural communities. Based on substantial evidence in the EIR and the public record regarding adverse cumulative Biological Resources impacts, the City hereby finds that *changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment*. Further evidence supporting the fact that the environmental effects related to adverse cumulative Biological Resources impacts will be reduced to a less than significant level is provided in Chapter 4.4 of the EIR.

### **Geology and Soils**

Chapter 4.7 (Geology and Soils) of the EIR identifies potential significant impacts pertaining to construction-related paleontological resources impacts but concludes that impacts can be mitigated to less than significant levels.

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#### **IMPACT GEO-F: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.**

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### **Substantial Evidence**

Ground-disturbing activities associated with development within the Planning Area could result in damage to or destruction to paleontological resources or to unique geologic features. A paleontological literature review failed to identify paleontological resources or unique geological features existing within the Planning Area. The General Plan Update supports development that could include but is not limited to the new construction of residential housing tracts, commercial buildings and warehouses, road improvements, and supporting infrastructure, resulting in the disturbance of soils at depths not previously disturbed by existing or past development. Additionally, much of the City and its Sphere of Influence has not been formally surveyed for paleontological resources or unique geological features that could be lost during project construction. Paleontological resources may be present in fossil-bearing soils and rock formations below the ground surface. Ground-disturbing activities in fossil-bearing soils and rock formations have the potential to damage or destroy paleontological resources that may be present below the ground surface. Failure to properly evaluate, assess, survey, and if necessary, monitor proposed development sites could result in significant impacts to paleontological resources or unique geological features. Therefore, Mitigation Measure GEO-1 is necessary to ensure that impacts from development on potential surface and subsurface paleontological resources or unique geological features is less than significant. As stated in section 4.7.4 of the DEIR, impacts will be less than significant with mitigation incorporated.

With regard to impacts to paleontological resources or unique geologic features, the following mitigation measure are required by the Desert Hot Springs General Plan Update EIR:

- MM GEO-1     In the event that paleontological resources or unique geological features are discovered during construction related activities, a qualified paleontological monitor shall observe all ground disturbing activities at all depths. The paleontological monitor will recover any significant fossil materials that would potentially be impacted by ground disturbing activities. To avoid construction delays, the paleontological monitor should be equipped to salvage fossils immediately as they are unearthed and to remove samples of sediments that are

likely to contain the remains of small fossil vertebrates, in accordance with standards for such recovery established by the Society of Vertebrate Paleontology (SVP). Recovered specimens should be prepared to a point of identification, including washing of sediments to recover smaller fossil remains. Once excavation has reached specified depths, salvage of fossil material from the sidewalls of the cut may resume. Specimens shall be identified and curated into a museum repository with retrievable storage.

**Finding**

This mitigation measure will prevent the direct or indirect destruction of unique paleontological resources or sites or unique geologic features within the Planning Area. Based on substantial evidence in the EIR and the public record regarding impacts to paleontological resources and unique geologic features, the City hereby finds *that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.* Further evidence supporting the fact that the environmental effects related to paleontological resources and unique geologic features will be reduced to less than significant levels is provided in Chapter 4.7 of the EIR.

**Hydrology and Water Quality**

Section 4.10 (Hydrology and Water Quality) of the EIR identifies potential significant impacts pertaining to groundwater supplies and conflicts with local water plans, but concludes that impacts can be mitigated to less than significant levels.

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**IMPACT HYD-B: Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.**

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**Substantial Evidence**

Future development within the Planning Area would require additional water services, the majority of which would come from local groundwater sources. The population increase associated with implementation of the General Plan Update would result in an increase demand for water supply. The existing urban water management plans for Mission Springs Water District and Coachella Valley Water District do not take into account the proposed development associated with implementation of the General Plan Update. Mitigation Measure UTL-1 (described in Section 4.19 Utilities) prohibits approval of new development associated with the implementation of the General Plan Update if they increase water use in excess of what is identified for supply in 2040 under the most recent Urban Water Management Plan (UWMP). Future development may also impact groundwater recharge by increasing impervious surfaces that hinders percolation of drainage into subsurface aquifers. However, with implementation of the Mitigation Measure UTL-1, this potential impact would be considered less than significant. As stated in section 4.10.4 of the DEIR, impacts will be less than significant with mitigation incorporated.

With regard to impacts to groundwater supplies, the following mitigation measure is required by the Desert Hot Springs General Plan Update EIR:

MM UTL -1      Developments under the General Plan Update (GPU), will not be approved if they increase water use in excess of what is identified for supply under the most recent applicable Urban Water Management Plan (UWMP), including the long term horizon year and interim (5-year) short-term supply estimates in the UWMP.

In order to ensure that water demand from new development is balanced with water supply, a written report will be submitted annually by the City to the Mission Springs Water District and the Coachella Valley Water District identifying building permits issued and discretionary land use approvals that were approved during the past calendar year. The Mission Springs Water District and the Coachella Valley Water District may provide the estimated increase in water use generated by such permits/approvals, by such permits/approvals, and shall also identify concerns and issues regarding providing an adequate supply of water for such permits/approvals.

**Finding**

This mitigation measure will ensure that impacts to groundwater supplies will be less than significant. It will not allow the approval of projects in the Planning Area that would increase water use in excess of what is identified for supply under the most recent Urban Water Management Plan (UWMP). It will further ensure that water demand from new development is balanced with water supply by annually providing to the Mission Springs Water District and the Coachella Valley Water District information on development activity. The two water districts then have the opportunity to provide the estimated increase in water and also identify any concerns and issues regarding providing an adequate supply of water for such development activity. Based on substantial evidence in the EIR and the public record regarding impacts to groundwater supplies, the City hereby finds that *changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment*. Further evidence supporting the fact that the environmental effects related to groundwater supplies will be reduced to a less than significant level is provided in Chapter 4.10 of the EIR.

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**IMPACT HYD-E: Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.**

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**Substantial Evidence**

Future development within the Planning Area would require additional water services, the majority of which will come from local groundwater sources. The population increase associated with implementation of the General Plan Update would result in an increase demand for water supply. The existing urban water management plans for Mission Springs Water District and Coachella Valley Water District do not take into account the proposed development associated with implementation of the General Plan Update. Without mitigation, the Project could potentially conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Mitigation Measure UTL-1 does not allow approval of new development associated with the implementation of the GPU if they increase water use in excess of what is identified for supply under the most recent UWMP. All development projects associated with implementation of the GPU would be subject to environmental and engineering review. With implementation of the Mitigation Measure UTL-1, this potential impact would be considered less than significant. As stated in section 4.10.4 of the DEIR, impacts will be less than significant with mitigation incorporated.

With regard to impacts related to plan conflict and/or obstruction, the following mitigation measure is required by the Desert Hot Springs General Plan Update EIR:

MM UTL -1      Developments under the General Plan Update (GPU), will not be approved if they increase water use in excess of what is identified for supply under the most recent applicable Urban Water Management Plan (UWMP), including the long term horizon year and interim (5-year) short-term supply estimates in the UWMP.

In order to ensure that water demand from new development is balanced with water supply, a written report will be submitted annually by the City to the Mission Springs Water District and the Coachella Valley Water District identifying building permits issued and discretionary land use approvals that were approved during the past calendar year. The Mission Springs Water District and the Coachella Valley Water District may provide the estimated increase in water use generated by such permits/approvals, by such permits/approvals, and shall also identify concerns and issues regarding providing an adequate supply of water for such permits/approvals.

### **Finding**

This mitigation measure will ensure that plan conflicts and/or obstruction will be less than significant. It will not allow the approval of projects in the Planning Area that would increase water use in excess of what is identified for supply under the most recent Urban Water Management Plan (UWMP). It will further ensure that water demand from new development is balanced with water supply by annually providing to the Mission Springs Water District and the Coachella Valley Water District information on development activity. The two water districts then have the opportunity to provide the estimated increase in water and also identify any concerns and issues regarding providing an adequate supply of water for such development activity. Based on substantial evidence in the EIR and the public record regarding impacts to groundwater supplies, the City hereby finds that *changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment*. Further evidence supporting the fact that the environmental effects related to plan conflict and/or obstruction will be reduced to a less than significant level is provided in Chapter 4.10 of the EIR.

### **Noise**

Section 4.13 (Noise) of the EIR identifies potential significant impacts pertaining to generation of substantial temporary or permanent increase in ambient noise levels, but concludes that impacts can be mitigated to less than significant levels.

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**IMPACT NOI-A (TEMPORARY/CONSTRUCTION, ONLY): Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.**

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### **Substantial Evidence**

Future development within the Planning Area would result in construction activities that could result in temporary noise generation, primarily from the use of heavy-duty construction equipment, in excess of local standards. Although the Project would focus on new development in certain areas, future individual construction and development projects could occur throughout the Planning Area over the approximately 20-year period planned for by the Project. These projects could occur on any property (based on land uses allowed by the Land Use Plan) and could affect existing or future land uses, including potentially sensitive residential, commercial, park, or school land uses that may or may not currently be present near future development areas.

The magnitude of each individual future project's temporary and periodic increase in ambient noise levels would be dependent upon a number of project-specific factors that are not known at this time, including: the amount and type of equipment being used; the distance between the area where equipment is being operated and the location of the specific land use or receptor where noise levels are being evaluated; the time of day construction activities are occurring; the presence or absence of any walls, buildings, or other barriers that may absorb or reflect sound waves; the total duration of the construction activities; and the existing ambient noise levels near construction areas. For example, a noise level of 88 dBA  $L_{max}$  would be approximately 10 dBA or

more than typical  $L_{\max}$  levels measured throughout the Planning Area. Sustained  $L_{eq}$  levels of 85 dBA could be approximately 25 dBA above ambient conditions in developed, residential/commercial portions of the Planning Area, and approximately 30 dBA in some undeveloped and partially undeveloped portions of the Planning Area. Construction activities adjacent to major arterials (e.g., Indian Canyon Drive) would be approximately 15 dBA above ambient conditions. Typically, sustained construction noise levels of 80 to 85 dBA or higher would require the implementation of construction noise control practices such as staging area restrictions (e.g., siting staging areas away from sensitive receptors), equipment controls (e.g., covered engines and use of electrical hook-ups instead of generators), and/or the installation of temporary noise barriers of sufficient height, size (length or width), and density to achieve targeted noise reductions.

The City's Municipal Code does not have specific, numeric noise standards (e.g., 90 dB  $L_{eq}$ ) for construction noise. Although the City's General Plan sets forth a requirement to assess and minimize noise levels into the development review process, it does not specifically stipulate a requirement for project proponents to minimize potential construction noise levels (e.g., through the use of best management practices or noise control measures such as sound barriers). While all projects in the city would be subject to the permissible construction hours established by the Municipal Code, it is possible that some discretionary and non-discretionary construction activities could result in temporary increases in noise levels above ambient conditions of 15 to 30 dBs or more during permissible time frames, which would be perceived by noise-sensitive land uses as doubling or quadrupling of loudness, respectively. This situation is most likely to occur in areas where the Project would permit increased development density in a relatively undeveloped portion of the city (e.g., in the northern and western portions of the Planning Area). However, with implementation of the Mitigation Measure NOI-1, this potential impact would be considered less than significant. As stated in section 4.13.4 of the DEIR, impacts will be less than significant with mitigation incorporated.

With regard to generation of substantial temporary or periodic increases in ambient noise levels, the following mitigation measure is required by the Desert Hot Springs General Plan Update EIR:

**MM NOI -1 Assess and Minimize Temporary Construction Noise Levels.** To ensure that future development projects implement appropriate construction noise controls, the City shall require development projects that are subject to discretionary review and that are located near (i.e., within 200 feet) of noise-sensitive land uses (e.g., residential, school, or long term medical care facilities) to assess potential construction noise levels and minimize substantial adverse impacts by implementing feasible construction noise control measures that reduce construction noise levels at sensitive receptor locations. Such measures may include, but are not limited to: 1) construction management techniques (e.g., providing advance notice of construction activities to nearby noise-sensitive receptors, siting staging areas away from noise-sensitive land uses, phasing activities to take advantage of shielding/attenuation provided by topographic features or buildings, monitoring construction); 2) construction equipment controls (e.g., ensuring equipment has mufflers, use of electric hook-ups instead of generators); 3) use of temporary sound barriers (equipment enclosures, berms, walls, blankets, or other devices) when necessary; 4) preparation of a plan, procedures, or other mechanism to receive track, respond, and resolve construction noise complaints, including designation of an on-site appointee to handle such complaints, and report back to City staff; and 5) require monitoring



construction noise levels if complaints are received to verify the need for additional noise controls.

**Finding**

Although specific construction activities and noise levels associated with future development projects are not known at this time, Mitigation Measure NOI-1 would require the implementation of feasible construction noise control measures when development occurs near noise-sensitive land uses and, therefore, would render potential construction noise impacts from future development projects less than significant. Based on substantial evidence in the EIR and the public record regarding temporary construction noise, the City hereby finds that *changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment*. Further evidence supporting the fact that the environmental effects related to temporary construction noise will be reduced to a less than significant level is provided in Chapter 4.13 of the EIR.

**Public Services**

Section 4.4 (Public Services) of the EIR identifies potential significant impacts pertaining to Fire Protection but concludes that impacts can be mitigated to less than significant levels.

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**IMPACT PS-A: Result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.**

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**Substantial Evidence**

The proposed General Plan Update would result in a substantial amount of development and increased population throughout the Planning Area. There is an estimated 34,564 new dwelling units that would house roughly 87,852 additional residents and 17,135,438 additional square feet of non-residential building space. Adoption of the proposed General Plan Update would not directly create the need for any new or expanded facilities because the project does not authorize any particular development project or construction activities. However, the increase in growth potential that would be allowed under the General Plan Update would likely, at some point result in the requirement for new or expanded facilities. Mitigation Measures PS-1 and PS-2 would reduce these potential impacts to less than significant because they would ensure that, if a fire facility is to be expanded or constructed as a result of buildout of the proposed General Plan, the fire facility would undergo a development review process and be subject to an environmental review pursuant to CEQA. That environmental review would identify site-specific conditions and physical changes resulting from fire station expansion, construction of new fire stations, or trenching needed for fire flow and water supply. As stated in section 4.15.4 of the DEIR, impacts will be less than significant with mitigation incorporated.

With regard to impacts related to fire protection services, the following mitigation measures are required by the Desert Hot Springs General Plan Update EIR:

- MM PS -1      **Annual quantitative fire services review and coordination.** The City Council shall annually consider, in conjunction with the state-required annual review of capital improvement projects for consistency with the General Plan, the need for increases in fire equipment and/or facilities, including the need for a new fire station. As part of this review, the City Council will receive for consideration the evaluation and recommendation of the Riverside County Fire Department (RCFD)

for providing additional equipment or facilities, including the timing for providing such equipment or facilities. Criteria for determining need shall include, but not be limited to, existing and projected increases within the Planning Area of fire station response times for new development, emergency calls, ratio of RCFD staff to population, the capacity of existing fire stations in the Planning Area to house additional staff and equipment needed to serve existing and projected population.

If the City Council finds that additional equipment or facilities are needed, the City shall coordinate and consult with the RCFD to establish a viable funding method to provide for such facilities and equipment in a manner timely to ensure existing service levels, including response times are not impacted.

- MM PS -2     **Project Review.** All projects that are subject to CEQA review shall be evaluated to determine whether they can be provided adequate fire prevention and emergency medical services, including adequate response times. In the event that it is determined that adequate services cannot be provided, project specific mitigation may be provided to offset identified service deficiencies.

### ***Finding***

These mitigation measures will ensure that impacts related to fire protection services will be less than significant. It will ensure that fire protection services in the Planning Area would undergo annual fire services review and coordination and construction of new or expanded facilities would be subject to an environmental review pursuant to CEQA. Based on substantial evidence in the EIR and the public record regarding impacts related to the provision of fire protection services, the City hereby finds that *changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment*. Further evidence supporting the fact that the environmental effects related to the provision of fire protection services will be reduced to a less than significant level is provided in Chapter 4.15 of the EIR.

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### **IMPACT PS-B: Cause substantial adverse cumulative impacts with respect to public services.**

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### ***Substantial Evidence***

Development that results from the proposed General Plan Update, in combination with other cumulative development in the Planning Area would increase the demand for all public services. Public services can be potentially impacted by increased population, especially when new facilities are not built to meet population increases or when existing facilities are not adequately maintained. Alternatively, impacts may also occur when new facilities are built, resulting in physical impacts to existing resources. Implementation of Mitigation Measures PS-1 and PS-2 would reduce impacts to less than significant by requiring annual quantitative reviews of fire services, coordination with The Riverside County Fire Department (RCFD), and CEQA review of construction of new or expanded facilities. Annual fire services review would ensure the need for new or expanded fire protection facilities is considered on a regular basis. Coordination between the City and RCFD would establish funding methods for such facility improvements. Environmental review would identify site-specific conditions and physical changes resulting from facilities expansion and would mitigate potential impacts as needed. As stated in section 4.15.4 of the DEIR, impacts will be less than significant with mitigation incorporated.

With regard to adverse cumulative public services impacts, the following mitigation measure is required by the Desert Hot Springs General Plan Update EIR:

- MM PS -1     **Annual quantitative fire services review and coordination.** The City Council shall annually consider, in conjunction with the state-required annual review of capital improvement projects for consistency with the General Plan, the need for increases in fire equipment and/or facilities, including the need for a new fire station. As part of this review, the City Council will receive for consideration the evaluation and recommendation of the Riverside County Fire Department (RCFD) for providing additional equipment or facilities, including the timing for providing such equipment or facilities. Criteria for determining need shall include, but not be limited to, existing and projected increases within the Planning Area of fire station response times for new development, emergency calls, ratio of RCFD staff to population, the capacity of existing fire stations in the Planning Area to house additional staff and equipment needed to serve existing and projected population.
- If the City Council finds that additional equipment or facilities are needed, the City shall coordinate and consult with the RCFD to establish a viable funding method to provide for such facilities and equipment in a manner timely to ensure existing service levels, including response times are not impacted.
- MM PS -2     **Project Review.** All projects that are subject to CEQA review shall be evaluated to determine whether they can be provided adequate fire prevention and emergency medical services, including adequate response times. In the event that it is determined that adequate services cannot be provided, project specific mitigation may be provided to offset identified service deficiencies.

### ***Finding***

These mitigation Measures will ensure that adverse cumulative fire protection services impacts will be less than significant. They will require annual review of fire protection service needs, coordination on funding mechanisms, and environmental review for construction of new or expanded facilities. Based on substantial evidence in the EIR and the public record regarding adverse cumulative public services impacts, the City hereby finds that *changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment*. Further evidence supporting the fact that the environmental effects related to adverse cumulative public services impacts will be reduced to a less than significant level is provided in Chapter 4.15 of the EIR.

### ***Utilities and Service Systems***

Section 4.19 (Utilities and Service Systems) of the EIR identifies potential significant impacts pertaining to new or expanded water supply facilities, sufficient water supplies and adverse cumulative water supply impacts, but concludes that impacts can be mitigated to less than significant levels.

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**IMPACT UTL-1: Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.**

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### ***Substantial Evidence***

The General Plan Update includes the potential for substantial population growth resulting from future residential, commercial and industrial development. This growth would require the expansion of existing infrastructure along with the likely development of new facilities related to utility infrastructure. This General Plan Update does not include any specific proposals for new facilities, although new facilities would result from the projected population growth associated with

the plan. According to the Desert Hot Springs General Plan Update EIR, the anticipated growth under the General Plan Update is substantial and will require additional water resources and the incorporation of widespread conservation efforts. Additionally, the water use projection is greater than the supply shown in the Mission Springs Water District (MSWD) Urban Water Management Plan (UWMP) for 2015. However, Mitigation Measure UTL-1 prohibits approval of new development associated with the implementation of the General Plan Update if they increase water use in excess of what is identified for supply in 2040 under the most recent UWMP. With implementation of Mitigation Measure UTL-1, this potential impact would be considered less than significant. As stated in section 4.19.4 of the DEIR, impacts will be less than significant with mitigation incorporated.

With regard to impacts resulting from relocation or construction of new or expanded water supply facilities, the following mitigation measure is required by the Desert Hot Springs General Plan Update EIR:

MM UTL -1) Developments, under the GPU, that will be served by local utility providers, will not be approved if they increase water use in excess of what is identified for supply in 2040 under the most recent UWMP. Developments under the General Plan Update (GPU), will not be approved if they increase water use in excess of what is identified for supply under the most recent applicable Urban Water Management Plan (UWMP), including the long-term horizon year and interim (5-year) short-term supply estimates in the UWMP.

In order to ensure that water demand from new development is balanced with water supply, a written report will be submitted annually by the City to the Mission Springs Water District and the Coachella Valley Water District identifying building permits issued and discretionary land use approvals that were approved during the past calendar year. The Mission Springs Water District and the Coachella Valley Water District may provide the estimated increase in water use generated by such permits/approvals, by such permits/approvals, and shall also identify concerns and issues regarding providing an adequate supply of water for such permits/approvals.

### ***Finding***

This mitigation measure will ensure that impacts related to relocation or construction of new or expanded water supply facilities will be less than significant. It will not allow approval of projects in the Planning Area that would increase water use in excess of what is identified for supply under the most recent UWMP. It will further ensure that water demand from new development is balanced with water supply by annually providing to the Mission Springs Water District and the Coachella Valley Water District information on development activity. The two water districts then have the opportunity to provide the estimated increase in water and also identify any concerns and issues regarding providing an adequate supply of water for such development activity. Based on substantial evidence in the EIR and the public record regarding impacts related to relocation or construction of new or expanded water supply facilities, the City hereby finds that *changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment*. Further evidence supporting the fact that the environmental effects related to relocation or construction of new or expanded water supply facilities will be reduced to a less than significant level is provided in Chapter 4.19 of the EIR.

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**IMPACT UTL-B: Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.**

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***Substantial Evidence***

The General Plan Update includes the potential for substantial population growth resulting from future residential, commercial and industrial development. This growth would require the expansion of existing infrastructure along with the likely development of new facilities related to water supplies. The General Plan Update does not include any specific proposals for new facilities, although new facilities would result from the projected population growth associated with the plan. According to the Desert Hot Springs General Plan Update EIR, the anticipated growth under the General Plan Update is substantial and will require additional water resources and the incorporation of widespread conservation efforts. Additionally, the water use projection is greater than the supply shown in the MSWD UWMP for 2015. Overall, the General Plan Update is anticipated to require more water than is currently identified in the most recent MSWD UWMP. This shortfall is anticipated to occur towards the end of the planning horizon. Without mitigation, impacts to water supply are potentially significant. Mitigation Measure UTL-1 does not allow approval of new development associated with the implementation of the General Plan Update if they increase water use in excess of what is identified for supply under the most recent UWMP. It will further ensure that water demand from new development is balanced with water supply by annually providing to the Mission Springs Water District and the Coachella Valley Water District information on development activity. The two water districts then have the opportunity to provide the estimated increase in water and also identify any concerns and issues regarding providing an adequate supply of water for such development activity. With implementation of Mitigation Measure UTL-1, this potential impact would be considered less than significant. As stated in section 4.19.4 of the DEIR, impacts will be less than significant with mitigation incorporated.

With regard to water supply impacts, the following mitigation measure is required by the Desert Hot Springs General Plan Update EIR:

MM UL -1) Developments, under the GPU, that will be served by local utility providers, will not be approved if they increase water use in excess of what is identified for supply in 2040 under the most recent UWMP. Developments under the General Plan Update (GPU), will not be approved if they increase water use in excess of what is identified for supply under the most recent applicable Urban Water Management Plan (UWMP), including the long-term horizon year and interim (5-year) short-term supply estimates in the UWMP.

In order to ensure that water demand from new development is balanced with water supply, a written report will be submitted annually by the City to the Mission Springs Water District and the Coachella Valley Water District identifying building permits issued and discretionary land use approvals that were approved during the past calendar year. The Mission Springs Water District and the Coachella Valley Water District may provide the estimated increase in water use generated by such permits/approvals. by such permits/approvals, and shall also identify concerns and issues regarding providing an adequate supply of water for such permits/approvals.

***Finding***

This mitigation measure will ensure that water supply impacts will be less than significant. It will prohibit approval of projects in the Planning Area that would increase water use in excess of what is identified for supply under the most recent UWMP. It will further ensure that water demand from new development is balanced with water supply by annually providing to the Mission Springs Water District and the Coachella Valley Water District information on development activity. The two water districts then have the opportunity to provide the estimated increase in water and also

identify any concerns and issues regarding providing an adequate supply of water for such development activity. Based on substantial evidence in the EIR and the public record regarding water supply impacts, the City hereby finds that *changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment*. Further evidence supporting the fact that the environmental effects related to sufficient water supplies will be reduced to a less than significant level is provided in Chapter 4.19 of the EIR.

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**IMPACT UTL-F: Cause substantial adverse cumulative impacts with respect to utilities and service systems.**

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***Substantial Evidence***

Development that results from the proposed General Plan Update, in combination with other cumulative development in neighboring areas would increase the demand for utilities. Utilities can be potentially impacted by increased population, especially when new facilities are not built to meet population increases or when existing facilities are not adequately maintained. Alternatively, impacts may also occur when new facilities are built, resulting in physical impacts to existing resources. Typical impacts associated with new facilities include short-term construction activities related to air quality pollutant emissions, temporary traffic detours, changes in traffic distribution, and noise. Without mitigation, it has been identified that water supply may not be adequate for the full implementation of the General Plan Update. However, Mitigation Measure UTL-1 prohibits approval of new development associated with the implementation of the General Plan Update if they increase water use in excess of what is identified for supply under the most recent UWMP. It will further ensure that water demand from new development is balanced with water supply by annually providing to the Mission Springs Water District and the Coachella Valley Water District information on development activity. The two water districts then have the opportunity to provide the estimated increase in water and also identify any concerns and issues regarding providing an adequate supply of water for such development activity. With implementation of Mitigation Measure UTL-1, this potential impact would be considered less than significant. As stated in section 4.19.4 of the DEIR, impacts will be less than significant with mitigation incorporated.

***Finding***

Mitigation measure UTL-1 will ensure that adverse cumulative water supply impacts will be less than significant. It will not allow approval of projects in the Planning Area that would increase water use in excess of what is identified for supply under the most recent UWMP. Based on substantial evidence in the EIR and the public record regarding adverse cumulative utilities impacts, the City hereby finds that *changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment*. Further evidence supporting the fact that the environmental effects related to adverse cumulative utilities impacts will be reduced to a less than significant level is provided in Chapter 4.19 of the EIR.

### **C. Effects Determined to Be Significant, Adverse and Unavoidable**

As presented in the Desert Hot Springs General Plan Update EIR, the City finds that impacts pertaining to operational Nitrous Oxides (NO<sub>x</sub>) emissions and generation of significant GHG emissions cannot be mitigated to a less than significant level because no feasible mitigation is available.

#### ***Air Quality and Greenhouse Gases***

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**IMPACT AIR-A: Conflict with or obstruct implementation of the applicable air quality plan.**

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**IMPACT AIR-B: (OPERATIONAL) Implementation of the proposed General Plan Update would result in a cumulatively considerable net increase in operational NO<sub>x</sub> emissions.**

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**IMPACT AIR-E: Cause substantial adverse cumulative impacts with respect to air quality.**

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**IMPACT GHG-A: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.**

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**IMPACT GHG-B: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.**

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**IMPACT GHG-C: Cause substantial adverse cumulative impacts with respect to greenhouse gases.**

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#### ***Substantial Evidence***

Chapter 4.3 of the EIR identifies a potentially significant impact related to the proposed General Plan Update's inconsistency with the 2016 RTP/SCS growth forecasts (Impact AIR A). Pursuant to the discussion in Chapter 4.3 of the EIR, this inconsistency could result in construction (ROG and NO<sub>x</sub>) and operational (ROG, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>) emissions that exceed the SCAQMD's recommended regional CEQA thresholds. Since potential growth under the General Plan Update would be inconsistent with current AQMP projections and could lead to operational emissions that exceed SCAQMD regional CEQA thresholds, the proposed Project could increase the frequency and/or severity of air quality violations in the Coachella Valley or otherwise impede attainment of air quality standards, particularly national and state Ozone (O<sub>3</sub>) and PM<sub>10</sub> standards.

Chapter 4.3 of the EIR identifies an additional potentially significant impact related to potential daily operational emissions of criteria pollutant emissions (Impact AIR B -Operational). Pursuant to the discussion in Chapter 4.3 of the EIR, the proposed General Plan Update potential daily operational emissions of ROG, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> associated with the General Plan Update could exceed the SCAQMD's regional CEQA thresholds.

Chapter 4.3 of the EIR identifies a third potentially significant impact related to substantial adverse cumulative air quality impacts (Impact AIR E). Pursuant to the discussion in Chapter 4.3 of the EIR, the Coachella Valley is designated nonattainment for national and State O<sub>3</sub> and PM<sub>10</sub> standards. The SCAQMD, in developing its CEQA significance thresholds, considered the emission levels at which a project's individual emissions would be cumulatively considerable. The SCAQMD considers projects that result in emissions that exceed its CEQA significance

thresholds to result in individual impacts that are cumulatively considerable and significant. Since potential growth under the General Plan Update would be inconsistent with current AQMP projections and could lead to construction and operational emissions that exceed SCAQMD regional CEQA thresholds, the proposed Project could increase the frequency and/or severity of air quality violations in the Coachella Valley or otherwise impede attainment of air quality standards, particularly national and state O<sub>3</sub> and PM<sub>10</sub> standards.

Chapter 4.7 of the EIR identifies a potentially significant impact related to greenhouse gas emissions (Impact GHG-A). Pursuant to the discussion in Chapter 4.7 of the EIR, the proposed General Plan Update would result in greenhouse gas emissions in the planning area higher than the level necessary to remain consistent with State greenhouse gas reduction goals.

Chapter 4.7 of the EIR identifies an additional potentially significant impact related to plan consistency (Impact GHG-B). Pursuant to the discussion in Chapter 4.7 of the EIR, the proposed General Plan Update would not be consistent with the CARB Scoping Plan's interpolated per capita GHG efficiency metric, would not meet the SCAG 2016 RTP/SCS goal of reducing per capita passenger vehicle greenhouse gas emissions, based on the emissions modeling conducted, and would be inconsistent with the City's CAP.

Chapter 4.7 of the EIR identifies a third potentially significant impact related to adverse cumulative greenhouse gas emissions (Impact GHG-C). Pursuant to the discussion in Chapter 4.7 of the EIR, the proposed General Plan Update would result in GHG emissions that exceed the significance thresholds applied in the EIR and would conflict with the 2017 Climate Change Scoping Plan and City CAP. This is considered a substantial adverse cumulative impact.

The City's proposed General Plan Update focuses on addressing air quality, greenhouse gases, and climate change through a variety of land use, mobility, and emissions reductions policies. Adherence to existing and future regulations, and application of the policies and objectives outlined in the General Plan Update would reduce NO<sub>x</sub> and GHG emissions. In addition, mitigation is incorporated into the General Plan Update EIR requiring project conformance with the 2019 CalGreen Code, requiring the City to establish a municipally-operated and -controlled electricity power provider, requiring consideration of an ordinance adopting Title 24, Part 6 of the California Building Code, requiring the City to prepare a multimodal Mobility Plan, and requiring the City to prepare a Climate Action Plan. The full text of these mitigation measures are provided below.

**MM AQ-2A Super Compliant Architectural Coatings.** The City shall require development projects to:

1. Submit evidence, such as emissions estimates, coating use estimates and manufacturers specifications for VOC content, or other evidence that indicates VOC emissions during architectural coating activities would not exceed SCAQMD CEQA significance thresholds.
2. Prepare a Coating Restriction Plan (CRP), consistent with SCAQMD guidelines. The project applicant/developer shall include in any construction contracts and/or subcontracts a requirement that Project contractors adhere to the requirements of the CRP. The CRP shall include a requirement that all interior and exterior residential and non-residential architectural coatings used in Project construction meet the SCAQMD "super compliant" coating VOC content standard of less than 10 grams of VOC per liter of coating. The



CRP shall also specify the use of high-volume, low-pressure spray guns during coating applications to reduce coating waste.

**MM AQ-2B Tier IV Construction Equipment.** To reduce construction equipment emissions of NO<sub>x</sub>, diesel particulate matter, and other pollutants, the City shall require development projects to:

1. Use electric-powered and liquefied or compressed natural gas equipment instead of diesel-powered equipment to the maximum extent feasible.
2. All construction equipment with a rated power-output of 50 horsepower or greater shall meet U.S. EPA and CARB Tier IV Final Emission Standards for NO<sub>x</sub>. This may be achieved via the use of equipment with engines that have been certified to meet Tier IV emission standards, or through the use of equipment that has been retrofitted with a CARB-verified emission control strategy (e.g., selective catalytic reduction) capable of reducing exhaust NO<sub>x</sub> emission to levels that meet Tier IV standards.
3. The City may grant an exemption from these requirements in the event an applicant can factually document that the specific equipment needed to construct a project is not reasonably available (e.g., the specific Tier IV equipment needed is not available within Riverside County within the scheduled construction period).

**MM GHG-1A 2019 CalGreen Code.** The 2019 CalGreen Code contains several voluntary measures that are not formally required. Within one year of adoption of the General Plan Update the City shall adopt an ordinance that incorporates, requires and makes mandatory certain Calgreen Code voluntary measures as described below.

- 1) Require new residential tentative tract maps that would allow 17 or more dwelling units to provide electric vehicle infrastructure for each dwelling in compliance with Section A4.106.8.1 of the CalGreen Code, and that each dwelling be equipped with a vehicle charging station that has a similar or better functionality than a Level 2 charging station.
- 2) Require new multifamily projects with 17 or more dwelling units to provide electric vehicle infrastructure for each dwelling in compliance with Section A4.106.8.2 of the CalGreen Code, and that each one of the parking spaces that has such electric vehicle infrastructure be equipped with vehicle charging stations that have a similar to better functionality than a Level 2 charging station.
- 3) Require new non-residential development projects to provide designated parking for any combination of low-emitting, fuel efficient, and carpool/van pool vehicles pursuant to the Tier 2 requirements of Table A5.106.5.1.2 of the CalGreen Code. Such parking spaces shall be marked pursuant to Section A5.106.5.1.3 of the CalGreen Code.
- 4) Require new non-residential development projects to provide electric vehicle charging spaces with electric vehicle infrastructure in compliance with Table A5.106.5.3.2 of the California Green Code and be equipped with vehicle charging stations that have similar or better functionality than a Level

2 charging station. Such spaces shall be marked in compliance with Section A5.106.5.3.3 of the CalGreen Code.

**MM GHG-1B Municipal Electricity Provider.** The City shall, if feasible, establish a municipally-operated and -controlled electricity power provider (Community Choice Aggregation (CCA)) for the City of Desert Hot Springs within four years of adoption of the General Plan Update, or otherwise as expeditiously as possible given the City's resources. The overarching purpose and intent of the CCA is to provide 100% renewable electricity to all customers in Desert Hot Springs. The CCA will:

- Offer electricity at rates that are competitive with those provided by Southern California Edison (SCE).
- Offer, at minimum, two options for customers:
  - The first, default option shall offer electricity that contains a renewable mix exceeding that provided by SCE.
  - The second option shall offer electricity that comes from 100% renewable sources.
- Upon its inception, automatically enroll all public and private accounts in the city into the CCA program. All residential and non-residential customers shall be enrolled in the first, default option (i.e., the program that has a renewable mix that exceeds that provided by SCE).

**MM GHG-1C Title 24 Requirements.** Within four years of the adoption of the General Plan, the City shall consider and evaluate the feasibility of adopting an ordinance that amends Chapter 15.08 of the City's Municipal Code, so that all new residential and/or non-residential development subject to Title 24, Part 6 of the California Building Code achieve Zero Net Energy (ZNE) standards. If the City finds ZNE technology, programs, and/or other strategies are feasible and cost-effective, the City shall adopt a ZNE ordinance as expeditiously as possible given City resources. As defined by the California Energy Commission (CEC) in its 2015 Integrated Energy Policy Report, ZNE standards require the value of the net energy produced by project renewable energy resources equal the value of the energy consumed annually by the project, using the CEC's Time Dependent Valuation.

**MM GHG-1D Multimodal Mobility Plan.** The City shall prepare and adopt a Multimodal Mobility Plan within four years of adoption of the General Plan Update, or otherwise as expeditiously as possible given City resources. The Multimodal Mobility Plan shall, at a minimum:

- 1) Identify the City's plan for improving and expanding transit amenities and non-vehicular (e.g., bicycle and pedestrian) infrastructure in the City.
- 2) Specify measures or a group of measures that, if implemented on a project-by-project basis, would reduce the number of single-occupancy vehicle trips and fossil fuel powered vehicles operating on roadways within Desert Hot Springs to a percentage that is consistent with reduction in per capita passenger vehicle GHG reduction targets established by CARB for the

SCAG region under SB 375. During development of the Multimodal Mobility Plan, the City shall.

- a. Consult with public transit system operators (e.g., Sunline Transportation Agency, Native American tribes, and others, as applicable) to identify potential routes, infrastructure, and service locations capable of serving new development identified in the General Plan.
  - b. Revisit the way the City addresses transportation impacts fees. In addition to having fixed fees by development type, adopt a traffic mitigation fee that ensures new development pays its fair share toward roadway and non-vehicular infrastructure improvements.
  - c. Provide the framework for updating the City's existing Transportation Demand Management (TDM) requirements contained in Chapter 10.56 of the City's Municipal Code so it applies to additional, residential and non-residential development in the City. The revised TDM program shall specify what percent of vehicle miles traveled must be reduced by the land use, compared to default rates.
- 3) Establish a mechanism to monitor progress toward achieving the goals set forth in the Multimodal Mobility Plan.

MM GHG-1

**Climate Action Plan.** Consistent with General Plan Implementation Policy C-3, the City shall prepare and adopt an updated Climate Action Plan within five years of adoption of the General Plan Update, or otherwise as expeditiously as possible given City resources. At a minimum, the Climate Action Plan shall:

- 1) Establish a community-wide greenhouse gas emissions inventory for a single, historic calendar year (e.g., Year 2010, consistent with the City's current Climate Action Plan, adopted in 2013).
- 2) Quantify greenhouse gas emissions, both existing and proposed over a specified time period. The time period forecasted shall be no less than the Year 2040. Additional, forecasted years (e.g., 2030, 2035, etc.) may be included.
- 3) Identify annual, community-wide greenhouse gas emission reduction targets (i.e., in MTCO<sub>2</sub>e) and/or efficiency targets (i.e., in MTCO<sub>2</sub>e per service population and/or capita) that align the City's emissions with legislatively adopted State-wide greenhouse gas reduction targets (e.g., AB 32 and SB 32) for a specified calendar year. For a calendar year beyond that which has a legislatively adopted greenhouse gas reduction target, the greenhouse gas emissions reduction goal for 2050 outlined in EO S-3-05 shall be used as a future benchmark. The identified annual, community-wide greenhouse gas emissions target for the City may be an interpolated value based on legislatively adopted State-wide greenhouse gas reduction targets and those issued by Executive Order.
- 4) Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified annual, community-wide greenhouse gas emission reduction targets and/or

efficiency targets. The Climate Action Plan shall, at a minimum, specifically consider the following measures as well as those contained in the Multimodal Mobility Plan. If the following measures are not adopted, the Climate Action Plan shall clearly discuss why these measures were found to be infeasible.

- a. Develop a detailed Waste Reduction Plan that identifies the City's strategy for diverting waste from landfills. The Waste Reduction Plan shall target achieving zero waste by 2040.
  - b. Identify the City's strategy for using recycled water in the City, once it becomes available from the Mission Springs Water District. Specifically investigate the feasibility of using such water at non-residential land uses, such as those used for cannabis cultivation. The strategy developed for the City shall be done in consultation with the Mission Springs Water District.
  - c. Establish a provision that, prior to issuing any building or grading permits, the City shall confirm project applicants and/or their designees fully mitigate the greenhouse gas emissions associated with the construction, operation, and vegetation change associated with the proposed project. Compliance options could include: 1) directly undertaking funding activities that reduce or sequester GHG emissions and/or 2) obtaining and retiring Carbon Offsets through an Approved Registry.
- 5) Establish a mechanism to monitor the plan's progress toward achieving its community-wide greenhouse gas emission reduction targets and/or efficiency targets, and require amendment if the Climate Action Plan is not achieving specified levels.
  - 6) Be adopted in a public process following environmental review.

These measures would reduce exhaust emissions of NO<sub>x</sub> and other pollutants from vehicles as well as greenhouse gas emissions; however, since specific development projects are unknown, and some of the measures are voluntary or scheduled to occur at a yet-to-be-determined date, the emissions reductions that would be achieved through mitigation are not certain and cannot be quantified or guaranteed by the City at this time. Therefore, buildout of the General Plan could result in NO<sub>x</sub> emissions that exceed SCAQMD thresholds and could generate greenhouse gas emissions that may have a significant impact on the environment. Both of these impacts will also result in conflicts with applicable air quality management and climate change plans, policies and/or regulations and result in substantial adverse cumulative impacts.

Pursuant to Chapters 4.3 and 4.7 of the EIR, and consistent with Public Resource Code Section 21100(b) (2) (A) and the State CEQA Guidelines Section 15126.2(b), the City finds and declares that there are significant and unavoidable impacts involving cumulatively considerable net increases in criteria pollutants for which the Project region is in non-attainment, as well as excessive generation of greenhouse gas emissions, but there are no feasible mitigation measures that would lessen the Project's impact to a less than significant level. Even with implementation of General Plan Update policies designed to reduce criteria pollutant and greenhouse gas emissions, no additional feasible mitigation measures are available which can mitigate these impacts to a level below significant. Pursuant to State CEQA Guidelines Section 15093, therefore, the City has balanced the benefits (listed in the Statement of Overriding Considerations) of the Project against its unavoidable environmental risks and has determined that this impact is

acceptable for the reasons stated in the City's Statement of Overriding Considerations included herein.

**Finding**

Regarding impacts related to emissions of criteria pollutants and greenhouse gases, as well as associated cumulative impacts, the City hereby finds that *specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.*

As presented in the Desert Hot Springs Plan Update EIR, the City finds that impacts pertaining to traffic-generated noise and substantial adverse cumulative noise impacts cannot be mitigated to a less than significant level because no feasible mitigation is available.

**Noise**

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**IMPACT NOI-1: Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.**

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**IMPACT NOI-4: Cause substantial adverse cumulative impacts with respect to noise.**

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**Substantial Evidence**

Chapter 4.13 of the EIR identifies a potentially significant impact related to substantial permanent increases in ambient noise levels in the vicinity of the Project in excess of standards established in the Noise Ordinance. Pursuant to the discussion in Chapter 4.13 of the EIR, future development could be exposed to incompatible traffic noise levels. In addition, existing development within the Planning Area may also be exposed to increases in traffic noise as a result of potential land use changes resulting from the Project. Residential development, schools, libraries, hospitals, convalescent homes, and places of worship are considered the most noise-sensitive land uses with regards to community noise. High density and mixed-use residential, commercial, and industrial developments are less noise-sensitive because uses are primarily indoors, and typically noise exposure can be reduced through design and material choices (e.g., outdoor activity areas are located in courtyards surrounded by structures, materials with greater insulation are used). Traffic noise levels within the Planning Area are estimated to increase along 52 out of 100 modeled road segments.

In addition, some increases in traffic noise levels would cause noise exposure along certain roadway segments to change from acceptable levels to conditionally acceptable levels or generally unacceptable levels. The results of the traffic noise modeling indicate that existing traffic noise levels within the Planning Area would be highest along major travel corridors such as Indian Canyon Drive, Little Morongo Road, Palm Drive, Mountain View Road, Pierson Boulevard, Two Bunch Palms Trail, Dillon Road, and Varner Road. Since the potential level of traffic noise reduction that would be achieved by the General Plan's Safety and Noise Element is uncertain at this time and cannot be guaranteed, and because no additional feasible mitigation measures are available, future noise levels would increase by 3 dB or more and/or potentially expose noise-sensitive land uses to conditionally acceptable or higher noise levels.

Chapter 4.13 of the EIR identifies an additional potentially significant impact related to substantial adverse cumulative noise impacts. Pursuant to the discussion in Chapter 4.13 of the EIR, the long-term increases in traffic in the Planning Area would result in a cumulatively considerable

increase in noise exposure along many road segments in the Planning Area. The City's proposed General Plan Update Safety and Noise Element includes policies intended to reduce traffic noise in the Planning Area. Additionally, pursuant to State noise standards, new residential structures would be required to be constructed such that interior noise levels do not exceed an hourly  $L_{eq}$  value of 45 dBA. Standard construction techniques and materials are commonly accepted to provide a minimum exterior to interior noise attenuation (i.e., reduction) of 22–25 dBA with all windows and doors closed (HUD 2009a and 2009b). These interior noise reductions would be adequate for some developments occurring under the Project; however, new residential and mixed use developments along Karen Avenue, Pierson Boulevard, Palm Drive, and other roadway segments are likely to require additional noise attenuation design features since traffic noise levels along these roadways are estimated to exceed 70 CNEL under existing and future conditions. Adherence to the State's mandatory noise standards would ensure residential and mixed-use structures within the Planning Area meet or exceed the 45 dBA  $L_{eq}$  standard. Furthermore, the City's proposed GPU includes goals and policies that serve to minimize the impact of ambient noise levels throughout the city.

- Policy SN-8.1 Sensitive Land Uses calls for protecting noise sensitive land uses from high noise levels from both existing and future noise sources.
- Policy SN-8.2 Noise Impacts calls for assessing development and associated traffic for the potential to generate adverse and incompatible impacts and requiring mitigation where impacts are identified.
- Policy SN-8.3 Noise Mitigation requires the installation of walls, berms, and other noise attenuation mitigation measures for new development in areas where noise levels may exceed City noise limits.
- Policy SN-8.5 Compatible Land Uses designates land uses that are compatible with higher noise levels adjacent to major roadways and industrial lands.
- Policy SN-8.9 Exterior Noise Standards allows for exterior noise standards to be exceeded as long as mitigation is provided for interior noise levels.
- Policy SN-8.13 Noise Reducing Pavement encourages the use of noise reducing paving materials for road surfacing projects near sensitive land uses.

The City's Safety and Noise Element establishes the overall goal and intent of the City to protect residents from excessive noise by requiring the City to review the location of new noise-sensitive land uses, locate such land uses away from major noise sources, and ensure new land uses meet the City's noise standards through evaluation and design considerations. In addition, the proposed General Plan's Circulation Element goals and policies include a number of actions to reduce vehicle trips on the City's roads, which could lower traffic-related noise levels. Although these policies require noise to be addressed for new development, existing development could be exposed to increased noise levels that result in a change in terms of compatibility (i.e., from normally acceptable to conditionally acceptable), and increases in traffic-related noise levels would be significant along many of the roads in the Planning Area, including segments of Worsley Road, Oasis Drive, Diablo Road, Karen Avenue, Indian Canyon Drive, Little Morongo Road, Palm Drive, Mountain View Road, Mission Lakes Boulevard, Pierson Boulevard, Hacienda Avenue, Two Bunch Palms Trail, 20<sup>th</sup> Avenue, Varner Road, and Miracle Hill Road.

The application of the policies and objectives outlined in the General Plan Update would reduce the amount of future vehicle trips generated from implementation of the General Plan. However, the potential level of reduction is uncertain at this time and would be contingent on the

characteristic of each individual future development project. No other feasible mitigation has been identified. Since a reduction in vehicle trips cannot be guaranteed, and future noise levels would increase by 3 dB or more and/or potentially expose noise-sensitive land uses to conditionally acceptable or higher noise levels, this impact is considered significant and unavoidable.

Pursuant to Chapters 4.3 and 4.7 of the EIR, and consistent with Public Resource Code Section 21100(b) (2) (A) and the State CEQA Guidelines Section 15126.2(b), the City finds and declares that there are significant and unavoidable impacts involving traffic-related noise, but there are no feasible mitigation measures that would lessen the Project's impact to a less than significant level. Even with implementation of General Plan Update policies designed to reduce permanent increases in ambient noise levels, no additional feasible mitigation measures are available which can mitigate these impacts to a level below significant. Pursuant to State CEQA Guidelines Section 15093, therefore, the City has balanced the benefits (listed in the Statement of Overriding Considerations) of the Project against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the City's Statement of Overriding Considerations included herein.

### ***Finding***

Regarding impacts related to permanent increases in ambient noise levels, as well as associated cumulative impacts, the City hereby finds that *specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.*

As presented in the Desert Hot Springs Plan Update EIR, the City finds that impacts pertaining to conflicts with program, plans, ordinances, or policies addressing the circulation system cannot be mitigated to a less than significant level because no feasible mitigation is available.

### ***Transportation***

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#### **IMPACT TRANS-A: Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.**

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### ***Substantial Evidence***

Chapter 4.17 of the EIR identifies a potentially significant impact related to the proposed General Plan Update's potential to conflict with a program, plan, ordinance or policy addressing the circulation system. Pursuant to the discussion in Chapter 4.17 of the EIR, future development projects associated with implementation of the General Plan Update would be required to undergo environmental review, which would include an evaluation of transportation related impacts. Additionally, the General Plan Update includes several policies to ensure that future project specific impacts are addressed, including:

- **Policy MI-5.4: Traffic Mitigation.** Consider a locally collected and administered traffic mitigation fee program to guarantee that new development pays for its fair share toward improvements resulting in reductions in air pollutant and GHG emissions and traffic impacts generated by the development.
- **Policy MI-9.4: Special Assessments.** Support special assessment districts for street and traffic improvements.

- **Policy MI-10.3: Impact Fees.** Ensure that impact fees provide adequate funding for necessary transportation improvements that will benefit all travel modes, while also incentivizing development that is less dependent on expensive, new transportation.
- **Policy MI-10.4: Mitigation Fees.** Continue to support programs that allow for traffic mitigation fees. Seek to adjust mitigation fee programs when needed so that developments pay fair-share contributions toward improvements that result in reductions in air pollutant and GHG emissions and traffic impacts generated by the development.

Consistent with City practice, as specific development projects are proposed, the City would analyze impacts to the transportation system. While the EIR analysis shows that all roadway segments would operate at an acceptable Level of Service (LOS) assuming expansion based on the roadway classification, given the uncertainty of timing regarding future roadway improvements, it is possible that some segments would experience unacceptable LOS prior to installation of the roadway expansion improvement. Additionally, there is also a possibility that not all identified roadway improvements would be ultimately constructed due to site specific physical constraints. Given the uncertainty of timing of installation of roadway improvements, and because there may be physical constraints to expanding roadways as certain locations within the Planning Area, this would be considered a significant and unavoidable impact to roadway segment operations.

In addition, mitigation is incorporated into the General Plan Update EIR requiring preparation of traffic impact analyses for future projects and requiring future project to make fair share payments towards future intersection improvements if the project would cause an unacceptable LOS at an intersection. The full text of these mitigation measures are provided below.

MM TRANS-1 In order to ensure proper timing for the installation of the identified intersection improvements and roadway widening, project proponents, in consultation with the City Public Works Department, shall be required to prepare a traffic impact analysis for their proposed project when it is determined by the Public Works Department that the project could potentially impact intersection or segment operations, and additional analysis is warranted. If a project would directly cause an intersection or roadway segment to degrade to an unacceptable Level of Service (LOS E or F), the project proponent shall be responsible for providing improvements (described below or otherwise identified by the City) necessary to maintain an acceptable LOS; improvements provided by a project proponent may be eligible for reimbursement of costs in excess of the project's fair share, subject to a reimbursement agreement with the City. If a project impacts an intersection or roadway segment, but would not cause an unacceptable LOS at an intersection, project proponents shall be required to pay a proportionate fair share amount towards the future improvement of the intersection or roadway segment. Specific intersection improvements are listed below:

***Intersection 1: SR-62 at Indian Canyon Drive***

While improvements to the intersection (described in Appendix F) would result in an acceptable LOS, SR-62 is a Caltrans facility and the City of Desert Hot Springs cannot guarantee installation of the improvements. ***This impact is considered significant and unavoidable.***



**Intersection 2: SR-62 at Pierson Boulevard**

While improvements to the intersection (described in Appendix F) would result in an acceptable LOS, SR-62 is a Caltrans facility and the City of Desert Hot Springs cannot guarantee installation of the improvements. ***This impact is considered significant and unavoidable.***

**Intersection 4: Indian Canyon Drive at Mission Lakes Boulevard**

Implement the following intersection improvements:

- Northbound: One shared left/through lane and one right turn lane
- Southbound: One left turn lane and one shared through/right turn lane
- Eastbound: One shared left/through/right lane
- Westbound: One left turn lane and one shared through/right turn lane

With implementation of the identified improvements, this impact would be considered less than significant.

**Intersection 5: Indian Canyon Drive at Pierson Boulevard**

Implement the following intersection improvements:

- Install a traffic signal
- Northbound: One left turn lane, one through lane, and one right turn lane
- Southbound: One shared left/through/right turn lane
- Eastbound: One shared left/through lane and one shared through/right turn lane
- Westbound: One left turn lane and one shared through/right turn lane

With implementation of the identified improvements, this impact would be considered less than significant.

**Intersection 6: Indian Canyon Drive at Two Bunch Palms Trail**

Implement the following intersection improvements:

- Install a traffic signal
- Northbound: One shared left/through/right turn lane
- Southbound: One left turn lane and one shared through/right turn lane
- Eastbound: One shared left/through/right turn lane
- Westbound: One shared left/through/right turn lane

With implementation of the identified improvements, this impact would be considered less than significant.

**Intersection 7: Indian Canyon Drive at Dillon Road**

Implement the following intersection improvements:

- Install a traffic signal
- Northbound: One left turn, two through lanes, and one right turn lane
- Southbound: One left turn, two through lanes, and one right turn lane
- Eastbound: One left turn lane, one through lane, and one right turn lane
- Westbound: Two left turn lanes, one through lane, and one right turn lane

With implementation of the identified improvements, this impact would be considered less than significant.

***Intersection 8: Indian Canyon Drive at 20th Avenue***

Implement the following intersection improvements:

- Northbound: One left turn lane, two through lanes, and one right turn lane
- Southbound: One left turn lane, two through lanes, and one shared through/right turn lane
- Eastbound: One left turn lane, one through lane, and one right turn lane
- Westbound: Two left turn lanes, one shared through/right turn lane, and one right turn lane

With implementation of the identified improvements, this impact would be considered less than significant.

***Intersection 10: Little Morongo Road at Pierson Boulevard***

Implement the following intersection improvements:

- Install a traffic signal
- Northbound: One shared left/through/right turn lane
- Southbound: One shared left/through/right turn lane
- Eastbound: One left turn lane, one through lane, and one right turn lane
- Westbound: One left turn lane, one through lane, and one right turn lane

With implementation of the identified improvement, this impact would be considered less than significant.

***Intersection 11: Little Morongo Road at Two Bunch Palms Trail***

Implement the following intersection improvements:

- Install a traffic signal
- Northbound: One left turn lane, one through lane, and one right turn lane
- Southbound: One shared left/through/right turn lane
- Eastbound: One shared left/through/right turn lane
- Westbound: One left turn lane, one through lane, and one right turn lane

With implementation of the identified improvements, this impact would be considered less than significant.

**Intersection 12: Little Morongo Road at Dillon Road**

Implement the following intersection improvements:

- Install a traffic signal
- Northbound: One left turn lane, one through lane, and one right turn lane
- Southbound: One left turn lane, one through lane, and one right turn lane
- Eastbound: Two left turn lanes and one shared through/right turn lane
- Westbound: One left turn lane and one shared through/right turn lane

With implementation of the identified improvement, this impact would be considered less than significant.

**Intersection 13: Little Morongo Road at 20th Avenue**

Implement the following intersection improvements:

- Construct new intersection with all way stop control
- Northbound: One left turn lane and one shared through/right turn lane
- Southbound: One shared left/through/right turn lane
- Eastbound: One shared left/through/right turn lane
- Westbound: One shared left/through/right turn lane

With implementation of the identified improvement, this impact would be considered less than significant.

**Intersection 18: Palm Drive at Dillon Road**

Implement the following intersection improvements:

- Northbound: Two left turn lanes, two through lanes, and one right turn lane
- Southbound: One left turn lane, two through lanes, and one right turn lane
- Eastbound: One left turn lane, one through lane, and one right turn lane
- Westbound: Two left turn lanes, one through lane, and one right turn lane

While the above configuration would result in an acceptable LOS at this intersection, it is unclear if these improvements can be implemented given existing constraints at this location. As implementation of this improvement cannot be guaranteed, ***the impact at this intersection is identified as significant and unavoidable impact.***

**Intersection 19: Palm Drive at 20th Avenue**

Implement the following intersection improvements:

- Install a traffic signal

- Northbound: One left turn lane, two through lanes, and one right turn lane
- Southbound: One left turn lane, three through lanes, and one right turn lane
- Eastbound: One shared left/through/right turn lane
- Westbound: One shared left/through/right turn lane

With implementation of the identified improvement, this impact would be considered less than significant.

***Intersection 20: Palm Drive at Varner Road***

Implement the following intersection improvements:

- Northbound: One left turn lane, three through lanes, and one right turn lane
- Southbound: One left turn lane, three through lanes, and one right turn lane
- Eastbound: One left turn lane, one through lane, and one right turn lane
- Westbound: Two left turn lanes, two through lanes, and one right turn lane

While the above configuration would result in an acceptable LOS at this intersection, it is unclear if these improvements can be implemented as the intersection is located within City of Cathedral City jurisdiction. As implementation of this improvement cannot be guaranteed, ***the impact at this intersection is considered significant and unavoidable.***

***Intersection 22: Mountain View Road at Dillon Road***

Implement the following intersection improvements:

- Northbound: One left turn lane and one shared through/right turn lane
- Southbound: One left turn lane and one shared through/right turn lane
- Eastbound: One left turn lane and one shared through/right turn lane
- Westbound: Two left turn lanes and one shared through/right turn lane

With implementation of the identified improvement, this impact would be considered less than significant.

***Intersection 23: Mountain View Road at Varner Road***

Implement the following intersection improvements:

- Install a traffic signal
- Southbound: One left turn lane and one right turn lane
- Eastbound: One shared through/right turn lane
- Westbound: One through lane and one right turn lane

While the above configuration would result in an acceptable LOS at this intersection, it is unclear if these improvements can be implemented as the intersection is located within City of Cathedral City jurisdiction. As implementation

of this improvement cannot be guaranteed, ***the impact at this intersection is considered significant and unavoidable.***

***Intersection 24: Long Canyon Road at Dillon Road***

Implement the following intersection improvements:

- Northbound: One shared left/through lane and one right turn lane
- Southbound: One left turn lane and one shared through/right turn lane
- Eastbound: One left turn lane, one through lane, and one shared through/right turn lane
- Westbound: One left turn lane, one through lane, and one right turn lane

Implementation of the General Plan Update would result in significant and unavoidable impacts at the following intersections:

- Intersection 1: SR-62 at Indian Canyon Drive
- Intersection 2: SR-62 at Pierson Boulevard
- Intersection 18: Palm Drive at Dillon Road
- Intersection 20: Palm Drive at Varner Road
- Intersection 23: Mountain View Road at Varner Road

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It should be noted that Intersections #1 and #2 are intersections with SR-62, a Caltrans facility. While improvements to the intersection have been identified which would improve operations to an acceptable LOS (detailed in Appendix F), because these are Caltrans facilities, the City cannot guarantee improvements to these intersections would be implemented. As such, improvements for these two intersection have not been included in Mitigation Measure TRANS-1, and the application of fair share payments described in Mitigation Measure TRANS-1 would not be applicable to these two intersections.

Implementation of the GPU has the potential to result in significant and unavoidable impacts at the following roadway segments:

- Indian Canyon Drive: 13th Ave to 14th Ave – (R19)
- Indian Canyon Drive: Dillon Road and 20th Avenue – (R21)
- Palm Drive: Two Bunch Palms Trail and Dillon Road – (R34)
- Palm Drive: Dillon Road and 20th Avenue – (R35)
- Palm Drive: Varner Road and I-10 Freeway – (R37)
- Mountain View Road: Hacienda Avenue and Dillon Road – (R40)
- Two Bunch Palms Trail: east of Palm Drive – (R72)

Chapter 4.17 of the EIR identifies an additional potentially significant impact related to conflicts with the County's Congestion Management Program. Pursuant to the discussion in Chapter 4.17

of the EIR, the General Plan Update would not propose any changes to I-10. However, buildout of the General Plan Update could potentially conflict with the CMP as improvements to intersection #1 (SR-62 at Indian Canyon Drive) and intersection #2 (SR-62 at Pierson Boulevard), would need to be installed in order to maintain acceptable LOS at these intersections. As the Lead Agency (City of Desert Hot Springs) does not have jurisdiction over the implementation and timing of improvement necessary to reduce impacts to less-than-significant levels, no feasible mitigation measures are available.

Pursuant to Chapter 4.17 of the EIR, and consistent with Public Resource Code Section 21100(b) (2) (A) and the State CEQA Guidelines Section 15126.2(b), the City finds and declares that there are significant and unavoidable impacts involving conflicts with programs, plans, policies or ordinances addressing the circulation system, but there are no feasible mitigation measures that would lessen the Project's impact to a less than significant level.

Even with implementation of General Plan Update policies designed to reduce impacts to the circulation system, no additional feasible mitigation measures are available which can mitigate these impacts to a level below significant. Pursuant to State CEQA Guidelines Section 15093, therefore, the City has balanced the benefits (listed in the Statement of Overriding Considerations) of the Project against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the City's Statement of Overriding Considerations included herein.

### ***Finding***

Regarding impacts related to conflicts with policies, programs, plans and ordinances addressing the circulation system, the City hereby finds that *specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.*

### ***Conclusion with Respect to Impacts that Cannot be Mitigated***

The City finds, based on the facts set forth in the administrative record, which include but are not limited to the facts as set forth below, those facts contained in the EIR, and any other facts set forth in materials prepared by the City, or the City's or Project proponent's consultants, that there are no additional, feasible mitigation measures, changes, or alternative available to reduce the significant and unavoidable impacts identified above, beyond those identified in the mitigation measures adopted for the project.

Therefore, as outlined in Public Resource Code Section 21081(b) and State CEQA Guidelines Section 15093, adoption of the Project will require a Statement of Overriding Considerations for impacts pertaining to emissions of criteria pollutants and greenhouse gases, conflicts with applicable air quality and climate change plans, cumulative traffic-related noise, and conflicts with plans or policies addressing the circulation system, which are included with these Findings. As fully described in the Statement of Overriding Considerations (Section 6 herein), the City has concluded and hereby finds and declares that, based on substantial evidence, that the Project's significant and unavoidable impacts are outweighed by the Project's benefits, including but not limited to the Project's significant benefits to the residents of the City of Desert Hot Springs.

Accordingly, based on substantial evidence in the EIR and the administrative record, the City finds and declares, pursuant to State CEQA Guidelines Section 15091(a)(3), that specific economic legal, social, technical or other considerations, including accomplishing the project objectives, make infeasible any additional mitigation measures or Project alternatives identified in the EIR.

## D ALTERNATIVES

This section contains a discussion of the alternatives considered and rejected in the Desert Hot Springs General Plan Update DEIR, including the No Project Alternative (Alternative 1); the Twenty Percent Reduced Build Alternative (Alternative 2); and the Reduced Residential Alternative (Alternative 3). Since the Desert Hot Springs General Plan Update focuses on methods to develop and improve the entire Plan area, considering alternatives at different locations outside Desert Hot Springs is not practical or necessary. Therefore, no off-site alternatives were evaluated.

### **Alternative 1: No Project - Existing 2000 General Plan**

The No Project/Existing 2000 General Plan Alternative (No Project Alternative) assumes that development would occur within the Planning Area, but only development anticipated under the 2000 General Plan. Additionally, no new policies or goals associated with the General Plan Update would be implemented; the standards, goals and policies associated with the 2000 General Plan would be applicable.

The No Project Alternative assumes a continuation of the existing 2000 General Plan and would result in a reduced amount of development and population growth and would have reduced impacts when compared to the proposed Project. As this alternative would result in a reduction in the amount of development, and would not include any of the updated goals and policies included in the GPU, it would generally meet the following project objectives, but not at the same level as the Project:

- 1) Allow for clear and flexible developments to allow for a range of residential, commercial, and industrial opportunities.
- 2) Create complete neighborhoods for new and established residential areas with connections to retail and commercial services, public amenities and services, transportation services, and parks and recreation facilities.
- 3) Expand and diversify housing opportunities throughout the community.
- 4) Foster growth of the economic base of the community and the provision of commercial services and amenities, as well as pursue more sustainable revenue sources for government services.
- 5) Strengthen the community's resilience and preparedness against natural and human-induced hazards, climate change, and other potential disasters.
- 6) Protect the natural habitat, open spaces, and desert washes within the community.
- 7) Plan and provide a transportation system that meets the needs of the community, while providing mobility options, complete street approaches, and safer streets for pedestrians.
- 8) Expand park facilities and recreational programming opportunities throughout the community.
- 9) Promote the community's role as a health and wellness destination.

Given the foregoing facts, as more fully delineated in the Project EIR, this City Council finds that the No Project Alternative is less desirable than the proposed Project and therefore rejects the alternative. Public Resources Code § 21081(a)(3); CEQA Guidelines, §15091(a)(3).

***Alternative 2: Twenty Percent Reduced Build***

The Twenty Percent Reduced Build (Reduced Build) alternative assumes that overall development associated with the Project would be reduced by twenty percent. This alternative assumes that policies and goals associated with the General Plan Update would be applicable to development under this alternative.

The Reduced Build Alternative assumes a general twenty percent reduction of development within the Planning Area when compared to the Project. Additionally, goals and policies within the GPU would be applicable to this alternative. This alternative would generally meet the following project objectives, similar to the Project:

- 5) Strengthen the community's resilience and preparedness against natural and human-induced hazards, climate change, and other potential disasters.
- 6) Protect the natural habitat, open spaces, and desert washes within the community.
- 7) Plan and provide a transportation system that meets the needs of the community, while providing mobility options, complete street approaches, and safer streets for pedestrians.
- 9) Promote the community's role as a health and wellness destination.

Given the reduction in development associated with this alternative, the Reduced Build Alternative would attain the following objective, but not to the same degree as the Project would:

- 1) Allow for clear and flexible developments to allow for a range of residential, commercial, and industrial opportunities.
- 2) Create complete neighborhoods for new and established residential areas with connections to retail and commercial services, public amenities and services, transportation services, and parks and recreation facilities.
- 3) Expand and diversify housing opportunities throughout the community.
- 4) Foster growth of the economic base of the community and the provision of commercial services and amenities, as well as pursue more sustainable revenue sources for government services.
- 8) Expand park facilities and recreational programming opportunities throughout the community.

Given the foregoing facts, as more fully delineated in the Project EIR, this City Council finds that the Reduced Build Alternative is less desirable than the proposed Project and therefore rejects the alternative. Public Resources Code § 21081(a)(3); CEQA Guidelines, §15091(a)(3).

***Alternative 3: Reduced Residential***

The Reduced Residential Alternative assumes that residential development would be restricted to areas included in already approved Specific Plans or urbanized areas that include existing infrastructure. This would result in a substantial reduction in residential and population growth; non-residential and hotel/motel development would be similar to the Project. This alternative assumes that policies and goals associated with the General Plan Update would be applicable to development under this alternative.

The Reduced Residential Alternative assumes a reduction in residential development population growth within the Planning Area, but a similar level of non-residential growth as associated with



the Project. This alternative assumes GPU goals and policies would be applicable. It would generally meet the following project objectives, similar to the Project:

- 5) Strengthen the community's resilience and preparedness against natural and human-induced hazards, climate change, and other potential disasters.
- 6) Protect the natural habitat, open spaces, and desert washes within the community.
- 7) Plan and provide a transportation system that meets the needs of the community, while providing mobility options, complete street approaches, and safer streets for pedestrians.
- 9) Promote the community's role as a health and wellness destination.

Given the reduction in development associated with this alternative, the Reduced Residential Alternative would attain the following objective, but not to the same degree as the Project would:

- 1) Allow for clear and flexible developments to allow for a range of residential, commercial, and industrial opportunities.
- 3) Expand and diversify housing opportunities throughout the community.
- 4) Foster growth of the economic base of the community and the provision of commercial services and amenities, as well as pursue more sustainable revenue sources for government services.
- 8) Expand park facilities and recreational programming opportunities throughout the community.

As the Reduced Residential Alternative would not allow new residential development (which has not been previously identified in an adopted Specific Plan) to occur in areas that does not have existing infrastructure, this alternative would not meet the following project objectives:

- 2) Create complete neighborhoods for new and established residential areas with connections to retail and commercial services, public amenities and services, transportation services, and parks and recreation facilities.

Given the foregoing facts, as more fully delineated in the Project EIR, this City Council finds that the Reduced Residential Alternative is less desirable than the proposed Project and therefore rejects the alternative. Public Resources Code § 21081(a)(3); CEQA Guidelines, §15091(a)(3).

## **STATEMENT OF OVERRIDING CONSIDERATIONS**

CEQA requires that a Lead Agency balance the benefits of a project against its unavoidable environmental risk in determining whether to approve the project. If the benefits outweigh the unavoidable adverse effects, those effects may be considered “acceptable” pursuant to State CEQA Guidelines Section 15093(a). CEQA requires that a Lead Agency support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Those reasons must be based on substantial evidence in the Environmental Impact Report (EIR) or elsewhere in the administrative record pursuant to State CEQA Guidelines Section 15093(b). The Lead Agency’s written reasons are referred to as a Statement of Overriding Considerations. For those significant impacts that cannot be mitigated to below a level of significance, the Lead Agency is required to find that the specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant impacts on the environment.

Regarding a Statement of Overriding Considerations, Section 15093 of the CEQA Guidelines provides the following:

1. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
2. When the lead agency approves a project that will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
3. If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The City will approve the Desert Hot Springs General Plan Update and has prepared a Final EIR that satisfies the requirements of CEQA. The following adverse impacts of the project are considered significant and unavoidable based on the analysis in the Draft EIR (DEIR), Final EIR (FEIR), and the Findings of Fact.

- Impact AIR-A: Conflict with or obstruct implementation of applicable air quality plan
- Impact AIR-B: 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 (Chapter 4.3). The operational Nitrogen Oxides (NO<sub>x</sub>) emissions (a criteria pollutant) at buildout of the General Plan would exceed the SCAQMD’s regional significance thresholds.
- Impact AIR-E: Cause substantial adverse cumulative impacts with respect to air quality (Chapter 4.7). Nitrogen Oxides (NO<sub>x</sub>) emissions at buildout of the General Plan would exceed the SCAQMD’s regional significance thresholds and 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.

- Impact GHG-1A Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (Chapter 4.7).
- Impact GHG-B: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs (Chapter 4.7).
- Impact GHG-C: Cause substantial adverse cumulative impacts with respect to greenhouse gases (Chapter 4.7).
- Impact NOI-A: Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (Chapter 4.13). Future development could be exposed to incompatible traffic noise levels. In addition, existing development within the Planning Area may also be exposed to increases in traffic noise as a result of potential land use changes resulting from the Project.
- Impact NOI-D: Cause substantial adverse cumulative impacts with respect to noise (Chapter 4.13). Long-term increases in traffic in the Planning Area would result in a cumulatively considerable increase in noise exposure along many road segments in the Planning Area.
- Impact TRANS-AA Implementation of the General Plan Update has the potential to result in significant and unavoidable impacts at several intersections and roadway segments and would conflict with the Riverside County Congestion Management Program.

The City has determined that the unavoidable adverse environmental impacts identified above are acceptable because those impacts are outweighed by the economic, social, technological, and other benefits of the Project, listed below.

- The Project will facilitate the revitalization of many of the City's core areas and corridors.
- The Project will allow for clear and flexible developments to allow for a range of residential, commercial and industrial opportunities.
- The Project will create complete neighborhoods for new and established residential areas with connections to retail and commercial services, public amenities and services, transportation services, and parks and recreation facilities.
- The Project will maintain the City's economic viability and productivity over the long-term by encouraging an efficient and sustainable pattern of development.
- The Project increases employment generating uses, thereby increasing employment opportunities within Desert Hot Springs.
- The Project will increase badly needed housing opportunities and provide a wide range of housing types. This positive affect on housing aids the City in meeting its regional affordable housing requirements.
- The Project will increase the potential for retail and other revenue-generating land uses for the City.
- The Project will foster growth of the economic base of the community and the provision of commercial services and amenities, as well as pursue more sustainable revenue sources for government services.

*Findings of Fact and Statement of Overriding Considerations*

- The Project will strengthen the community's resilience and preparedness against natural and human-induced hazards, climate change, and other potential disasters.
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- The project's implementation would expand park facilities and recreational programming opportunities throughout the community and promote the community's role as a health and wellness destination.

The City Council hereby finds that the foregoing benefits provided to the public through the approval of the Project outweigh the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that each of the Project benefits separately and individually outweighs all of the unavoidable adverse environmental effects identified in the EIR and therefore finds those impacts to be acceptable. The City Council further finds that no feasible alternative exists that both would provide all of the foregoing benefits to the public and reduce environmental impacts when compared to the Project.